



TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS

Monthly Work Session Agenda

Tuesday, February 8, 2022
2:00 p.m.

MEETING PARTICIPANT OPTIONS

VIRTUAL:

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/88010397783>

MEETING ID: 880 1039 7783

Zoom Access Instructions

IN-PERSON:

Ferguson Township Municipal Building
Main Meeting Room

3147 Research Drive
State College, PA 16801

I. CALL TO ORDER

II. CITIZEN'S INPUT

III. UNFINISHED BUSINESS

1. CONTINUED DISCUSSION OF ZONING, SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS

Jenna Wargo, Director of Planning and Zoning.

Narrative

In November 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the amendments were adopted, staff has been tracking errors and omissions while interpreting the ordinances and is recommending additional modifications to resolve these problems. Included with the agenda is a redlined version and a clean version of the draft amendments. The most recent revisions to Chapter 22, Subdivision and Land Development; and Chapter 27, Zoning from the latest discussion held on January 18th Regular Meeting are reflected in this draft. As part of the Board's discussion, staff intends to receive comment and direction from the Board of Supervisors on Chapter 27 Zoning Supplemental Regulations, Bed and Breakfast § 27-717, and Chapter 27 Zoning Definitions, Places of Assembly § 27-1102.

Additionally, the Board deferred discussing a revision to Chapter 16 Parks and Recreation, Centre Region Parks and Recreation Department, § 16-107, to allow food trucks in parks.

IV. COMMUNICATIONS TO THE BOARD

V. CALENDAR ITEMS – February

1. Planning Commission, Monday, February 14, 28
2. Tree Commission, February 28
3. Pine Grove Mills Small Area Advisory Committee, February 24

VI. ADJOURNMENT

§ 16-107

Centre Region Parks and Recreation Department.

[Ord. 873, 11/20/2006, § 7]

1. In order to provide for equitable use of park facilities, preserve park areas, and facilities, and protect the safety of users of the parks and their facilities, the Director of the Centre Region Parks and Recreation Department shall have the following authority, the enumeration of which shall not restrict the general authority and control of the Director over parks:

- A. To Fix Time. To fix times when the parks or parts thereof shall be open to public use.
- B. To Restrict Use. To designate parks and parts thereof as restricted to the use of certain portions of the public at certain times as the Director sees fit not to adversely limit allowances as provided in the Code of Ordinances.
- C. To Issue Permits. Under uniform conditions to be prescribed by the Director, to issue permits for regulated uses as hereinbefore enumerated.
- D. To Fix, Charge and Collect Fees. To fix, charge and collect such fees and deposits for the use of park areas or facilities or privileges as the Director deems advisable to help defray the expense of the parks and their facilities.

§ 22-202 **Definitions.**

[Ord. No. 1050, 11/18/2019]

LAND DEVELOPMENT

Any of the following activities: 1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; 2) a subdivision of land; or 3) development in accordance with § 503(1.1) of the Municipalities Planning Code, as amended.

1. Land Development, Major—A land development which does not qualify or classify as a minor land development;

2. Land Development, Minor—A development or a parcel of land which contains:

- A. Not more than three detached single-family residential structures, whether developed initially or cumulatively on a single lot, as permitted by the Township’s Zoning Ordinance. Proposed single-family residential structures that require a land development plan shall be reviewed by Township Staff and included on the consent agenda for the Board of Supervisors to approve or deny the plan.

- a. The following sections are not applicable to Minor Land Development Plans for single-family residential structures:

- i. §22-401.1.C.1.g, and

- ii. §22-401.1.C.1.h.

- B. The construction or alteration of a nonresidential building with a footprint of not more than 1,000

square feet, whether initially or cumulatively; provided that the construction or alteration does not result in the following:

- (1). Installation of new vehicular access to or from a public right-of way;
- (2). Activities that would require the submission of a stormwater management site plan;
- (3). Development within a floodplain or Nolin Soils;
- (4). Changes to utility services including new service laterals to increase capacity or provide fire protection;
- (5). Vertical expansions of more than two stories above existing structures; and
- (6). A requirement of additional parking.

C. Conversion of an accessory structure to a residential unit.

D. The sole construction of a parking lot, as defined in this chapter.

SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

1. Subdivision, Major—Any subdivision which does not qualify or classify as a minor subdivision.
2. Subdivision, Minor—A subdivision of a parcel of land into not more than three lots, including the existing lot of record, where in each lot has direct access to and fronts upon any public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements. This includes:
 - A. Adjustment of lot line between lots where no new lots are created;
 - B. Consolidation of lot lines; and
 - C. Survey corrections of property lines for townhouses and other attached dwellings after construction when in conformance with the previously recorded plan.

PARKING, ON-LOT – The number of parking spaces required by Chapter 22, Subdivision and Land Development to be provided off street for each dwelling unit. These spaces are intended to serve the normal daily parking needs of the dwelling unit occupants.

§ 22-301 **General.**

[Ord. No. 1050, 11/18/2019]

Proposed subdivision and land development plans shall be reviewed by the Township Planning Commission and the Centre County Planning Commission, or its designated agent, and shall be approved or not approved by the Board of Supervisors in accordance with the procedures specified in this chapter. Following the

recommended preapplication conference for sketch plan review, plans may be presented in two stages, preliminary and final, or simultaneously as a preliminary/final plan. If a plan is presented in one stage as a preliminary/final plan, then the plan must meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

1. Fees for Review.

The Supervisors shall establish, by resolution, a schedule of fees for applications for development, for the Township's review of the materials in connection therewith which are to be provided to the Township under the provisions of this chapter including, but not limited to, the payment of fees charged by the Township's professional consultants for their review. Such fee schedule shall be reproduced and made available upon request at the Township Building. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the Supervisors. Any approval for the issuance of any permits under this chapter shall be contingent upon payment of the proper fees as established by the Township's Fee Schedule.

A. Disputed Review Fees. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

B. Review Fee Dispute Resolution. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in the Municipalities Planning Code (MPC) §510(g), 53 P.s. §10510(g).

§ 22-303 Review of Preliminary Plan. [Ord. No. 1050, 11/18/2019]

1. All applications for approval of subdivision and land development plans shall commence with the official submission of a plan and all required supplementary data to the Township Department of Planning and Zoning. All applications for preliminary review of a plan shall be acted upon by the Township within such time limits as established by the Pennsylvania Municipalities Planning Code. At any time during the review process the applicant may substitute an amended plan for that originally submitted solely for the purpose of correcting the original plan to the extent necessary to meet the requirements of this chapter. In the event that the applicant submits an amended plan to the Township, the owner or agent of the subject lot(s) must provide the Township with a written ninety-day time extension in a form to be supplied by the Township to review the plan. The 90 days will be measured from the date the revised plan is submitted to the Township. See § 22-303, Subsection 6D.
2. A plan shall be deemed to have been submitted for preliminary review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:
 - A. One copy of a completed application for subdivision or land development, plus payment of all application and escrow fees.

B. Seven black (or blue) on white full-size prints, one eleven-inch-by-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.

C. One digital copy of all submitted documents.

§22-303.6.C.(1) Review of Preliminary Plan.

C. Authority. The Board of Supervisors shall act on all preliminary applications.

- (1) Decision Deadline. Not later than 90 days after the official filing date, the Board of Supervisors shall render a decision on the preliminary application. All decisions shall be made at a public meeting.
- (2) Extension of Deadline. The applicant may agree in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision.
- (3) Actions. The Board of Supervisors shall take on of the following actions:
 - a. Approve the preliminary application.
 - b. Approve the preliminary application with conditions.
 - c. Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Code.
- (4) General Standards for Review of Preliminary Applications. The Board of Supervisors shall approve the preliminary application if the preliminary application complies with the standards and regulations set forth in this chapter.
- (5) Notification of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to the last-known address not later than 15 days following the decision. If the decision is disapproval, the written notification shall specify all defects in the application and shall cite with section numbers the provisions of this chapter or the Code that have not been satisfied.
- (6) Effect of Approval. If the plan receives preliminary approval by the Board of Supervisors, the action of the Board of Supervisors shall be noted, together with the date of action and signature of the Chairman, Secretary and Township Engineer, on two copies of the plan. One copy of the plan shall be given to the applicant, while the other copy shall be retained in the Township files. The preliminary plan shall be entitled to the protections afforded by §508(4) of the MPC, 53 P.S. §10508(4).

**§ 22-304 Review of Final Plan.
[Ord. No. 1050, 11/18/2019]**

1. A plan shall be officially submitted to the Township Department of Planning and Zoning for final Township review after all improvements, as defined by this chapter, indicated on the plan receiving preliminary approval have been installed or, in lieu of the completion of the improvements, after deposit with the Township of a corporate bond or other security acceptable to the Board of Supervisors in accordance with this chapter. All plans which have received preliminary approval shall be entitled to final approval in accordance with the terms of the approved preliminary

application for a period of five years from the date of the preliminary approval.

A. A plan shall be deemed to have been submitted for final review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:

(1) Seven black (or blue) on white full-size prints, one eleven-inch-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.

(2) Payment of all application and escrow fees.

**§ 22-306 Minor Subdivision, Minor Alteration Plan, and Minor Land Development Plan.
[Ord. No. 1050, 11/18/2019]**

1. Minor Subdivision. Applicants are required to apply for and receive a minor subdivision approval from the Township in accordance with the following criteria:

A. Recommendations and Approvals.

(1) A minor subdivision plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

(2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor subdivisions.

(3) The Township staff shall review and forward an application to the Planning Commission regarding minor subdivision. Township staff comment resulting from said review shall accompany the application forwarded.

(4) The Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding minor subdivision.

(5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.

B. Conferences. A preapplication conference is highly recommended with the Township prior to the submission of a final application.

C. Applicants are required to provide an escrow fee for plan review and legal opinion of the Township Solicitor.

2. Minor Alteration Plan.

A. Minor alterations to a previously issued zoning permit may be made by the applicant submitting a revised application and land development plan, if applicable, to the Zoning Administrator for approval.

