

ORDINANCE NO. 2005 - 3

AN ORDINANCE OF THE TOWNSHIP OF WARRIORS MARK, HUNTINGDON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 98-2, KNOWN AS "THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF WARRIORS MARK" TO BRING IT INTO CONFORMITY WITH THE WARRIORS MARK TOWNSHIP ZONING ORDINANCE AMONG OTHER PURPOSES BY: 1. AMENDING THE DEFINITIONS OF THE FOLLOWING WORDS: BUILDING AND RELATED TERMS, CAMPGROUND, COMMON OPEN SPACE, DENSITY AND RELATED TERMS, DWELLING UNIT, INDUSTRIAL PARK, LOT AND RELATED TERMS, PRIVATE AND PUBLIC STREET AND BY ADDING THE DEFINITIONS FOR HIGHWAY OCCUPANCY PERMIT AND PRIME AGRICULTURAL LAND; 2. REVISING THE SUBMISSION AND REVIEW PROCEDURES REGARDING NOTICE AND MINOR SUBDIVISION PLAN PROCEDURES AND CONTENT; 3. CLARIFYING PRELIMINARY AND FINAL PLAN SUBMISSION AND APPROVAL PROCEDURES; 4. CLARIFYING INSTALLATION AND APPROVAL OF TOWNSHIP REQUIRED IMPROVEMENTS AND COST ESTIMATE AND INSPECTION PROCEDURES FOR TOWNSHIP REQUIRED IMPROVEMENTS; 5. AMENDING OPEN SPACE REQUIREMENTS; 6. PROVIDING FOR ADOPTION OF PRELIMINARY AND FINAL PLAN BY RESOLUTION SETTING FORTH CONDITIONS FOR APPROVAL; 7. REQUIRING THE EXECUTION OF A DEVELOPER'S AGREEMENT AS A CONDITION OF PLAN APPROVAL; 8. PROVIDING PERMITS FOR ACCESS TO PUBLIC STREETS; 9. REQUIRING TWO (2) ACCESSES FOR SUBDIVISIONS OF 25 OR MORE LOTS AND ALL LAND DEVELOPMENTS AND IMPOSE ADDITIONAL STREET DESIGN REQUIREMENTS; AND ESTABLISHING REQUIREMENTS FOR DEAD END STREETS; 10. CLARIFYING THE RESPONSIBILITY FOR PAYMENT OF REVIEW AND INSPECTION COST; 11. DEFINING ENVIRONMENTAL STANDARDS AS PART OF OVERALL DESIGN OF A LAND DEVELOPMENT; 12. REQUIRING ADDITIONAL STORM WATER MEASURES; 13. DELETING RECONSIDERATION PROCEDURES; 14. PROVIDING DESIGN STANDARDS FOR PRIVATE STREETS; 15. AMENDING BUFFER YARD REQUIREMENTS; CLARIFYING MOBILE HOME PARK REGULATIONS; 16. AMENDING STREET WIDTH PROVISIONS FOR RECREATIONAL LAND DEVELOPMENT STANDARDS; 17. PROVIDING A REPEALER AND 18. PROVIDING AN EFFECTIVE DATE.

The Board of Supervisors of the Township of Warriors Mark hereby ordains the following:

SECTION 1. AMENDMENT TO ORDINANCE 98-2.

The "Subdivision and Land Development Of The Township of Warriors Mark" is hereby amended, with all material to be deleted indicated throughout with ~~strike through~~, and all material to be added indicated throughout with underlining as follows:

I. Article II, "DEFINITIONS" Section 202, is hereby amended to add the following where alphabetically appropriate or to amend where appropriate:

Building: ~~A combination of materials to form a permanent structure having walls & a roof, including but not limited to, all mobile homes.~~

Building Setback Line: ~~The line within a property, parallel to and defining the required minimum distance between the foremost part of any building & the adjacent right of way or property boundary line.~~

Buildings and Related Terms:

- A. Building: Any structure on a lot having a roof supported by columns or walls and intended for the shelter, housing enclosure and storage of persons, animals or property.**

- B. Building Area: The total area on a horizontal plane at the main grade level of the principal building.
- C. Building Coverage: That portion of a lot covered by any and all buildings including accessory buildings.
- D. Building Envelope: An area of a lot enclosed by the front, rear, and side yard setback lines.
- E. Building, Detached: A building surrounded by open space on the same lot and unconnected to any other building.
- F. Building Height: The height of a building measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof; provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in the calculation.

Campground: Any portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting, or occupancy of such space.

Campground: A parcel of land upon which two or more campsites are located, intended and maintained for transient uses in recreational vehicles or tents.

Common Open Space: A parcel or parcels of land, an area of land, an area of water, or a combination of land and water within a development site designed and intended for the use of enjoyment including streets, off-street parking areas, and areas set aside for public facilities.

Common Open Space: A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, parking, and public facilities. Common open space shall be substantially free of structures, but may contain recreational improvements.

Density:

High Density: ~~Those residential subdivisions and land developments in which the density is equal to or greater than four (4) dwelling units per acre.~~

Low Density: ~~Those residential districts in which the density is between one (1) and three (3) dwelling units per acre.~~

Density and Related Terms:

- A. Density: A measure of the intensity of the use of a land parcel. It shall be expressed in housing (or dwelling) units per acre, which is calculated by dividing the number of housing units by the net buildable site area. Also defined as the number of dwelling units per developable area.
- B. Low: Areas in which the density is one (1) dwelling unit or less per two acres.
- C. Medium: Areas in which the density is one unit per one to two acres.
- D. High: Areas in which the density is one (1) or more dwelling units on less than one acre.