B. An alteration to a zoning permit and land development plan, if applicable, shall be considered minor if:

- (1) The building coverage will be increased or decreased by no more than 10%.
- (2) The impervious coverage will be increased by no more than 10%.
- (3) The change in use will not increase the parking requirements.
- (4) The stormwater management controls will not be changed.
- (5) Any motor vehicle access to the property will not be added, deleted, or relocated by more than 50% of its width.
- (6) The location for the construction of proposed structures from an approved plan will not be changed by more than 10% of the ground floor area.
- (7) All landscaping alterations are permitted if in compliance with §22-515. Landscaping.

D. An applicant/landowner shall be permitted to file more than one minor alteration plan to a previously issued zoning permit or land development plan based on the following subsections of § 22-306.2.B. (3), and (7).

3. Minor Land Development Plan

A. A Minor Land Development Plan may be permitted where it can be demonstrated that the initial or cumulative impact of the activity or improvement will not result in the need for plan approvals typically associated with a land development plan approval process. Applicants undertaking a Minor Land Development Plan as defined in §22-202. Definitions, may submit a preliminary/final plan in one stage following a pre-application conference with Township staff, as per §22-302 and in accordance with the following requirements.

- (1) A minor land development plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.
- (2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor land developments.
- (3) Township staff shall review and forward an application to the Planning Commission regarding minor land developments. Township staff comment resulting from said review shall accompany the application forwarded.
- (4) Proposed single-family residential structures that require a minor land development plan shall be reviewed by Township staff and included on the consent agenda of the Board of Supervisors to approve or deny the plan.

a. The following sections are not applicable to minor land development plans for single-family residential structures:

i. §22-401.1.C.1.g., and

ii. §22-401.1.C.1.h.

(4) Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding the minor land development.

(5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.

(6) Applicants are required to provide an escrow fee for plan review and legal opinion of the Township Solicitor.

§ 22-401 Preliminary Plan Contents and Review.
[Ord. No. 1050, 11/18/2019]

1. All plans submitted for preliminary review shall be drawn to a scale of one inch equals 50 feet or larger (one inch equals 50 feet) and contain the following information:

A. Requirements for Subdivision and Land Development Plans.

(1) General Data.

(a) Graphic scale.

(b) Day, month, year plan prepared and revised.

(c) Names of abutting property owners and their deed book and page numbers.

(d) Key map, at a scale of one inch equals 400 feet, showing streets, roads, buildings and motor vehicle access within 1000 feet from the exterior boundary of the lot.

(e) The name of the proposed development, the identification by Centre County Tax Map Parcel Number and the name and address of the legal owner of the property (and equitable owner, if any), proof of ownership and the individual or firm preparing the site plan. To the extent that the owner is not an individual or a group of individuals, but rather is an entity, the entity shall be required to disclose the name of all individuals possessing an ownership interest in the entity. The aforesaid disclosure requirement shall not apply to publicly traded corporations nor to entities owned by more than 10 individuals.

(f) North point (specified as "true" or "magnetic").

- (g) Total size of the property, and each lot and/or area(s) to be leased.
- (h) The proposed use of the property.
- (i) Location of the existing and proposed front, side and rear yard setback area(s) as required by the applicable zoning district.
- (j) A stormwater management site plan as required by Chapter 26, Stormwater Management, of the Code of Ferguson Township.
- (k) Soil erosion and sedimentation control plan in accordance with 25 Pa. Code § 102, Erosion Control.
- (l) A statement of general utility information and information required by Act 172 of 1986, 73 P.S. § 176 et seq., as amended.

§22-506.1. Water Supply

1. All water supply systems shall meet applicable state and/or local water authority/company standards.
 - A. All lots located within the designated water service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to public water authority/company mains when such is feasible and/or permitted by the appropriate water authority/company. All water mains and laterals shall meet the design and installation specifications of said water authority/company.
 - B. Fire hydrants shall be provided in accordance with this section for the protection of buildings or portions of buildings. Fire hydrants shall be provided along required fire apparatus access roads and adjacent to public streets along the route of travel for fire apparatus.
 - C. Existing fire hydrants on public streets may be considered available. Existing fire hydrants on adjacent private properties shall not be considered available.
 - D. One-and two- family dwellings.
 1. Minimum fire flow.
 - a. Lots with front, side, and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater shall be 750 gallons per minute.
 - b. Lots with front, side, and rear yard setback requirements of less than 15 feet or building separations of less than 30 feet shall be 1,000 gallons per minute.
 2. Fire hydrant spacing.
 - a. Spacing between fire hydrants shall not exceed 600 feet in developments of one- and two-family dwellings as measured from the center line of the fire apparatus access roads.

b. One- and two-family dwellings may install a National Fire Protection Association (NFPA) 13D Residential Sprinkler System in lieu of being located within 600 feet of a fire hydrant.

E. All other types of developments.

1. Minimum fire flow.

a. Requirements for developments of other than one- and two-family dwellings shall be determined by using the Needed Fire Flow Method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).

2. Fire hydrant spacing.

a. Spacing between fire hydrants in all other types of developments shall not exceed 400 feet as measured from the center line of the fire apparatus access roads.



H. If the needed fire flow is not provided in developments served by a community water system, all dwellings and occupied structures shall be provided with an approved automatic fire sprinkler system installed in accordance with the applicable NFPA standard.

(1) Exception. The Fire Chief is authorized to accept a deficiency of up to 10% of the required fire flow where existing fire hydrants provide all or a portion of the required fire flow. (Written notice of the deficiency and approval shall be noted on the plan.)

(2) Exception. Subdivisions and land developments located outside of the regional growth boundary and served by a community water system may utilize water storage systems, as described in § 506, Subsection 2A, to meet the water supply requirements.

§ 22-5A12 Articulation of Facades [Ord. No 1050, 11/18, 2029]

§ 22-5C01.1 **General Regulations.**
[Ord. No. 1050, 11/18/2019]

B. Required Off-Street Parking Spaces. All uses and structures shall provide off-street parking spaces in an amount equal to, or greater than, the number listed below. The total number of parking spaces necessary for two or more uses on the same lot shall be the sum of that required for each use unless a shared parking arrangement is provided in accordance with the provisions of Subsection E. Shared parking spaces that are accessible by neighboring properties or uses may be permitted when use of the spaces does not occur during the same daily time period.

(1) Dimensions. Each required off-street parking space shall be at least nine feet wide and 18 feet long if

set at an angle to the access aisle or eight feet wide and 24 feet long if parallel to the access aisle.

- (2) Number of Computation. In computing the required number of spaces, all fractional numbers more than 1/2 shall be increased to the next highest integer. When computation is based on the number of employees, the number employed during the largest work shift shall be used. For retail and service parking calculations the gross floor area is that portion of the total floor area relegated to use by the customer and employees to consummate retail sales and services, including display areas, but not including office space and storage areas.

Required Off-Street Parking Spaces

Residential Land Uses		Minimum Required Off-Street Parking
1	Single-family detached dwellings	2 spaces per dwelling unit
2	Single-family semidetached dwellings	1.5 spaces per dwelling unit
3	Single-family attached dwellings	1.5 spaces per dwelling unit
4	2-family dwellings	1.5 spaces per dwelling unit
5	Multifamily dwellings	1.5 spaces per dwelling unit
6	Mobile home parks	2 spaces per dwelling unit
7	Model homes	2 spaces per dwelling unit
8	Seasonal dwellings	2 spaces per dwelling unit
9	Short-Term Rental	1 Space per bedroom for rent
10	Retirement communities	1.5 spaces per dwelling unit
11	Assisted living facilities	1 space per rooming unit
12	Nursing and other convalescent homes	1 space per rooming unit
13	Personal care homes, large small	1 space per rooming unit
14	Group homes	1 space per rooming unit
15	Home-based businesses, no impact (including farm-based businesses, no impact)	Base requirement for the applicable dwelling
16	Home occupations	1 space per employee

Required Off-Street Parking Spaces

Nonresidential Land Uses		Minimum Required Off-Street Parking
1	Administrative office buildings (associated	1 space per 250 square feet of net floor area

	with other uses)	
2	Adult business uses	1 space per 500 square feet of net floor area
3	Agriculture	N/A
4	Agriculture/environmental education program	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
5	Amusement arcades	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
6	Any use owned or managed by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) or the Commonwealth Game Commission	N/A
7	Archery and shooting ranges, indoor/outdoor	1 space per target stand or shooting station
8	Archival libraries	1 space per 750 square feet of net floor area
9	Auto wrecking, junk and scrap establishments	1 space per 5,000 square feet of indoor/outdoor storage area plus ratio associated with administrative office buildings, as applicable
10	Automobile service stations and garage	1 space per pump plus 6 spaces per repair/service bay plus ratio associated with convenience food stores as applicable
11	Banks and financial establishments	1 space per 250 square feet of net floor area
12	Bed-and-Breakfast	1.2 spaces per rooming unit
13	Bird and wildlife sanctuaries/fish hatcheries	N/A
14	Bus passenger stations	1 space per 220 square feet of net floor area or lot area sufficient to support program
15	Business, professional, and financial offices	1 space per 250 square feet of net floor area
16	Camping grounds	2 spaces per 1 campsite
17	Car washes	4 spaces per wash/detail bay and 1 space per vacuum unit
18	Cideries	1 space per 250 square feet of net floor area
19	Cigar, hookah and/or vapor lounges	1 space per 50 square feet of net floor area

20	Cemeteries	1 space per 350 square feet of indoor gathering space
21	Child/day-care centers	1 space per 350 square feet of net floor area
22	Clinics and medical/dental Offices	1 space per 250 square feet of net floor area
23	Commercial hunting preserves	N/A
24	Communications facilities	1 space per building
25	Communication towers	1 space per tower
26	Community Gardens	1 space per 10 garden plots
27	Conservation areas	1 space per full-time equivalent employee
28	Convenience food stores	1 space per 200 square feet of net floor area
29	Country Clubs	1 space per 4 seats/persons; based upon the largest maximum occupancy of a gathering room/space as permitted by the Centre Regional Code Administration
30	Day and overnight camping	N/A
31	Eating and drinking establishments, sit-down	1 space per 50 square feet of indoor seating area plus 1 space per 100 square feet of outside seating area
32	Eating and drinking establishments, takeout	1 space per 100 square feet of floor area for seating, standing, and waiting
33	Emergency Services	2 spaces per service vehicle + 1 space per 350 square feet of net floor area
34	Equestrian facilities/horse riding stables/riding academies	1 space per 2 stalls plus 1 space per 4 persons based on maximum design capacity as permitted by the Centre Region Code Administration
35	Essential services	1 space per employee plus 1 space per 2,500 square feet of net floor area
36	Exhibit halls and museum	1 space per 500 square feet of net floor area plus 1 space for buses/vans of 10-plus occupants per 2,000 square feet of net floor area
37	Farm cafes	1 space per 50 square feet of net indoor floor area plus 1 space per 100 square feet of outdoor seating area
38	Farm Markets	1 space per 200 square feet of sales area (indoor or

		outdoor)
39	Food catering	1 space per 400 square feet of net floor area
40	Forestry	N/A
41	Freight and Trucking Terminals	1 space per 200 square feet of net floor area
42	General Natural Resource Research	1 space per 500 square feet of net floor area
43	General Storage to include Boats and RV's	N/A
44	General weather, radio and satellite research	1 space per 500 square feet of net floor area
45	Golf courses	10 spaces per golf hole
46	Grocery Stores	1 space per 200 square feet of net floor area
47	Health and athletic clubs	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
48	Hotels and Motels	1.2 spaces per rooms
49	Incinerators	1 space per work vehicle
50	Kennels	1 space per 250 square feet of net floor area of office area plus 1 space per 4 animal holding areas
51	Landscape and garden centers, nonretail	1 space per 10,000 square feet of growing area
52	Landscape and garden centers, retail	1 space per 250 square feet of indoor and/or outdoor sales area
53	Laundromats	1 space per 250 square feet of net floor area
54	Manufacturing, processing or bulk storage of natural gas	1 space per work vehicle
55	Medical marijuana dispensaries	4 spaces per pharmacist or physician
56	Microdistilleries/breweries (beverage production facilities)	1 space per 50 square feet of brew pub or tap/tasting room
57	Mining and quarrying	1 space per 250 square feet of net floor area of office area (for administrative office buildings)
58	Mortuaries	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
59	Moving and storage parcel delivery and express transfer stations	1 space per 2,000 square feet of net floor area

60	Nature education centers	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
62	Places of assembly, neighborhood/community/regional	1 space per 3 persons based on the maximum design capacity of the largest assembly room as permitted by the Centre Region Code Administration
63	Personal service establishments	1 space per 200 square feet of net floor area or 2 spaces per customer chair, whichever is greater
64	Pet care services	3.5 spaces per 1,00 square feet of net floor area
65	Pet stores	1 space per 200 square feet of net floor area
66	Potable water pump station facilities	1 space per facility
67	Printing establishments	1 space per 350 square feet of net floor area
68	Park and outdoor recreational facilities, private	25 spaces per acre associated with facilities designed for a stadium, auditorium, theater, swimming pool, athletic field, and court play plus 1 space per 3 acres of natural space design
69	Park and outdoor recreational facilities, neighborhood/community/regional, public	25 spaces per acre associated with facilities designed for a stadium, auditorium, theater, swimming pool, athletic field, and court play plus 1 space per 3 acres of natural space design
70	Public or private parking garages	N/A
71	Radio and television studios, excluding towers in excess of district maximum height	1 space per 250 square feet of net floor area
72	Recreation facilities for employees, faculty and students	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
73	Retail establishments, agriculture supported	1 space per 500 square feet of sales area (indoor or outdoor)
74	Retail establishments, value added agriculture	1 space per 500 square feet of sales area (indoor or outdoor)
75	Retail establishments, general	1 space per 200 square feet of area used to consummate retail sales
76	Retail, outdoor	1 space per 250 square feet of retail space
77	School, commercial	All schools: 1.5 spaces per classroom plus 1 space

		for every 10 square feet of multipurpose assembly space or 1 space per 25 square feet of classroom square footage, whichever is greater
78	School, public or private	All schools: 1.5 spaces per classroom, plus 1 space for every 10 square feet of multipurpose assembly space or 1 space per 25 square feet of classroom square footage, whichever is greater
79	Self-service storage facilities	1 space per 50 storage spaces, plus 1 space per full-time equivalent employee
80	Solar energy systems (PSES)	1 space per operating/control station
81	Sporting and entertainment arenas and stadiums	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
82	Sports and field complexes	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
83	Storage of passenger vehicles and light trucks	N/A
84	Studios for instruction in music, performing arts and visual media	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
85	Taxi and limousine services	2 spaces per vehicle, plus 1 space per 350 square feet of net floor area of office area (for administrative office buildings)
86	Telecommunications switching facilities	1 space per 2,000 square feet of net floor area
87	Treatment centers	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
88	Tutoring and study centers	1 space per 200 square feet of net floor area
89	Veterinary offices/clinics	1 space per 250 square feet of net floor area
90	Water production facilities	1 space per work vehicle
91	Wholesale distribution, warehouses	1 space per 2,000 square feet of net floor area
92	Wind energy systems	1 space per operating/control station
93	Wineries/tasting facilities	1 space per 50 square feet of tasting room
94	All other commercial and industrial uses	Shall be determined through a parking study provided by the applicant and as per

		recommendation by the Planning Commission
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C. **Parking Lots.** For the purposes of this chapter, parking lots are defined as facilities providing off-street parking space for five or more motor vehicles. All parking lots shall meet the design and maintenance standards specified below. All applications for a zoning permit to use land, in whole or in part, as a parking lot as herein defined shall be accompanied by a minor land development plan as stipulated in this chapter.

§ 22-5C02 Bicycle Parking Regulations.
[Ord. No. 1050, 11/18/2019]

1. Short-term and long-term bicycle parking spaces shall be required for all new development and major renovations.

A. Bicycle Parking Spaces Required.

(1) **Required Number of Bicycle Parking Spaces.** All new development and major renovations shall provide at least the number of short-term and long-term bicycle parking spaces identified in the table in this subsection; however, the number shall not fall below a minimum of two short-term and two long-term bicycle parking spaces, regardless of other provisions herein, except that multifamily dwellings that have individual private garages (or equivalent separate storage space for each unit) are not required to provide any long-term bicycle parking spaces. Where the calculation of total required spaces results in a fractional number, the next highest whole number shall be used. Up to half of the required short-term bicycle parking spaces may be replaced with long-term bicycle parking spaces.

General Use Category	Specific Use	Number of Short-Term Bicycle Parking Spaces Required	Number of Long-Term Bicycle Parking Spaces Required
Residential	Multifamily dwelling; more than 4 units:		
	(a) Without private garage or equivalent separate storage space for each unit:	0.05 spaces per bedroom	0.5 spaces per bedroom
	(b) With individual private garages or equivalent separate storage space for each unit:	0.05 per bedroom	None
Commercial	Office building	1 per each 20,000 square feet of floor area	1 to 1.5 per 10,000 square feet of floor area
	General retail	1 per each 5,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Grocery	1 per each 2,000 square	1 per 10,000 to 12,000

		feet of floor area	square feet of floor area
	Restaurant	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Parking garage	2 spaces	1 per 20 motor vehicle spaces
	Outdoor parking lot	1 per 20 motor vehicle spaces	2 spaces
Civic	Nonassembly cultural (e.g., library, government buildings)	1 per each 8,000 to 10,000 square feet of floor area	1 to 1.5 per each 10 to 20 employees
	Assembly (e.g., places of worship, theaters, stadiums, parks)	Spaces for 2 to 5 percent of maximum expected daily attendance	1 to 1.5 per each 20 employees
	Schools (K through 12)	1 per each 20 students of planned capacity	1 per each 10 to 20 employees and 1 per each 20 students of planned capacity for grades 6 through 12 to
	Colleges and universities	1 per each 10 students of planned capacity	1 per each 10 to 20 employees and 1 per each 10 students of planned capacity or 1 per each 20,000 square feet of floor area, whichever is greater
Industrial	Manufacturing and production, agriculture	2 spaces	1 per 20 employees

§ 22-516 Landscaping.

[Ord. No. 1049, 11/18/2019]

1. Purpose and Intent. The purpose of this section is to provide landscaping requirements which:
 - A. Enhance and promote the aesthetics of the community through seasonal diversity of plantings.
 - B. Protect the public health, safety, and welfare by:
 - (1) Screening and buffering incompatible land uses.
 - (2) Minimizing noise, air, water, dust, and visual pollution.
 - (3) Preserving property values and the character of neighborhoods.
 - (4) Reducing the heat and glare absorbed and radiated by development.
 - (5) Helping control soil erosion.

- (6) Increasing traffic safety.
- (7) Mitigate stormwater runoff on site and improve the water quality through the use of vegetation.
- C. Increase the variety of plant materials used in landscape plans.
- D. Improve the aesthetics of the site through seasonal diversity of plantings.

13. Purpose. Buffer yards are intended to aid the Township of Ferguson in protecting the community character of the Township by separating incompatible uses either within the same zoning district and/or between adjacent zoning districts. The purpose of the buffer yard requirements is to alleviate problems which could be encountered by a single standard. The requirements of this section can reasonably accommodate the characteristics of each site and the range of land uses.