Dwelling Unit – is hereby amended to add a new subsection (f) as follows:

- F. Mobile home: See Mobile home definition.

~~Industrial Park: A tract of land that has been planned, developed, and operated as an integrated facility intended for a number of individual industrial uses, with special measures for traffic circulation, parking, utilities and compatibility~~

Industrial Park: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards and covenants controlling the architecture and uses.

Highway Occupancy Permit (State and/or Township): Permission granted by the Commonwealth of Pennsylvania for accessing a State owned Street, or by the Township for accessing a Township owned Street and which shall be required prior to final plan approval.

~~Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, improvements, or development, regardless of how it is conveyed. Lot shall mean parcel, plot, site, or any similar term, which shall not be further subdivided.~~

~~Lot Area: The horizontal area contained within the property lines of a parcel of land as shown on a subdivision plan, excluding space within any street, but including the area of any easement.~~

~~Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.~~

~~Lot, Frontage: That side of a lot abutting on a street or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.~~

~~Lot, Interior: — A lot having side lot lines which do not abut on a street.~~

~~Lot of Record: Any lot which individually, or a part of a subdivision, has been recorded in the office of the Huntingdon County Recorder of Deeds.~~

~~Lot, Reverse Frontage: A lot extending between and having frontage on an arterial and a minor street with vehicular access solely from the latter.~~

~~Lot, Through or Double Frontage: A lot with both front & rear street frontage.~~

Lot and Related Terms:

- A. Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit and which must front on a public street.
- B. Lot Area: The total area within the lot lines, excluding any area within a street or private road right-of-way, but including the area of any easement.
- C. Lot, Corner: A lot at the junction of and abutting on two (2) or more intersecting streets.
- D. Lot, Coverage: The percentage of the lot area covered by the area of all buildings and structures as viewed from the site plan and/or roof line, and shall include all appurtenances, such as decks, balconies, stairs, stoops, etc.
- E. Lot, Depth: The mean horizontal distance between the front and rear lot line. Measurements shall be from the street or highway right-of-way line to the opposite rear line.

- F. Lot, Flag: A lot with irregular shape where access to a public street is by a narrow portion of the lot of at least thirty-five (35) feet width.
- G. Lot, Frontage: That side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- H. Lot, Interior: A lot other than a corner lot or through lot.
- I. Lot Line: A property boundary line of any lot held in single and separate ownership.
- J. Lot of Record: Any lot which individually, or a part of a subdivision, has been recorded in the Office of Register and Recorder of the County.
- K. Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel streets or roads.
- L. Lot, Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) per cent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

Prime Agricultural Land: Land used for agricultural purposes that contains soil of Class I, II, or II as defined by the United States Department of Agriculture.

Private Street: ~~Those streets not officially dedicated and/or dedicated and/or accepted by the municipality.~~ Any street within the Township, which is not a Municipal, Township, County, Commonwealth or United States accepted, and/or owned and/or maintained street.

Public Street: Any street within the Township, which has been accepted, and/or is owned and/or maintained by the Municipal, Township, County, Commonwealth and/or Federal Government.

Subdivision, Minor: [Introductory paragraph and 1 through and including 5 remain unchanged]

6. The proposal does not constitute a subdivision, re-subdivision or development of any lot, tract, parcel, site or other division of land or portion thereof which had received previous approval as a subdivision or land development with ~~one (1)~~ five (5) year prior to the submission of the application. If such prior approval has taken place, all applications shall be considered a single application for purposes of classification.

II. Article III, "SUBMISSION AND REVIEW PROCEDURES", Section 301, "General Procedures", Subparagraph 301.5 Warriors Mark Board of Supervisors Decision" is hereby amended as follows:

301.5 Warriors Mark Board of Supervisors Decision: The Supervisors shall make the final decision regarding approval or disapproval of plans following review by the Planning Commission and other entities, ~~and after due public notice has been given~~

III. Article III, "SUBMISSION AND REVIEW PROCEDURES", Section 302, "Minor Subdivisions", is hereby amended as follows:

302. Minor Subdivisions

In the case of a subdivision of four lots or fewer, (including residue land), a "Sketch Plan" may be submitted for the Preliminary Plan.

A "Sketch Plan" may also be used prior to submission of the Preliminary Plan to facilitate an informal discussion with Township officials. This discussion may be valuable in guiding the Applicant & reducing the possibility for costly mistakes. Submission of the "Sketch Plan" will not constitute formal filing of a plan with the Township.

In no case may the "Sketch Plan" be used in a staged development to eliminate the need for a Preliminary Plan. Applications for four (4) or fewer lots shall not be approved as a minor subdivision where the bulk of the original tract is kept as agricultural or open space & where there is high potential for further subdivision or land development of the remaining tract. If such a minor subdivision application is submitted, the Township may require an alternate re-submittal as a phased land development

302.1 Where the Sketch Plan is used in lieu of a Preliminary Plan, The Sketch Plan shall show the following:

- a. Location of salient natural features
- b. North arrow and approximate scale
- c. Proposed lot layout
- d. Location of existing and proposed roads and driveways.

302.2 Driveway location and design shall be a prime consideration. At the Township's discretion, consolidation of driveways or alternate locations may be required.

302.3 The applicant shall notify the Township Secretary one week in advance of surveying by a professional surveyor to allow Township officials to review the proposed location of lots and driveways.

302.4 The Final Plan shall include the following:

- Name and address of landowner
- Type of development, tract acreage, number of lots
- North arrow, scale, date, professional seal
- Location of salient natural features
- Surveyed tract boundaries, lot lines, driveways

302. Plans and Procedures for Minor Subdivision.

1. Any person desiring minor subdivision approval for any parcel of real estate shall provide to the Township:

A. A plat containing the entire parcel in question, proposed subdivision lines, existing and proposed easements and/or rights-of-way; building restriction lines; and the public street(s) involved.

B. Said Plat shall be accompanied with:

1. Fully completed DEP sewage facilities planning module form or letter from DEP stating form is not required.
2. Penn DOT and Federal occupancy permits.
3. Storm water management Plan.

4. Soil erosion, sedimentation and control plan with letter of approval from the Huntington County Conservation District or other state and/or federal agency having jurisdiction including supporting documentation and calculations.

5. All Pennsylvania DEP permits.

6. All other applicable permits and/or approvals.

2. In the case of any proposal for minor subdivision, land site or other division of land, the plan detail requirements of this Ordinance may be waived, provided that the following criteria are met:

- A. The Minor Subdivision does not involve the extension of any public facilities including:
1. New streets.
 2. Paving or other improvements.
 3. New or improved water lines, sewer lines or storm drainage.
 4. New or improved public facilities or services.
- B. The Minor Subdivision does not adversely affect the development of the remainder of the parcel.
- C. The Minor Subdivision does not adversely affect the natural resources of the community.
- D. The Minor Subdivision does not adversely affect adjoining property.
- E. The Minor Subdivision does not adversely affect the present or future development of the community.
- F. The Minor Subdivision does not constitute a subdivision, re-subdivision or development of any lot, tract, parcel, site or other division of land or portion thereof, which had received previous approval as a subdivision or land development within the five (5) years prior to the submission of the application. If such prior approval has taken place, all application shall be considered a single application for purposes of classification. If a subdivision or land development (1) contains not more than ten (10) lots, sites or other division of land, and (2) each subdivision or land development meets the criteria stated above, then the Supervisors shall have the authority, at their discretion, to classify such subdivision or land development as "minor" provided that the Supervisors have received documents, guarantee or proof of improvements installation as they may require.

IV. Article III, "SUBMISSION AND REVIEW PROCEDURES", Section 303, "Preliminary Plan Procedures", sub-section 303.1 "Submission of the Preliminary Plan", sub-parts (a) and (b) and sub-section 303.6, subpart (b) are here by amended as follows:

303. Preliminary Plan Procedures

1. Submission of the Preliminary Plan

a. A Preliminary Plan shall be prepared and submitted for all subdivisions and land developments that do not meet the definition of a minor subdivision or land development as defined in this Ordinance.

Preliminary Plans, all required accompanying documentation and filing fee shall be submitted at the Township Planning Commission meeting.

b. Submission shall consist of the following:

- ~~Eight (8)~~ Eleven (11) completed copies of the Township application form.
- ~~Eight (8)~~ Eleven (11) prints of the Preliminary Plan showing all the information required

in Section 402.

- ~~Eight (8)~~ Eleven (11) copies of other documentation required in Section 402.1.
- A filing fee as established in Article X of this Ordinance.

2. [Unchanged]

3. [Unchanged]

4. [Sub-parts (a) and (c) through and including (f) remain unchanged]

b. Township ~~building permit~~ Zoning officer: one (1) copy.

g. Township Planning Commission: two (2) copies.

Note: The Planning Commission shall forward a copy of any and all filings to the Supervisors at the time the Commission receives the same.

h. Township Supervisors: one (1) copy.

i. Township Solicitor: one (1) copy.

5. [Unchanged]

6. Action on Preliminary Plan by the Township Supervisors

a. Following receipt of the written decision from the Planning Commission, the Township Supervisors shall consider the Preliminary Plan ~~at their next meeting, the developer shall be so notified,~~ and in addition, the Township Supervisors may schedule a public hearing before taking any action on the plan.

b. Action on a Preliminary Plan shall be taken by the Township Supervisors and communicated to the developer not later than ninety (90) days from the date it was filed as a complete application. In their review, the Supervisors shall consider the recommendation of the Township Planning Commission and other review agencies. The Supervisors may require or recommend such changes, as they deem necessary and advisable in the public interest. The Supervisors may approve the Preliminary Plan by adoption of a resolution, subject to conditions which may set forth the procedure for the developer's acceptance or rejection of any conditions that may be imposed, including a provision that approval of a plan shall be rescinded automatically upon the developer's failure to accept or reject such conditions within such time as may be established by said resolution.

c. The decision of the Township Supervisors concerning the plan shall be in writing and shall be forwarded to the developer within ~~(5)~~ (15) days following their decision, but is still within the ninety (90) day time limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this ordinance. Copies of the decision shall be sent to the Township Planning Commission, Township Engineer and ~~building permit~~ Zoning officer.

d - f [Unchanged].