A. All buffer yards shall include:

- (1) A required width of 15 feet;
- (2) A minimum of three canopy trees and four understory trees/evergreen trees per every 100 linear feet of distance along a site's perimeter;
- (3) A minimum of six shrubs per every 100 linear feet of distance along a site's perimeter;
 - (i) Areas less than 100 linear feet and/or fractions thereof are to be landscaped with the corresponding ratio by 100 linear feet, rounded up to the nearest whole plant.
- (4) Planting stock to be used as landscape materials for the buffer yard in question are included in the Township's Official Plant List.
- (5) Village District. Within the required three-foot side yard setback, the Board of Supervisors may approve the use of a fence or wall in place of the buffer yard which would satisfy the buffer yard requirements as defined above. When landscaping is being provided to buffer against a different use group than is on the site, the required plant material must be evenly distributed within each 100-foot section of the buffer area. The even distribution of plantings is intended to screen objectionable views. When landscaping is being provided to buffer against the same use group as exists on the site, the required plant material may be grouped or unevenly distributed within each 100-foot section of the buffer area.
- (6) Corridor Overlay District Flexible Buffer Yard. In addition to the requirements of §27-401, including the buffer yard options set forth in illustrations adopted as part of this chapter and codified at the end of this section, any site located within the Corridor Overlay District shall comply with the following landscaped buffer yard requirements:

- (i.) A minimum ten-foot-wide landscaped strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 1).
- (ii) A berm/earth mound, the top of which is at least two feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed 25% (4:1) for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed 50% (2:1). Berms shall be graded to appear as naturalistic forms not causing any soil erosion problems and planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 2).
- (iii) A six-foot-wide landscaped embankment strip and a minimum three feet grade drop from the required yard area into any adjacent parking lot pavement. The resulting embankment shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings). At least 50% of the required shrubs shall be planted in the top half of the grade drop area (Figure 3).
- (iv) A minimum of a five-foot-wide landscaped strip with a minimum three feet high brick, stone or finished concrete material wall to screen any parking lot. The wall shall be located adjacent to, but entirely outside, the minimum five-foot-wide landscaping strip. The strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 4).
- (v) A minimum twenty-five-foot-wide strip of existing woodlands or tree growth of sufficient trunk diameter or caliper of six inches if preserved between any parking lot or buildings and the corridor street (Figure 5).
- (vi) For display areas consisting of a parking lot that will be used to display products for sale or rent such as cars, trucks, boats and recreational vehicles, the following buffer yard may be used:
 - (a) A landscaped planting strip shall be planted with a minimum of one canopy tree for every 50 feet of frontage along the display parking area. Each tree shall have a landscaped planting bed around its base. In addition, each end of the display area shall include a planting bed/mound which includes one canopy tree and 10 shrubs (Figure 6). As required but this chapter, a certain number of plants shall be planted per 35 linear feet. Within the specified length, the plantings may be staggered and do not have to be planted in a linear fashion.
 - (b) The placement/configuration of mulch shall reflect best practices in horticultural and landscape maintenance standards. Materials must be at a

minimum, two inches of mulch and not create a formation indicative of a mulch volcano.

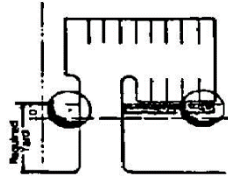


Figure 1

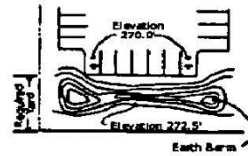


Figure 2

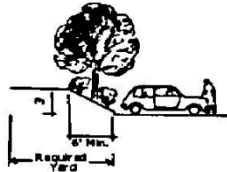


Figure 3

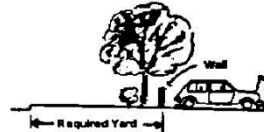


Figure 4

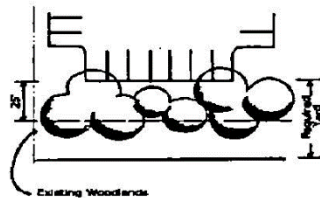


Figure 5

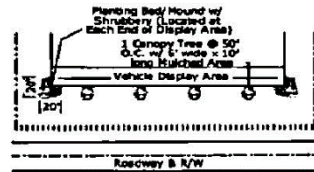


Figure 6

Corridor Overlay District Flexible Buffer Yard

D. Placement of Buffer Yard Width. The landscaped buffer yard area shall be established along the length of, and contiguous to, any lot line or demarcation of land use, such as a leasable area. The width of the area determined from buffer yard of this section shall be measured at right angles to the lot line of the applicant's land development.

§ 27-209.1.I. Yard Requirements.

[Ord. No. 1049, 11/18/2019]

1. No structure shall be placed in the front, side or rear yard setback areas specified for each use, except where specifically permitted below or in other sections of this chapter.
 - I. Where a tract of land zoned Rural Agricultural (RA) is rezoned to a different zoning classification, then a buffer yard of not less than 50 feet in width shall be provided on the rezoned property when that land adjoins land of the Rural Agricultural (RA) Zoning District.
 - (1) This revised buffer shall be applicable to any acreage which currently contains the previously established 200-foot buffer.

(a) Planned Residential Developments (PRD) and Traditional Town Developments (TTD) shall amend the approved master plan for that development in order to modify the buffer location.

(2) No structure, including decks, patios or building additions may encroach in this fifty-foot buffer yard other than the placement of an accessory structure/shed of less than 144 square feet, which is permitted to be located within the buffer and as close as three feet from the property line. Swimming pools shall be prohibited from being located within the fifty-foot buffer yard.

J. Where a tract of land zoned Rural Agricultural (RA) on the effective date of this Part 2, or thereafter, is changed to a different zoning classification, then a buffer yard of not less than 50 feet in width shall be provided on the property which has been rezoned when the rezoned land adjoins land in the (FG) Forest Gameland Zone.

6. Perimeter Requirements.

A. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned residential development, the Board of Supervisors may impose the following requirements:

(1) Structures located within 20 feet of the perimeter of a planned residential development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses.

a. Where tracts of land adjoin land in the Rural Agricultural (RA) Zoning District, then a buffer yard of not less than 50 feet in width shall be provided.

(2) Structures located on the perimeter of the planned residential development must be permanently screened if required by the Board of Supervisors.

B. The above subsections are intended to provide adequate privacy to the proposed structures and uses of the PRD from adjacent incompatible structures or uses.

7. Post Final.

A. In the event that a development plan, or a section thereof, is given final approval and the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors, in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development within such five years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments in Article VI of the Pennsylvania Municipalities Planning Code.

B. No changes may be made in the approved final development plan during the construction of the

planned residential development plan except upon application to the appropriate agency under the procedure provided below.

- (1) Changes in the landscaping, rearrangement of common open space that does not result in total amount of open space being increased or decreased, signage, relocating of lighting and rearrangement of bicycle parking may be approved by the Township after authorization by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(2) All other changes in use, any rearrangement of lots, blocks, building tracts, locating, siting and height of buildings, structures and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the approved final development plan and all other changes must be made by the Board of Supervisors, under the procedures authorized for final plan approval. No amendments may be made to the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Township. § 27-303 Traditional Town Development (TTD). [Ord. No. 1049, 11/18/2019]

3. Site Plans.

A. Land Use Standards.

- (1) Composition of Uses. A variety of uses are required to be provided within a traditional town development. This variety shall be comprised of a combination of the permitted uses as listed below in the percentages required by the diversity provisions of § 27-303.3.B.:

D. Density and Setbacks.

- (1) Standards.

- (e) Fence Heights. Fence heights at the front of residential units and along the side to the front facade of the structure shall not exceed 3.5 feet and, for the balance of the lot, shall not exceed six feet. Piers, fence posts and gateways in the front yard may have a maximum height of five feet, and trellises and similar features may have a maximum height of nine feet. Fence height restrictions on corner lots shall be subject to the preservation of adequate clear sight per § 22-502.G.

**§ 27-304 Terraced Streetscape (TS) District.
[Ord. No. 1049, 11/18/2019]**

2. Use Regulations

C. Lots from .40 Acres, Up to and Including Lots of .99 Acres. The permitted principal uses as set forth in the chapter, subject to the following:

- (1) Any structure that will be located on the corner of a lot that is at least 0.40 acres in size and that involves an intersection with West College Avenue must address both frontages (no blank walls) and be a maximum of 5 feet in height. The structure shall be designed in accordance with the applicable provisions of Chapter 22. The facade of buildings on corner lots may be accentuated by towers, corner building entrances or other

distinctive elements; however, all structures on such lots shall be designed to architecturally enhance the corner location and all effort shall be made to ensure that such structure is a signature building within the district.

E. Conditional Uses. All of the following conditional uses shall be permitted only upon a lot, or combined lots, that total one acre or larger upon approval by the Board of Supervisors:

(5) Structured parking as a stand-alone structure subject to the follow criteria:

(f) Maximum height 5 feet-

3. Height, Area and Bulk Regulations. The following regulations shall be observed for all permitted principal uses:

A. Maximum Height

(2) Lots of 0.40 acres and up with frontage on an arterial street:

(a) By right maximum of 45 feet;

(c) Maximum height of parking structures is 45 feet, not including any underground parking levels.

B. Building Height Incentives

1. If a proposed development is complying with § 27-716, Workforce Housing, the by right maximum height of 45 feet may be increased to accommodate bonus market rate units, not to exceed 55 feet. **[Amended by Ord. No. 1065, 1/4/2021]**

G. Parking Requirements. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.

**§ 27-401 Corridor Overlay District Requirements.
[Ord. No. 1049, 11/18/2019]**

E. Landscaping Requirements to Apply. Any site located within the Corridor Overlay District shall comply with the landscaped buffer yard requirements set forth in Chapter 22. Subdivision and Land Development.

H. Signage. Ground signage in the Corridor Overlay District shall be installed in accordance with Chapter 19 of the Sign Ordinance and applied to all uses. The ground pole shall not exceed 10 feet above grade except that the sign height is permitted to be an additional three feet higher with a landscaped base elevated with each mounding up to three feet tall. The placement of building-mounted signs is

permissible in accordance with the applicable sections of the Sign Ordinance (Chapter 19) for the relevant use.

§ 27-502 Standards for Specific Uses.
[Ord. No. 1049, 11/18/2019]

33. Water Production Facilities. Water production facilities in the vicinity of their potable water wells shall be permitted as a conditional use if the following standards and criteria are met:

- A. An ambient sound-level study is provided and the ambient sound level at all points along the boundary line of the property upon which the water production facility is located shall be no more than 55 decibels (dBA).
- B. A land development plan shall be prepared in accordance with § 22-403. Subdivision and Land Development. An elevation drawing of any structure to be constructed on the property shall be provided as part of the land development plan.

36. Storage of Land Clearing Material. Storage of land clearing material shall be permitted as a conditional use if the following standards and criteria are met:

- A. Applicant shall complete a land development plan;
- B. Paving of access road to the site;
- B. Applicant will comply with applicable zoning district regulations for site design;
- B. Compliance with Chapter 26—Stormwater Management;
- C. Compliance with §22-510—Erosion and Grading Control;
- D. Compliance with §26-305—Erosion and Sedimentation Requirements; and
- E. The proposed use would not store or use hazardous materials on site.

§ 27-702 Slope Controls.
[Ord. No. 1049, 11/18/2019]

1. All land defined herein as having steep slopes shall be subject to the following regulations:

- A. Intent. It is the intent of this section to control the following purposes: 1) to limit erosion and sedimentation, 2) to prevent an increase in the possibilities of landslides and soil subsidence, 3) to maintain adequate foliage cover on hillsides and 4) to protect streams from increases in sediment and pollution.
- B. Permitted Uses. Steep slopes may be used as permitted by the district regulations within which they are located, subject to the additional requirements below.

C. Principles of Development. Where it is necessary to use steep slopes (35% or greater) to permit development of a lot, all such proposals shall, in addition to other applicable regulations of this chapter, be in accordance with the following principles of development. All development on steep slopes shall:

- (1) Be oriented so that grading and other site preparations are kept to an absolute minimum.
- (2) Where grading is essential, shape such grading to complement the natural land form.
- (3) Be staged where necessary to complete construction of each stage during a season so that large areas of disturbed land are not left bare and exposed during the winter-spring runoff period.
- (4) Accomplish all paving as rapidly as possible after grading.
- (5) Allocate to open space and recreation uses those areas least suited to development, as evidenced by competent soils, geology and hydrology investigations.
- (6) Landscape areas around structures to blend them with the natural landscape.
- (7) Take measures to minimize erosion and sedimentation and to limit increases in stormwater runoff in accordance with related regulations of the Township and the Commonwealth of Pennsylvania.

D. Land Development Plan Review. All applications for zoning permits for lot, uses and structures located, in whole or in part, on land with steep slopes shall submit, along with the application, a land development plan as required in the Township Subdivision and Land Development Ordinance. A land development plan is not required for residential dwellings when a zoning permit is issued for lot, uses and structures that are not located directly on the steep sloped portions of the lot and are not within 50 feet of the steep slopes on the lot.

§27-713.8.B. Solar Collectors and Solar-Related Equipment.

B. Building-mounted systems mounted on a flat roof shall not be raised to a height greater than three (3) feet from the roof surface.

§27-717. Bed-and-Breakfast

1. A bed-and-breakfast which contains one to three rooms shall be permitted as an accessory use to an owner-occupied single-family dwelling unit as long as the following requirements are met. Rental or lease of the bed-and-breakfast property for events such as weddings, reunions, parties, business or social gatherings which host 10 or more nonovernight guests is specifically prohibited at these facilities.
 - A. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.
2. A bed-and-breakfast which contains four to 10 rooms shall be permitted as an accessory use to an

owner-occupied single-family dwelling unit in the RA, RR and V Districts as long as the following requirements are met:

- A. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.

§27-718. Regional Park and Outdoor Recreational Facilities.

3. Paving of drive-aisles.

§ 27-719 Short-Term Rentals.
[Ord. No. 1049, 11/18/2019]

1. The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six months of the calendar year and provide certification that the property is the principal place of residence by providing a driver's license, voter registration or other documentation to prove residency.
4. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.
5. Prior to use of a residence as a short-term rental, an applicant shall apply for a permit with the Zoning Administrator and pay the required fee for a permit. The owner shall include a copy of their rental permit from the Centre Region Code Office at the time of application or a completed Rental Permit Application from the Centre Region Code Office. Within 14 days of said application, the Zoning Administrator shall notify the applicant, in writing, of the approval or denial of the permit, and shall state the provisions of this Part 7 with which the application does not comply. Failure of the Zoning Administrator to properly grant or deny a permit in the manner and time period stipulated above shall constitute an approval of the application for the permit, and the residence may be used as a home occupation so long as the use complies with this Part 7.

A. Upon issuance of the short term rental permit, the permit number shall be displayed in the window of the home being rented and the rental permit number shall be included in the advertisements of the short term rental. Failure to properly display the short term rental permit number in either medium will result in a violation of this Part 7.

§ 27-721 Home Occupations.

- I. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.

§ 27-722.1.C Temporary Uses

9. Temporary uses for outdoor retail shall provide off-street parking and maintenance in accordance with the provisions of §22-5C01.

§ 27-723 Mobile Retail Food Facilities.
[Ord. No. 1049, 11/18/2019]

1. General. Mobile retail food facility shall be a permitted use in every zoning district in Ferguson Township under the following conditions:

A. Time Limits.

- (1) This permitted use is for the sale of food and nonalcoholic beverages, between the hours of 6:00 a.m. to 2:00 a.m. in the General Commercial (C), General Industrial (I), and Industrial, Research and Development (IRD) Zoning Districts.
- (2) This permitted use is for the sale of food and nonalcoholic beverages between the hours of 7:00 a.m. to 11:00 p.m. in the Village (V), Terraced Streetscape (TS), and Traditional Town Development (TTD) Zoning Districts.
- (3) In all other zoning districts, mobile food facilities are permitted between the hours of 7:00 a.m. and 7:00 p.m.
1. (4) Mobile food facilities located in neighborhood parks and places of assembly located in residential zoning districts may operate between the hours of 7:00 a.m. and 9:00 p.m. Mobile retail food facilities can be located on a premises for no more than 13 weeks per calendar year.
 - a. Overnight parking of Mobile food facilities in parks is prohibited, unless by special event permit issued by Ferguson Township.

B. Location.

- (1) The mobile food vendor shall first obtain a permit from Ferguson Township's Zoning Administrator prior to selling its products within a Township public right-of-way. Township staff shall be permitted to establish conditions restricting specific streets, location, or time of day as to which products may be sold.
 - (a) The vending of food from a mobile food facility shall be prohibited from the street side of the facility or in a way where customers will be positioned to impede vehicle traffic in a parking lot or roadway, and customers are not permitted on private property.
 - (b) Mobile food facilities are prohibited to operate on the following Township streets:
 1. Blue Course Drive;
 2. Whitehall Road;
 3. West College Avenue;
 4. North Atherton Street, and;
 5. West Aaron Drive.
 - (c) Approval of operating in a Township public right-of-way is site specific. If a new location to operate a mobile food facility is proposed, a new permit shall be issued.

(2) The mobile food vendor may be permitted to sell its products on public property, such as parks, under the following conditions:

(a) The mobile food vendor shall first obtain a permit from Township Staff;

(b) Mobile retail food facility is permitted to operate during hours of park operation, set by Centre Region Parks and Recreation,

(c) Mobile Food vendors are prohibited from operating in the following Parks:

1. The Meadows;

2. Park Hills, and

3. Songbird Sanctuary.

(d) The mobile food vendor shall follow all regulations contained herein and regulations established by resolution.

(3) The mobile retail food facility must be located at least 15 feet from fire hydrants or any other fire department connection.

(4) Mobile retail food facilities shall be prohibited from utilizing or blocking handicapped-accessible parking.

C. Noise. No audio amplification, including, but not limited to, megaphones or speaker systems, shall be permitted as part of the mobile retail food facility operation.

D. Sanitation and Safety.

(1) The mobile food vendor is responsible for the proper disposal of trash and waste associated with the operation. Vendors shall remove trash from their approved locations at the end of each day as needed to maintain the health and safety of the public. No liquid waste or grease is to be disposed of in landscape areas, storm drains, onto sidewalks or streets or other public spaces. Specific plans for disposal of liquids shall be included in the permit application.

(2) The mobile food vendor shall obtain a mobile retail food facility operation zoning permit and applicable health permit; both shall be displayed on the mobile retail food facility. Each person obtaining a zoning permit shall pay all applicable fees set forth in the Township fee schedule. The permit required will be for a period of one year and shall be renewed on an annual basis. Prior to the issuance of a zoning permit, the vendor shall provide evidence of a Pennsylvania Department of Agriculture Bureau of Food and Laboratory Services retail food facility permanent license, or a division of health and neighborhood services permit with facilities plan review and the following:

(a) A plan for refuse and recycling containers.

- (b) Proposed seating (if applicable).
- (c) The mobile retail food facility shall be subject to all code requirements in Chapter **10** (Health and Safety) of the Township Code of Ordinances.
- (3) The mobile food vendor or his/her designees must be present during operating hours, except in the case of emergencies.
- (4) Vehicle registration for all vehicles being used shall be provided as part of the zoning permit application.
- (5) A twenty-four-inch-by-thirty-six-inch sandwich board sign is permitted and shall be located within five feet of the mobile retail food facility. No off-site signs shall be permitted.
- E. If the office for the mobile retail food facility business is located within the owner's home in Ferguson Township, a No-Impact Home-Based Business permit shall be required.
- F. The requirements of this subsection are not subject to the provisions of temporary uses.

§ 27-905 Occupancy Permits.

- 1. Upon completion of the erection, extension or alteration of a structure or the establishment of the use for which a zoning permit was issued, the applicant shall request a final inspection. The structure for which the zoning permit was issued may not be occupied or otherwise used until a final inspection has been completed by the Zoning Administrator.
 - A. Within seven days of request for final inspection, the Zoning Administrator shall inspect the premises to determine if the action taken complies with the regulations of this chapter.

§ 27-1102 **Definitions.**
[Ord. No. 1049, 11/18/2019]

Unless a contrary intention clearly appears, the following words and phrases shall have a meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage as defined in Merriam Webster's Collegiate Dictionary, Eleventh Edition. Definitions found in the Subdivision and Land Development Ordinance (Chapter **22**) shall be applicable to this chapter.

FOOD VENDOR, MOBILE

Any person, firm, corporation, vendor, or operator within the Township engaging in the peddling, selling, or taking orders, either by sample or otherwise, of food items to be used or sold for immediate human consumption, in serving size packages using a mobile unit either in a stationary position on private or public property or in a moving position on public streets. This definition shall apply to any mobile unit who dispenses food items to the public which are prepackaged, or are cooked, prepared and/or assembled and served from within the mobile unit.

RETAIL FOOD FACILITY, MOBILE

Mobile units including food trucks, trailers, stick stands, carts, and other similar structures that are mobile/transitory by design from which food is stored, prepared, processed, distributed, or sold. A Mobile Food Facility is synonymous with the term Retail Food Facility as defined in PA State Regulation, Title 7, Chapter 46, PA Food Code. Ice cream trucks are exempted from this chapter.

LAND CLEARING MATERIAL

Native vegetation from land clearing, grubbing, and excavation, including trees, brush, stumps and vegetative material, that has been removed from the land for agricultural purposes or development projects.

STORAGE OF LAND CLEARING MATERIAL

The storage of native vegetation from land clearing, grubbing, and excavation, including trees, brush, stumps, and vegetative material that has been removed from the land for agricultural purposes or development projects, whether temporary or permanent.