V. **Article III, "SUBMISSION AND REVIEW PROCEDURES", Section 304, "Procedure for Installation and Approval of Improvements" is hereby amended as follows:**

304. Procedure for Installation and Approval of Improvements

1. General Requirements

a. For major subdivisions and land developments, improvements required by the Township may

include permanent open space, streets, sanitary sewers, water supply systems, storm water controls or utilities.

b. Improvements shall be installed by the applicant, after preliminary plan approval prior to final plan approval, or a suitable guarantee in the form of a surety bond or letter of credit or such other financial security as may be approved by the Township Solicitor, shall be provided which shall ensure installation of the improvements by the applicant at the standards set forth in these regulations. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed, inspected and approved, or a suitable guarantee for installation and maintenance is provided.

2. Improvement Guarantee

a. In lieu of completion of any improvements required as a condition of final plan approval, the applicant may file with the municipality financial security as an improvement guarantee in the amount of 110% of the estimated cost to install the same improvements 90 days after the estimated date of completion of improvements. The cost of the required improvements shall be established by a qualified professional engineer selected by the applicant and submitted to the ~~Planning Commission~~ Township Supervisors for approval. The ~~Planning Commission~~ Township Supervisors may choose to reject such estimates for good cause shown.

b. If the developer and the Township Engineer are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by a another (second) qualified professional engineer chosen mutually by the ~~Planning Commission~~ Township Supervisors and the developer. The estimate certified by the engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event an engineer is so chosen, fees for the services of said engineer shall be paid equally by the ~~Commission~~ Township and the developer. In the event of such dispute regarding cost estimates, such disputes and the cost for engineers mutually chosen shall be governed by Section 509 of the Pennsylvania Municipalities Planning Code.

c-d [Unchanged]

3. Release From Improvement Guarantee

When the developer has completed all necessary improvement, and upon inspection by and approval of the Township Engineer (the entire cost of such inspection to be borne solely by the developer) the developer shall be released from all liability pursuant to any security agreement in effect. This shall be in accordance with procedures contained in Article V, Section 510 of the PA Municipalities Planning Code.

4. Remedies To Effect Completion of Improvements

In the event that improvements have not been installed as provided by local ordinance, the governing body may enforce the security by legal or equitable remedies in accordance with Article V, Section 511 of the PA Municipalities Planning Code and/or enforce whatever other remedies may be available to the said governing body including, but not limited to, any and all rights it may have pursuant to any other ordinance of the Township and/or the Developer's Agreement.

5. Reservation/Dedication of Permanent Open Space and/or Improvements

a. ~~Where the applicant propose to dedicate permanent open space to the Township, a deed with accompanying conservation easement, or other restrictive covenant, shall be recorded with the final plan.~~

- b. ~~If an entity other than the Township assumes ownership/maintenance responsibility for the open space, the same procedures shall apply. The executed conservation easement or other restrictive covenant shall spell out provisions for ownership and maintenance.~~
- e. ~~The supervisors are under no obligation to accept an offer of dedication of open space or other improvements. Undedicated land or improvements shall be noted as "private" on the final plan.~~
- d. ~~Permanent open space shall be referenced and mapped in each lot deed, lease or conveyance and the conveyance and the agreement for maintenance shall be summarized. Such arrangements may include a conservation easement with a local land trust, or crop land retained by the original farmer with easement or transfer development rights, a homeowners association or other arrangement which would assure open space in perpetuit.~~
- e. ~~If the township accepts dedication of improvements, the Township accepts ownership and maintenance responsibility for improvements shown on final plan. The Supervisors may require up to 15% of the actual cost of the improvements for financial security to insure the structural integrity of those improvements for a term not to exceed 18 months from the date of acceptance of dedication.~~
- 5. [Reserved].

VI. Article III "SUBMISSION AND REVIEW PROCEDURES", Section 305, "Final Plan Procedures" sub-parts 4, 5, 6 and 7 are hereby amended as follows:

- 4. Submission of the final plan shall be governed as follows:
 - a. [Unchanged]
 - b. Submission shall consist of the following:
 - (i) ~~Five (5)~~ Six (6) prints showing all the information required in Section 403.
 - (ii) ~~Five (5)~~ Six (6) copies of other documentation required in Section 403.1.
- 5. Distribution of the final plan by the applicant shall be as follows:
 - a. One (1) copy of the plan and accompanying documentation to:
 - Township Engineer.
 - Township Zoning building permit officer.
 - County Planning Commission.
 - b. [Unchanged].
- 6. Action on Final Plan by the Planning Commission
 - a. [Unchanged]
 - b. [Unchanged]
 - c. If the final plan is approved, the Planning Commission chairman shall sign the plan to be filed of record and two prints. The plan to be filed of record and one (1) copy of the written comments and/or recommendation of the Planning Commission.
- 7. Action on Final Plan by the Township Supervisors
 - a. Following receipt of the written decision from the planning Commission, Township Supervisors shall consider the final plan, ~~at their next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be notified.~~ In addition, a public hearing may be held before taking action on the plan.
 - b. Action on a final plan shall be taken by Supervisors and communicated to the developer not later than ninety (90) days following the date when the final plan was rendered as duly filed by the Township Planning Commission. The Supervisors may grant final approval to the Plan by adoption of a resolution, subject to conditions which may set forth the procedure for the

developer's acceptance or rejection of any conditions that may be imposed, including a provision that approval of a plan shall be rescinded automatically upon the developer's failure to accept or reject such conditions within such time as may be established by said resolution.

c. The decision on the Township Supervisors shall be communicated to the developer not later than ~~five (5)~~ fifteen (15) days following the meeting on which the decision is made, but still within the ninety (90) day limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions, and shall be sent to the applicant.

d. [Unchanged]

e. The final plan shall not be signed nor recorded until all requirements of local, state and federal laws, rules and regulations affecting the development have been satisfied by developer as determined solely by the Township, and an agreement drafted by the Township Solicitor has been executed by and between the Township and the developer (herein "Developer's Agreement") setting forth the understanding of the parties as to construction requirements, liability of the parties, indemnification of the Township by the developer, the requirement of proof of ownership and/or the written consent of the owner of the property upon which action is requested and such other conditions as may be deemed necessary by the supervisors to protect the Township and the health, safety and welfare of Township residents, including but not limited to, limiting the number of building permits issued until all public improvements are completed in compliance with this Ordinance and the Developer's Agreement.

VII. Article IV, "PLAN REQUIREMENTS", sub-section 401.2 is hereby amended as follows:

401.2 Site Considerations: No land shall be subdivided or developed:

(a) If the proposed land use is considered to conflict with agriculture as ~~the primary economic enterprise in the Township, and in particular with prime agricultural land.~~

(b) [Unchanged]

(c) [Unchanged]

VIII. Article IV, "PLAN REQUIREMENTS", sub-section 402 and 402.1 are hereby amended as follows:

402 Preliminary Plan Specifications

The introductory paragraph is hereby amended as follows:

The Preliminary Plan drawn at a scale of not less than 1" = 10' nor more than 1" = 100', and on a minimum sheet size of 24 by 36" and a maximum size of 30" by 42", and shall consist of the following:

a. [Unchanged]

b. Proposed name of the subdivision to be submitted to the Township and County Planning Commissions, type of development, tract acreage and number of lots.

[Sub-parts (c) through and including (j) remain unchanged].

k. The location of Class I, ~~and II~~ and III agricultural soils as shown in the Soil Survey of Huntingdon County.

[Sub-parts (l) and (n) remain unchanged].

o. The location of existing and proposed streets, right-of-way widths, and street names. Note: The

Township shall review the driveway location and, if appropriate, issue a permit where street or other access abuts a Township street. Also, the Township shall review street access prior to the Pennsylvania Department of Transportation application for Highway Occupancy Permit, and if appropriate the Township may approve the same.

- p. The Designated location of Agricultural Security Areas, whether within or adjacent to the site.
- q. Proposed driveways. For access to Township streets, the Supervisors may require alternate or consolidated driveway location(s).

402.1 Accompanying Data

- (A) [Unchanged].
- (B) Preliminary dDesigns for any bridges and culverts.
- (C) Complete Sewage Planning Module.
- (D) Plans and profiles of proposed water system, and sanitary and storm sewers including grades, pipe sizes, valves and fire hydrants.
- (E) – (G) [Unchanged].
- (H) Storm Water Management Plan in accordance with Ordinance 1998-1, as amended, (Warriors Mark Township Act 167 Storm Water Management Ordinance), notwithstanding any indication in said Ordinance to the contrary that such Plan is only necessary for final plan approval.

IX. Article IV, “PLAN REQUIREMENTS”, Section 403, “Final Plan Specifications”, sub-section 403.1 shall be amended as follows:

403.1 The Final Plan shall also include the following supporting documentation:

[Sub-parts (1) through and including (3) remain unchanged].

4. PA DOT Highway Occupancy Permit, with prior Township approval and/or Township Highway Occupancy Permit.

[Sub-parts (5) through and including (7) remain unchanged].

8. A certification by the Township Engineer that the required improvements have been installed; or in lieu of completion of improvements, financial security equal to 110% of the improvement costs estimate, in accordance with Article V, Section 509 of the Municipalities Planning Code. Note: Fees for municipal services such as inspection by the Township Engineer shall paid solely by the developer in accordance with Article X of this Ordinance.

X. Article V, “DESIGN STANDARDS”, Section 502 is hereby amended as follows:

502. General Standards

[The introductory paragraph remains unchanged].

(a) In determining the suitability of land for subdivision an/or development, the Township shall refer to applicable studies of the County Planning Commission, State and Federal agencies, Soil

Conservation Service and, in particular, Class I.
and II and III agriculture soils.

(b) [Unchanged]

~~(c) An open space set aside of not less than fifty (5) percent of the site shall be established for any residential development greater than 4 (four) units. (See Section 505) This set aside shall contain environmentally sensitive areas.~~

(c) [Reserved].

(d) [Unchanged].

XI. Article V, "DESIGN STANDARDS", Section 503 is hereby amended as follows:

503. Streets

[503 (a) through and including (f) remain unchanged].

(g) Private streets ~~(streets not to be offered for dedication)~~ are discouraged. However, private streets will be approved if there is a Maintenance Agreement of a Homeowners Association or similar entity, which must be recorded of record with the Developer's Agreement. Upon the establishment of such an Agreement, private streets may be developed and all owners of the lots shall be subject to the regulations. All Plot Plans deeds for lots shall provide written notice of the requirement for the Maintenance Agreement. In addition, if private streets are proposed, the same shall be designed and constructed to public street standards.

(h) [Unchanged].