§ 16-107
Centre Region Parks and Recreation Department.
[Ord. 873, 11/20/2006, § 7]

1. In order to provide for equitable use of park facilities, preserve park areas, and facilities, and protect the safety of users of the parks and their facilities, the Director of the Centre Region Parks and Recreation Department shall have the following authority, the enumeration of which shall not restrict the general authority and control of the Director over parks:

- A. To Fix Time. To fix times when the parks or parts thereof shall be open to public use.
- B. To Restrict Use. To designate parks and parts thereof as restricted to the use of certain portions of the public at certain times as the Director sees fit not to adversely limit allowances as provided in the Code of Ordinances.
- C. To Issue Permits. Under uniform conditions to be prescribed by the Director, to issue permits for regulated uses as hereinbefore enumerated.
- D. To Fix, Charge and Collect Fees. To fix, charge and collect such fees and deposits for the use of park areas or facilities or privileges as the Director deems advisable to help defray the expense of the parks and their facilities.

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§ 22-202 Definitions.
[Ord. No. 1050, 11/18/2019]

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LAND DEVELOPMENT

Any of the following activities: 1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; 2) a subdivision of land; or 3) development in accordance with § 503(1.1) of the Municipalities Planning Code, as amended.

1. Land Development, Major—A land development which does not qualify or classify as a minor land development;

2. Land Development, Minor—A development or a parcel of land which contains:

A. Not more than three detached single-family residential structures, whether developed initially or cumulatively on a single lot, as permitted by the Township's Zoning Ordinance. Proposed single-family residential structures that require a land development plan shall be reviewed by Township Staff and included on the consent agenda for the Board of Supervisors to approve or deny the plan.

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a. The following sections are not applicable to Minor Land Development Plans for single-family residential structures:

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i. §22-401.1.C.1.g, and

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ii. §22-401.1.C.1.h,

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B. The construction or alteration of a nonresidential building with a footprint of not more than 1,000

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square feet, whether initially or cumulatively; provided that the construction or alteration does not result in the following:

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(1). Installation of new vehicular access to or from a public right-of way;

(2). Activities that would require the submission of a stormwater management site plan;

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(3). Development within a floodplain or Nolin Soils;

(4). Changes to utility services including new service laterals to increase capacity or provide fire protection;

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(5). Vertical expansions of more than two stories above existing structures; and

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(6). A requirement of additional parking.

C. Conversion of an accessory structure to a residential unit.

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D. The sole construction of a parking lot, as defined in this chapter.

SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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1. Subdivision, Major—Any subdivision which does not qualify or classify as a minor subdivision.

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2. Subdivision, Minor—A subdivision of a parcel of land into not more than three lots, including the existing lot of record, where in each lot has direct access to and fronts upon any public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements. This includes:

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A. Adjustment of lot line between lots where no new lots are created;

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B. Consolidation of lot lines; and

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C. Survey corrections of property lines for townhouses and other attached dwellings after construction when in conformance with the previously recorded plan.

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PARKING, ON-LOT – The number of parking spaces required by Chapter 2227, Subdivision and Land Development Zoning, to be provided off street for each dwelling unit. These spaces are intended to serve the normal daily parking needs of the dwelling unit occupants.

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**§ 22-301 General.
[Ord. No. 1050, 11/18/2019]**

Proposed subdivision and land development plans shall be reviewed by the Township Planning Commission and the Centre County Planning Commission, or its designated agent, and shall be approved or not approved

by the Board of Supervisors in accordance with the procedures specified in this chapter. Following the recommended preapplication conference for sketch plan review, plans may be presented in two stages, preliminary and final, or simultaneously as a preliminary/final plan. If a plan is presented in one stage as a preliminary/final plan, then the plan must meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

1. Fees for Review.

The Supervisors shall establish, by resolution, a schedule of fees for applications for development, for the Township's review of the materials in connection therewith which are to be provided to the Township under the provisions of this chapter including, but not limited to, the payment of fees charged by the Township's professional consultants for their review. Such fee schedule shall be reproduced and made available upon request at the Township Building. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the Supervisors. Any approval for the issuance of any permits under this chapter shall be contingent upon payment of the proper fees as established by the Township's Fee Schedule.

A. Disputed Review Fees. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

B. Review Fee Dispute Resolution. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in the Municipalities Planning Code (MPC) §510(g), 53 P.s. §10510(g).

**§ 22-303 Review of Preliminary Plan.
[Ord. No. 1050, 11/18/2019]**

1. All applications for approval of subdivision and land development plans shall commence with the official submission of a plan and all required supplementary data to the Township Department of Planning and Zoning. All applications for preliminary review of a plan shall be acted upon by the Township within such time limits as established by the Pennsylvania Municipalities Planning Code. At any time during the review process the applicant may substitute an amended plan for that originally submitted solely for the purpose of correcting the original plan to the extent necessary to meet the requirements of this chapter. In the event that the applicant submits an amended plan to the Township, the owner or agent of the subject lot(s) must provide the Township with a written ninety-day time extension in a form to be supplied by the Township to review the plan. The 90 days will be measured from the date the revised plan is submitted to the Township. See § 22-303, Subsection 6D.
2. A plan shall be deemed to have been submitted for preliminary review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:

A. One copy of a completed application for subdivision or land development, plus payment of all application and escrow fees.

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B. ~~Seven~~ black (or blue) on white full-size prints, ~~one~~⁴ eleven-inch-by-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.

C. One digital copy of all submitted documents.

§22-303.6.C.(1) Review of Preliminary Plan.

C. Authority. The Board of Supervisors shall act on all preliminary applications.

(1) Decision Deadline. Not later than 90 days after the official filing date, the Board of Supervisors shall render a decision on the preliminary application. All decisions shall be made at a public meeting.

(2) Extension of Deadline. The applicant may agree in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision.

(3) Actions. The Board of Supervisors shall take on of the following actions:

a. Approve the preliminary application.

b. Approve the preliminary application with conditions.

c. Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Code.

(4) General Standards for Review of Preliminary Applications. The Board of Supervisors shall approve the preliminary application if the preliminary application complies with the standards and regulations set forth in this chapter.

(5) Notification of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to ~~him at his the~~ last-known address not later than 15 days following the decision. If the decision is disapproval, the written notification shall specify all defects in the application and shall cite with section numbers the provisions of this chapter or the Code that have not been satisfied.

(6) Effect of Approval. If the plan receives preliminary approval by the Board of Supervisors ~~and all fees are paid,~~ the action of the Board of Supervisors shall be noted, together with the date of action and signature of the Chairman, ~~and~~ Secretary and Township Engineer, on two copies of the plan. One copy of the plan shall be given to the applicant, while the other copy shall be retained in the Township files. The preliminary plan shall be entitled to the protections afforded by §508(4) of the MPC, 53 P.S. §10508(4). After the signatures are obtained, the applicant may immediately begin to lay out all lots, parcels, blocks, easements, and rights of way, and construct all streets, sanitary-sewage disposal systems, water supply systems, storm drainage facilities, and monuments in accordance with the approved plan, but no parcel or lot may be conveyed or recorded until after final approval of the plan. Any privately owned, off-site easements that shall be approved by others shall be secured by the applicant prior to the filing for final plan approval.

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§ 22-304 Review of Final Plan.
[Ord. No. 1050, 11/18/2019]

1. ~~1.~~ A plan shall be officially submitted to the Township Department of Planning and Zoning for final Township review after all improvements, as defined by this chapter, indicated on the plan receiving preliminary approval have been installed or, in lieu of the completion of the improvements, after deposit with the Township of a corporate bond or other security acceptable to the Board of Supervisors in accordance with this chapter. All plans which have received preliminary approval shall be entitled to final approval in accordance with the terms of the approved preliminary application for a period of five years from the date of the preliminary approval.

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A. A plan shall be deemed to have been submitted for final review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:

(1) Seven black (or blue) on white full-size prints, one eleven-inch-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.

(2) Payment of all application and escrow fees.

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§ 22-306 Minor Subdivision, ~~and~~ Minor Alteration Plan, and Minor Land Development Plan. [Ord. No. 1050, 11/18/2019]

1. Minor Subdivision. Applicants are required to apply for and receive a minor subdivision approval from the Township in accordance with the following criteria:

A. Recommendations and Approvals.

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- (1) A minor subdivision plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.
- (2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor subdivisions.
- (3) The Township staff shall review and forward an application to the Planning Commission regarding minor subdivision. Township staff comment resulting from said review shall accompany the application forwarded.
- (4) The Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding minor subdivision.
- (5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.

B. Conferences. A preapplication conference is highly recommended with the Township prior to the submission of a final application.

C. Applicants are required to provide an escrow fee for plan review and legal opinion of the Township

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2. Minor Alteration Plan.

A. Minor alterations to a previously issued zoning permit may be made by the applicant submitting a revised application and land development plan, if applicable, to the Zoning Administrator for approval.

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B. An alteration to a zoning permit and land development plan, if applicable, shall be considered minor if:

- (1) The building coverage will be increased or decreased by no more than 10%.
- (2) The impervious coverage will be increased by not more than 10%.
- (3) The change in use will not increase the parking requirements.
- (4) The stormwater management controls will not be changed.
- (5) Any motor vehicle access to the property will not be added, deleted, or relocated by more than 50% of its width.
- (6) The location for the construction of proposed structures from an approved plan will not be changed by more than 10% of the ground floor area.
- (7) ~~The landscaping plan will not be changed in more than 10% of the total pervious coverage area.~~ All landscaping alterations are permitted if in compliance with §22-515. Landscaping.
- (8) ~~The changes to the proposed/existing sign(s), include changes in size, shape, height, location, orientation, lighting, or number of signs. A change in sign copy does not require minor alteration approval.~~

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D. ~~An~~ applicant/landowner shall be permitted to file more than one minor alteration plan to a previously issued zoning permit ~~or land development plan~~ based on ~~any of the following~~ subsections of ~~Subsection 2B of § 22-306, 2 B, (3), and (7).~~ More than one minor alteration plan may be filed for a site, but only one for each of the subsections listed.