(i) Storm water conveyance systems shall be designed in accordance with the approval of the Township Engineer and the Warriors Mark Township Storm Water Management Ordinance. All storm water conveyance systems within rights-of-way to be dedicated to the Township shall conform to the following:

1. Endwalls, and inlets shall be as per the latest editions of the Penn Dot Pub. 408, Section 605 and Penn DOT Pub. 72, RC-31 and RC-34.
2. Pipe culverts shall be as per the latest edition of Penn DOT Pub. 408, Section 601 and 603. Corrugated polyethylene culvert pipe is acceptable up to and including 24" \O I.D. . The minimum size of the culvert pipes shall be 15" \O I.D.

[(j) and (k) remain unchanged]

(l) Proposed roadways shall be coordinated and aligned with existing or proposed Federal, Commonwealth, County and Township roadways in adjoining subdivisions/land developments.

(m) Subdivisions and Land Developments with expected average daily traffic of greater than 200 (approximately 25 lots) shall have two or more means of ingress or egress.

(n) Access shall be given to all lots and undeveloped portions of the tract in excess of twenty (20) acres in the subdivision/land development and to adjacent tracts of land unless the topography clearly indicates that such connection is not feasible. All roadways giving such access for egress, ingress and regress from and to subdivision/land development shall be improved to the limits of the subdivision/land development and shall be improved to the Township specifications.

(o) Traffic Impact Study. As set forth in the Township's Zoning Ordinance, the Township may

direct the Developer to complete a traffic study.

- (p) Traffic Control Plan. A traffic control plan shall be submitted for all work on Township roads whenever it will be necessary to either close any portion of a travel lane during hours of darkness without work in progress or detour traffic in order to perform the permitted work. All plans shall comply with Section 6123 of the Commonwealth of Pennsylvania Vehicle Code and the applicable provisions of 67 PA Code, Chapter 203. The Township may require the Developer to bond existing roadways.

503.1 is hereby amended to delete "Turnaround of Cul-de-Sac" and replace the same as follows:

STREET TYPE	STREET WIDTH	SHOULDER MINIMUM	MINIMUM GRADE	MAXIMUM GRADE
<u>Turnaround Of Cul de Sac</u>				
Right of way (diameter)	100'			
Cart way (diameter To outside curb)	80'			
Length (maximum) Between turnarounds	800'	4'	1%	5%

STREET TYPE	STREET WIDTH	SHOULDER MINIMUM	MINIMUM GRADE	MAXIMUM GRADE
<u>Cul de Sac</u>				
Right-of-way radius	60'			
Cart way radius	50'	4'	1%	5%

503.6 Intersections

[(a) through and including (d) remain unchanged]

(e) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

1. ~~Twenty (20)~~ Thirty (30) feet for intersections of minor streets;

[(2) and (3) remain unchanged]

(f) [Unchanged]

503.9 Dead End Streets

Dead End Streets are a type of Public Street and shall be subject to the design requirements as specified herein for public streets and in addition to the following:

1) Dead End Streets shall be the sole means of vehicular access to no more than twenty five (25) residential dwelling units.

2) Dead End Streets shall have a minimum length of two hundred fifty (250) feet, as measured along the centerline from the curb line of the intersected street to the far curb of the turn-around area.

3) All developments proposing Dead End Streets shall be reviewed by the Township Fire Chief for fire and public safety concerns.

4) All non-through streets shall be provided with an authorized sign stating that no outlet exists.

5) Where, in the opinion of the Board of Supervisors, the future extension of a proposed Dead End Street to an adjoining tract is feasible, the full width of the right-of-way of such street shall be extended to the property line, and a paved turn-around area shall be provided.

6) Turn-around areas:

A. Dead End Streets shall be provided with a paved turn-around area:

i) When designed as a circular cul-de-sac, such turn-around shall have a minimum paved radius of fifty (50) feet and a minimum right-of-way radius of sixty (60) feet. Such area shall be clear of all obstructions.

ii) Alternative turn-around designs may be permitted if design proves to be an equal or better alternative, and is approved by the Board of Supervisors.

B. The grade of the turn-around area shall not exceed five (5.0) percent in any direction.

C. The maximum number of lots permitted to have frontage on a turn-around is two (2).

D. On-street parking is to be prohibited within turn-around areas; as such "No Parking" signs shall be placed every 100 feet along the circumference of the paved area.

E. Dead End Streets may provide access to not more than two- (2) Flag Lots.

XII. Article V, "DESIGN STANDARDS", Section 505 is hereby amended as follows:

505 Lots

~~The number of lots and lot sizes shall be governed by principles of conservation involving open space set aside and clustering of housing units. Lots shall be laid out in the process described below. This approach is consistent with the "growing greener" approach which is summarized in Section 515 and which also may be utilized to play with this Ordinance.~~

~~(a) A parcel of land for permanent open space shall be identified on the tract equal to 50% of the total tract.~~

~~(b) Acreage determined least suitable for development such as prime agriculture lands, steep slopes, wetlands, stream corridors, flood plain, wildlife habitat and historic sites should be~~

located in this open space parcel.

- (e) ~~The remaining 50% acreage may be developed at a maximum density of 35 units per 100 acres (located on 50% of the tract or on 50 acres).~~
- (d) ~~In sections of the Township requiring on lot sewage disposal, the minimum lot size shall be large enough to accommodate the sewage absorption bed, but not less than the densities stated above.~~
- (e) ~~Exception:~~
 - (I) ~~Subdivisions between three (3) and five (5) acres on a one time basis only, may be established for the purpose of providing housing for members of the owner's family or equivalent unit.~~
 - (II) ~~In this circumstance the Township may permit up to two (2) lots of one acre.~~

505. [Reserved].

XIII. Article V, "DESIGN STANDARDS", Section 506 is hereby amended as follows:

506 Setback Lines: Structures built on lots shall meet the following set back lines.

- (a) ~~Structures shall be constructed no closer than thirty (30) feet from the road right of way, twenty five (25) from side and twenty five feet from the rear of the property lines.~~
- (b) ~~Exceptions: Flexible setbacks are permitted in the following circumstances:~~
 - (I) ~~In village locations, new construction should adopt setbacks similar to neighboring structures in order to preserve the scale of the village. Where existing structures have no front yard, side yard or rear yard, neighboring new structures will be permitted to have similar or zero yard setback.~~
 - (II) ~~In areas lacking public sanitary sewer services, setbacks shall be adequate to permit their non polluting function. ON site sewage absorption fields shall be set back a minimum distance of 100 feet from a watercourse.~~

506 Setback Lines: All setback lines shall be governed by the Warriors Mark Township Zoning Ordinance.

XIV. Article V, "DESIGN STANDARDS", Section 507 "Buffer Yards" is hereby amended as follows:

507 Buffer Yards

~~A buffer yard shall be required where proposed development is located adjacent to an agricultural zone or where residential development is proposed adjacent to non residential use:~~

- (a) ~~Such buffer shall consist of either existing or newly planted trees located throughout the length and breadth of the buffer yard. Hedgerows, if existing, shall be used in partial fulfillment of the required buffer yard.~~
- (b) ~~Such buffer shall cover minimum width of fifty (50) feet. Where the proposed development is adjacent to agriculture use, the Township Planning Commission may require a wider buffer.~~
- (c) ~~If evergreen trees are planted, their density shall be one (1) tree per ten (10) linear feet of the buffer yard's length and breadth and shall be of three (3) feet height at the time of planting.~~

(d) If deciduous trees are planted, their density shall be one (1) tree per twenty (20) linear feet of the buffer yard's length and breadth and shall be of four (4) feet high at the time of planting.

(e) If an orchard is planted, density and tree size shall be according to the standard fruit grower practices.

507. Buffer Yards: Requirements for buffer yards shall be as set forth in the Warriors Mark Zoning Ordinance.

XV. Article V, "DESIGN STANDARDS", Section 508 "Easements" is hereby amended to delete sub-part (d) as follows:

~~(d) There shall be a minimum distance of fifty (50) feet retained as an undisturbed buffer along all water courses measured from the top of the stream bank. Where a slope of 8% or more exists, a greater width shall be required. See Storm water Management Ordinance Section 302~~

XVI. Article V, "DESIGN STANDARDS", Section 513 "Erosion and Sediment Control", is hereby amended as follows:

(a) General Purpose.

1-5 [Unchanged]

6. Persons undertaking any earthmoving activity must notify the County Conservation District and the Township by telephone or certified mail at least seven (7) days prior to the start of construction. Persons undertaking any earthmoving activity must attend a pre-construction conference with the County Conservation District and the Township prior to the start of construction

7. Township and the County Conservation District are authorized to conduct both routine and emergency site inspections of ongoing earthmoving operations, without prior notification within the municipal boundaries of the Township to establish compliance with the approved erosion and sedimentation control plan.

(g) A written permit issued by the DEP shall be required prior to any construction, operation, maintenance, modification, enlargement, or abandonment of any dam, water obstruction, or encroachment. ~~Evidence of~~ The permit must be presented with the Final Plan documentation.

XVII. Article V, "DESIGN STANDARDS", Section 515 "Growing Greener Standards", is hereby amended to delete sub-part A (3) as follows:

~~3. Designate an area comprising 50% of the total tract for permanent open space primarily comprising the conservation areas noted above.~~

XVIII. Article VI, "IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS", Section 602 is hereby amended as follows:

602.1 Streets:

[Introductory paragraph and (a) and (b) are unchanged].

(c) All private streets, rights-of-way or roadways prior to assumption of control and ownership by the Township shall be improved to the standards and specifications as contained in Section 503. Any improvement that may be required to bring the street up to Township specifications shall be the responsibility of the applicant. These provisions shall be applicable to pre-existing subdivisions and all future subdivisions within the Township

602.2 Curbs: Curbs may be required on new streets in Land Developments. Curbs may also be required in any subdivision when the centerline street grade of any street exceeds three (3)

percent. IN such cases curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion. The curbing requirement may be waived at the discretion of the Township, upon request and justification by the Applicant if recommended by the Township Planning Commission. When this requirement is waived, grass lines, swales, rock-lined ditches or other improvements shall be required. Curbs shall be as specified in Section 503 and must be reviewed and approved by the Township. All the curbs shall be depressed at intersections to sufficient width to accommodate the requirements of the handicapped. The minimum width between the faces of curb lines shall be twenty four (24) feet.

602.3 Sidewalks:

~~(e) Handicap-~~ Accessible ramps shall be provided on all sidewalks at street intersections. Maximum gradient of an accessible ramp shall be 12:1 (8.33%). Depressed curb shall be installed at ramp so as to create a lip of no greater than one-half (½) inch. Ramps shall be concrete with a non-slip finish.

602.4 Storm Water Management Control:

(1) Storm water facilities shall be installed in accordance with the Township Storm water Management Ordinance and shall be consistent with plans approved by the Township Engineer.

602.5 Off Street Parking:

(c) All parking areas shall be designed so that vehicles do not back out onto a street.