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3. Minor Land Development Plan

A. A Minor Land Development Plan may be permitted where it can be demonstrated that the initial or cumulative impact of the activity or improvement will not result in the need for plan approvals typically associated with a land development plan approval process. Applicants undertaking a Minor Land Development Plan as defined in §22-202. Definitions, may submit a preliminary/final plan in one stage following a pre-application conference with Township staff, as per §22-302 and in accordance with the following requirements.

(1) A minor land development plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

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(2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor land developments.

(3) Township staff shall review and forward an application to the Planning Commission regarding minor land developments. Township staff comment resulting from said review shall accompany the application forwarded.

(4) Proposed single-family residential structures that require a minor land development plan shall be reviewed by Township staff and included on the consent agenda of the Board of Supervisors to approve or deny the plan.

a. The following sections are not applicable to minor land development plans for single-family residential structures:

i. §22-401.1.C.1.g., and

ii. §22-401.1.C.1.h.

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(4) Planning Commission shall recommend application approval, approval subject to conditions, or denial to the Township Board of Supervisors regarding the minor land development.

(5) The Township Board of Supervisors shall be responsible for approving or denying minor land developments.

(6) Applicants are required to provide an escrow fee for plan review and legal opinion of the Township Solicitor.

**§ 22-401 Preliminary Plan Contents and Review.
[Ord. No. 1050, 11/18/2019]**

1. All plans submitted for preliminary review shall be drawn to a scale of one inch equals 50 feet or larger (one inch equals 50 feet) and contain the following information:

A. Requirements for Subdivision and Land Development Plans.

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(1) General Data.

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(a) Graphic scale.

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(b) Day, month, year plan prepared and revised.

(c) Names of abutting property owners and their deed book and page numbers.

- (d) Key map, at a scale of one inch equals 400 feet, showing streets, roads, buildings and motor vehicle access within 1000 feet from the exterior boundary of the lot.
- (e) The name of the proposed development, the identification by Centre County Tax Map Parcel Number and the name and address of the legal owner of the property (and equitable owner, if any), proof of ownership and the individual or firm preparing the site plan. To the extent that the owner is not an individual or a group of individuals, but rather is an entity, the entity shall be required to disclose the name of all individuals possessing an ownership interest in the entity. The aforesaid disclosure requirement shall not apply to publicly traded corporations nor to entities owned by more than 10 individuals.
- (f) North point (specified as "true" or "magnetic").
- (g) Total size of the property, and each lot and/or area(s) to be leased.
- (h) The proposed use of the property.
- (i) Location of the existing and proposed front, side and rear yard setback area(s) as required by the applicable zoning district.
- (j) A stormwater management site plan as required by Chapter 26, Stormwater Management, of the Code of Ferguson Township.
- (k) Soil erosion and sedimentation control plan in accordance with 25 Pa. Code § 102, Erosion Control.
- (l) A statement of general utility information and information required by Act 172 of 1986, 73 P.S. § 176 et seq., as amended.

~~(m) The location, face area and height of signs as regulated by Chapter 19, Part 1, Sign Regulations.~~

§22-506.1. Water Supply

- 1. All water supply systems shall meet applicable state and/or local water authority/company standards.
 - A. All lots located within the designated water service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to public water authority/company mains when such is feasible and/or permitted by the appropriate water authority/company. All water mains and laterals shall meet the design and installation specifications of said water authority/company.
 - B. Fire hydrants shall be provided in accordance with this section for the protection of buildings or portions of buildings. Fire hydrants shall be provided along required fire apparatus access roads and adjacent to public streets along the route of travel for fire apparatus.
 - C. Existing fire hydrants on public streets may be considered available. Existing fire hydrants on

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adjacent private properties shall not be considered available.

D. One-and two- family dwellings.

1. The minimum fire flow requirements/Minimum fire flow.

a. Lots with front, side, and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater shall be 750 gallons per minute, for developments of one- and two- family dwellings with front, side and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater shall be 750 gallons per minute.

b. Lots with front, side, and rear yard setback requirements of less than 15 feet or building separations of less than 30 feet shall be 1,000 gallons per minute.

2. Fire hydrant spacing.

a. Spacing between fire hydrants shall not exceed ~~600+000~~ feet in developments of one- and two-family dwellings as measured from the center line of the fire apparatus access roads.

b. One- and two-family dwellings may install a National Fire Protection Association (NFPA) 13D Residential Sprinkler System in lieu of being located within ~~1,000~~600 feet of a fire hydrant.

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E. The minimum fire flow requirements for developments of one- and two- family dwellings with any setback requirement of less than 15 feet or building separations less than 30 feet shall be 1,000 gallons per minute. All other types of developments.

1. Minimum fire flow.

a. Requirements for developments of other than one- and two-family dwellings shall be determined by using the Needed Fire Flow Method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).

2. Fire hydrant spacing.

a. Spacing between fire hydrants in all other types of developments shall not exceed 4600 feet as measured from the center line of the fire apparatus access roads.

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F. The minimum fire flow requirements for developments of other than one- and two- family- dwellings shall be determined using the Needed Fire Flow Method described in the Fire- Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).

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G. The spacing between fire hydrants shall not exceed 1,000 feet in developments of one- and two- family dwellings and shall not exceed 600 feet in developments of other development types as- measured along the center line of fire apparatus access roads. With the exception of one- and two-

~~family dwellings, the distance to any building or structure shall not exceed 300 feet.~~

H. If the needed fire flow is not provided in developments served by a community water system, all dwellings and occupied structures shall be provided with an approved automatic fire sprinkler system installed in accordance with the applicable NFPA standard.

(1) Exception. The Fire Chief is authorized to accept a deficiency of up to 10% of the required fire flow where existing fire hydrants provide all or a portion of the required fire flow. (Written notice of the deficiency and approval shall be noted on the plan.)

(2) Exception. Subdivisions and land developments located outside of the regional growth boundary and served by a community water system may utilize water storage systems, as described in § 506, Subsection 2A, to meet the water supply requirements.

§ 22-5A12 Articulation of Facades [Ord. No 1050, 11/18, 2029]

~~1.E. Where buildings of 55 feet or higher are proposed, in addition to articulating their ground floor, articulation of their uppermost floors must occur as well.~~

~~§ 22-5C~~

§ 22-5C01.1 General Regulations.
[Ord. No. 1050, 11/18/2019]

B. Required Off-Street Parking Spaces. All uses and structures shall provide off-street parking spaces in an amount equal to, or greater than, the number listed below. The total number of parking spaces necessary for two or more uses on the same lot shall be the sum of that required for each use unless a shared parking arrangement is provided in accordance with the provisions of Subsection E. Shared parking spaces that are accessible by neighboring properties or uses may be permitted when use of the spaces does not occur during the same daily time period.

(1) Dimensions. Each required off-street parking space shall be at least nine feet wide and 18 feet long if set at an angle to the access aisle or eight feet wide and 24 feet long if parallel to the access aisle.

(2) Number of Computation. In computing the required number of spaces, all fractional numbers more than 1/2 shall be increased to the next highest integer. When computation is based on the number of employees, the number employed during the largest work shift shall be used. For retail and service parking calculations the gross floor area is that portion of the total floor area relegated to use by the customer and employees to consummate retail sales and services, including display areas, but not including office space and storage areas.

Required Off-Street Parking Spaces

Residential Land Uses		Minimum Required Off-Street Parking
1	Single-family detached dwellings	2 spaces per dwelling unit
2	Single-family semidetached dwellings	1.5 spaces per dwelling unit

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3	Single-family attached dwellings	1.5 spaces per dwelling unit
4	2-family dwellings	1.5 spaces per dwelling unit
5	Multifamily dwellings	1.5 spaces per dwelling unit
6	Mobile home parks	2 spaces per dwelling unit
7	Model homes	2 spaces per dwelling unit
8	Seasonal dwellings	2 spaces per dwelling unit
<u>9</u>	<u>Short-Term Rental</u>	<u>1 Space per bedroom for rent</u>
10 9	Retirement communities	1.5 spaces per dwelling unit
10 11	Assisted living facilities	1 space per rooming unit
11 12	Nursing and other convalescent homes	1 space per rooming unit
12 13	Personal care homes, large small	1 space per rooming unit
13 14	Group homes	1 space per rooming unit
14 15	Home-based businesses, no impact (including farm-based businesses, no impact)	Base requirement for the applicable dwelling
15 16	Home occupations	1 space per employee

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Required Off-Street Parking Spaces

Nonresidential Land Uses		Minimum Required Off-Street Parking
1	Administrative office buildings (associated with other uses)	1 space per 250 square feet of net floor area
2	Adult business uses	1 space per 500 square feet of net floor area
3	Agriculture	N/A
4	Agriculture/environmental education program	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
5	Amusement arcades	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
6	Any use owned or managed by the Pennsylvania Department of Conservation and	N/A

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	Natural Resources (PA DCNR) or the Commonwealth Game Commission	
7	Archery and shooting ranges, indoor/outdoor	1 space per target stand or shooting station
8	Archival libraries	1 space per 750 square feet of net floor area
9	Auto wrecking, junk and scrap establishments	1 space per 5,000 square feet of indoor/outdoor storage area plus ratio associated with administrative office buildings, as applicable
10	Automobile service stations and garage	1 space per pump plus 6 spaces per repair/service bay plus ratio associated with convenience food stores as applicable
11	Banks and financial establishments	1 space per 250 square feet of net floor area
12	Bed-and-Breakfast	1.2 spaces per rooming unit
13	Bird and wildlife sanctuaries/fish hatcheries	N/A
14	Bus passenger stations	1 space per 220 square feet of net floor area or lot area sufficient to support program
15	Business, professional, and financial offices	1 space per 250 square feet of net floor area
16	Camping grounds	2 spaces per 1 campsite
17	Car washes	4 spaces per wash/detail bay and 1 space per vacuum unit
18	Cideries	1 space per 250 square feet of net floor area
19	Cigar, hookah and/or vapor lounges	1 space per 50 square feet of net floor area
20	Cemeteries	1 space per 350 square feet of indoor gathering space
21	Child/day-care centers	1 space per 350 square feet of net floor area
22	Clinics and medical/dental Offices	1 space per 250 square feet of net floor area
23	Commercial hunting preserves	N/A
24	Communications facilities	1 space per building