602.8 ~~Street Lights: Streetlights are required to be installed in all subdivisions. The sub-divider shall be responsible for making the necessary arrangements with the applicable agencies. If streetlights are not initially installed, the sub-divider shall provide utility easements for future street lighting installations.~~

602.8 Streetlights: Shall be governed by the Warriors Mark Township Lighting Ordinance.

XIX. Article VII, "MOBILE HOME PARKS", Section 702, sub-part (k) is hereby amended as follows:

702 Specific Design Standards:

[(a) – (j) and (l) [unchanged].

(k) Ingress and Egress: Access points to public streets from a mobile home park shall be located no less than one hundred and twenty-five (125) feet from any public street intersection. Streets within the mobile home park ~~to be offered for municipal dedication~~ shall be constructed to Township specification as described in Article V. All streets within mobile home parks, whether offered for municipal dedication or not, shall conform to the following:

(1) Access - The entrance road connecting the park streets with a public street shall have a minimum cart way width of eighteen (18) feet and a stop sign shall be installed by the developer.

(2) Illumination - Streetlights are required to be installed in all subdivisions and/or mobile home parks in accordance with Section 602.8.

(3) Paving - All streets shall be paved in accordance with Section 503 (h).

XX. Article IX, "RECREATIONAL AND SEASONAL LAND DEVELOPMENT STANDARDS", Section 907.1, sub-parts (b) and (d) and Section 907.5 are hereby amended as follows:

907.1 Design Standards

- (a) [Unchanged].
- (b) Cart way Width - ~~16~~ eighteen (18) feet for two-way roads, 10 feet for one-way roads.
- (c) [Unchanged]
- (d) Maximum Allowable Grade - The maximum allowable grade for private roads streets shall be a ~~fourteen (14)~~ Twelve (12) percent slope for distances of no more than 500 feet. However, special drainage measures and considerations will be required on grades exceeding a six (6) percent slope, in accordance with the Storm water Management Ordinance.
- (e) [Unchanged]

The internal street and roadway system shall be privately owned and appropriately noted on the Final Plan, and provide safe and convenient access to all campsites and facilities. The alignment and gradients of all internal streets and roadways shall be properly adapted to the topography, to the types of anticipated traffic, and to the satisfactory control of surface water. Points of connections between the private street systems shall be designed to avoid congestion and hazardous intersections, in accordance with Section 503.6, Intersections.

907.5 Relationship with Adjoining Properties: The design of proposed land developments governed by this Section shall take into account potential effects and impacts on adjacent properties. A landscaped buffer strip having a minimum width of ~~twenty (20)~~ fifty (50) feet shall be provided along the perimeter of the land development, within which no campsites shall be located.

XXI. Article XII “Administration, Amendment and Enforcement” is hereby amended as follows:

1203. Reconsideration and Appeal

- ~~1203.1~~ Any subdivider aggrieved by a finding, decision, or recommendation of the Warriors Mark Township Board of Supervisors may request and shall receive another opportunity to appear before the Township Board of Supervisors to present additional relevant information. This Request shall be in writing within thirty (30) days after the original date of action by the Township Board of Supervisors.
- ~~1203.2~~ Upon receipt of such appeal, the Township Board of Supervisors shall hold a hearing after proper notification of all parties concerned and in a manner prescribed by law.
- ~~1203.3~~ After such hearing, the Township Board of Supervisors may affirm or reverse the original action of the Township Board of Supervisors by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated on the records of the Township Board of Supervisors. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.
- ~~1203.4~~ Any person aggrieved by action of the Board of Supervisors may appeal within Thirty (30) days directly to the Court of Common Pleas of Huntingdon County in accordance with and in a manner prescribed by law.

1203 Appeal.

Any person aggrieved by action of the Board of Supervisors may appeal within Thirty (30) days directly to the Court of Common Pleas of Huntingdon County in accordance with and in a manner prescribed by law.

SECTION 2. REAFFIRMATION OF ORDINANCE 98-2

Warriors Mark Township Ordinance No. 98-2, except as amended hereby, remains in full force and effect and is hereby reaffirmed.

SECTION 3. SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional,

illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Warriors Mark that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of Warriors Mark Township this 1st day of November, 2005.

WARRIORS MARK TOWNSHIP
BOARD OF SUPERVISORS

L. Stewart Neff
L. Stewart Neff, Chair


Rodney L. Marshall
Rodney Marshall, Vice Chair

Donald E. Bickle
Donald E. Bickle, Supervisor

ATTEST:
Catherine G. Noll
Catherine G. Noll, Secretary

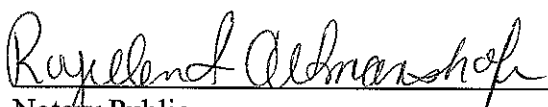
I, LARRY C. CLAPPER, Esquire, Solicitor for the Township of Warriors Mark, hereby swear and attest that the foregoing is Warriors Mark Township Ordinance No. 2005-3 enacted by the Warriors Mark Township Board of Supervisors at their meeting of Tuesday, November 1, 2005.

Dated: 11/3/05



Larry C. Clapper, Esquire
Warriors Mark Township Solicitor

Sworn to and subscribed before me
this 3rd day of November, 2005.



Notary Public

Notarial Seal
Royellen I. Altmanshofer, Notary Public
City Of Altoona, Blair County
My Commission Expires Feb. 23, 2006
Member, Pennsylvania Association Of Notaries