25	Communication towers	1 space per tower
26	Community Gardens	1 space per 10 garden plots
27	Conservation areas	1 space per full-time equivalent employee
28	Convenience food stores	1 space per 200 square feet of net floor area
29	Country Clubs	1 space per 4 seats/persons; based upon the largest maximum occupancy of a gathering room/space as permitted by the Centre Regional Code Administration
30	Day and overnight camping	N/A
31	Eating and drinking establishments, sit-down	1 space per 50 square feet of indoor seating area plus 1 space per 100 square feet of outside seating area
32	Eating and drinking establishments, takeout	1 space per 100 square feet of floor area for seating, standing, and waiting
33	Emergency Services	2 spaces per service vehicle + 1 space per 350 square feet of net floor area
34	Equestrian facilities/horse riding stables/riding academies	1 space per 2 stalls plus 1 space per 4 persons based on maximum design capacity as permitted by the Centre Region Code Administration
35	Essential services	1 space per employee plus 1 space per 2,500 square feet of net floor area
36	Exhibit halls and museum	1 space per 500 square feet of net floor area plus 1 space for buses/vans of 10-plus occupants per 2,000 square feet of net floor area
37	Farm cafes	1 space per 50 square feet of net indoor floor area plus 1 space per 100 square feet of outdoor seating area
38	Farm Markets	1 space per 200 square feet of sales area (indoor or outdoor)
39	Food catering	1 space per 400 square feet of net floor area

40	Forestry	N/A
41	Freight and Trucking Terminals	1 space per 200 square feet of net floor area
42	General Natural Resource Research	1 space per 500 square feet of net floor area
43	General Storage to include Boats and RV's	N/A
44	General weather, radio and satellite research	1 space per 500 square feet of net floor area
45	Golf courses	10 spaces per golf hole
46	Grocery Stores	1 space per 200 square feet of net floor area
47	Health and athletic clubs	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
48	Hotels and Motels	1.2 spaces per rooms
49	Incinerators	1 space per work vehicle
50	Kennels	1 space per 250 square feet of net floor area of office area plus 1 space per 4 animal holding areas
51	Landscape and garden centers, nonretail	1 space per 10,000 square feet of growing area
52	Landscape and garden centers, retail	1 space per 250 square feet of indoor and/or outdoor sales area
53	Laundromats	1 space per 250 square feet of net floor area
54	Manufacturing, processing or bulk storage of natural gas	1 space per work vehicle
55	Medical marijuana dispensaries	4 spaces per pharmacist or physician
56	Microdistilleries/breweries (beverage production facilities)	1 space per 50 square feet of brew pub or tap/tasting room
57	Mining and quarrying	1 space per 250 square feet of net floor area of office area (for administrative office buildings)
58	Mortuaries	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration

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59	Moving and storage parcel delivery and express transfer stations	1 space per 2,000 square feet of net floor area
60	Nature education centers	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
62	Places of assembly, neighborhood/community/regional	1 space per 3 persons based on the maximum design capacity of the largest assembly room as permitted by the Centre Region Code Administration
63	Personal service establishments	1 space per 200 square feet of net floor area or 2 spaces per customer chair, whichever is greater
64	Pet care services	3.5 spaces per 1,00 square feet of net floor area
65	Pet stores	1 space per 200 square feet of net floor area
66	Potable water pump station facilities	1 space per facility
67	Printing establishments	1 space per 350 square feet of net floor area
68	Park and outdoor recreational facilities, private	25 spaces per acre associated with facilities designed for a stadium, auditorium, theater, swimming pool, athletic field, and court play plus 1 space per 3 acres of natural space design
<u>69</u>	Park and outdoor recreational facilities, neighborhood/community/regional, public	25 spaces per acre associated with facilities designed for a stadium, auditorium, theater, swimming pool, athletic field, and court play plus 1 space per 3 acres of natural space design
<u>70</u>	Public or private parking garages	<u>N/A</u>
<u>71</u>	Radio and television studios, excluding towers in excess of district maximum height	1 space per 250 square feet of net floor area
<u>72</u>	Recreation facilities for employees, faculty and students	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
<u>73</u>	Retail establishments, agriculture supported	1 space per 500 square feet of sales area (indoor or outdoor)

74	Retail establishments, value added agriculture	1 space per 500 square feet of sales area (indoor or outdoor)
75	Retail establishments, general	1 space per 200 square feet of area used to consummate retail sales
76	Retail, outdoor	1 space per 250 square feet of retail space
77	School, commercial	All schools: 1.5 spaces per classroom plus 1 space for every 10 square feet of multipurpose assembly space or 1 space per 25 square feet of classroom square footage, whichever is greater
78	School, public or private	All schools: 1.5 spaces per classroom, plus 1 space for every 10 square feet of multipurpose assembly space or 1 space per 25 square feet of classroom square footage, whichever is greater
79	Self-service storage facilities	1 space per 50 storage spaces, plus 1 space per full-time equivalent employee
80	Solar energy systems (PSES)	1 space per operating/control station
81	Sporting and entertainment arenas and stadiums	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
82	Sports and field complexes	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
83	Storage of passenger vehicles and light trucks	N/A
84	Studios for instruction in music, performing arts and visual media	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
85	Taxi and limousine services	2 spaces per vehicle, plus 1 space per 350 square feet of net floor area of office area (for administrative office buildings)
86	Telecommunications switching facilities	1 space per 2,000 square feet of net floor area
87	Treatment centers	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration

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<u>88</u>	Tutoring and study centers	1 space per 200 square feet of net floor area
<u>89</u>	Veterinary offices/clinics	1 space per 250 square feet of net floor area
<u>90</u>	Water production facilities	1 space per work vehicle
<u>91</u>	Wholesale distribution, warehouses	1 space per 2,000 square feet of net floor area
<u>92</u>	Wind energy systems	1 space per operating/control station
<u>93</u>	Wineries/tasting facilities	1 space per 50 square feet of tasting room
<u>94</u>	All other commercial and industrial uses	Shall be determined through a parking study provided by the applicant and as per recommendation by the Planning Commission

C. Parking Lots. For the purposes of this chapter, parking lots are defined as facilities providing off-street parking space for five or more motor vehicles. All parking lots shall meet the design and maintenance standards specified below. All applications for a zoning permit to use land, in whole or in part, as a parking lot as herein defined shall be accompanied by a minor land development plan as stipulated in this chapter.

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§ 22-5C02 Bicycle Parking Regulations.
[Ord. No. 1050, 11/18/2019]

1. Short-term and long-term bicycle parking spaces shall be required for all new development and major renovations.

A. Bicycle Parking Spaces Required.

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(1) Required Number of Bicycle Parking Spaces. All new development and major renovations shall provide at least the number of short-term and long-term bicycle parking spaces identified in the table in this subsection; however, the number shall not fall below a minimum of two short-term and two long-term bicycle parking spaces, regardless of other provisions herein, except that multifamily dwellings that have individual private garages (or equivalent separate storage space for each unit) are not required to provide any long-term bicycle parking spaces. Where the calculation of total required spaces results in a fractional number, the next highest whole number shall be used. Up to half of the required short-term bicycle parking spaces may be replaced with long-term bicycle parking spaces.

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General Use Category	Specific Use	Number of Short-Term Bicycle Parking Spaces Required	Number of Long-Term Bicycle Parking Spaces Required
Residential	Multifamily dwelling; more than 4 units:		
	(a) Without private garage or equivalent separate storage space for each unit:	0.05 spaces per bedroom or 1 per 20 units	0.5 spaces per bedroom or 1 to 4 per 4 units
	(b) With individual private garages or equivalent separate storage space for each unit:	0.05 per bedroom or 1 per 20 units	None
Commercial	Office building	1 per each 20,000 square feet of floor area	1 to 1.5 per 10,000 square feet of floor area
	General retail	1 per each 5,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Grocery	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Restaurant	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Parking garage	2 spaces	1 per 20 motor vehicle spaces
	Outdoor parking lot	1 per 20 motor vehicle spaces	2 spaces
Civic	Nonassembly cultural (e.g., library, government buildings)	1 per each 8,000 to 10,000 square feet of floor area	1 to 1.5 per each 10 to 20 employees
	Assembly (e.g., places of worship, theaters, stadiums, parks)	Spaces for 2 to 5 percent of maximum expected daily attendance	1 to 1.5 per each 20 employees
	Schools (K through 12)	1 per each 20 students of planned capacity	1 per each 10 to 20 employees and 1 per each 20 students of planned capacity for grades 6 through 12 to
	Colleges and universities	1 per each 10 students of planned capacity	1 per each 10 to 20 employees and 1 per each 10 students of planned capacity or 1 per each 20,000 square feet of floor area, whichever is greater
Industrial	Manufacturing and production, agriculture	2 spaces	1 per 20 employees

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~~§ 27-707-22-516 Landscaping.~~
~~[Ord. No. 1049, 11/18/2019]~~

1. Purpose and Intent. The purpose of this section is to provide landscaping requirements which:

- A. Enhance and promote the ~~image aesthetics~~ of the community ~~through seasonal diversity of plantings.~~
- B. Protect the public health, ~~safety~~ and welfare by:
 - (1) Screening and buffering incompatible land uses.
 - (2) Minimizing noise, air, water, ~~dust~~, and visual pollution.
 - (3) Preserving property values and the character of neighborhoods.
 - (4) Reducing the heat and glare absorbed and radiated by development.
 - (5) Helping control soil erosion.
 - (6) Increasing traffic safety.
 - (7) Mitigate stormwater runoff on site and improv~~ing~~ the ~~water~~ quality ~~of this water~~ through the use of vegetation.
- C. Increase the variety of plant materials used in landscape plans.
- D. Improve the aesthetics of the site through seasonal diversity of plantings.

~~9. Preservation of Existing Vegetation. Existing site vegetative tree growth of four inches trunk diameter or larger is encouraged.~~

~~13. Purpose. Flexible b~~Buffer yards are intended to aid the Township of Ferguson in protecting the community character of the Township by separating incompatible uses either within the same zoning district and/or between adjacent zoning districts. The purpose of the ~~flexible~~ buffer yard requirements is to alleviate problems which could be encountered by a single standard. The requirements of this section can reasonably accommodate the characteristics of each site and the range of land uses.

~~(2) Procedure. The following procedure shall be used to determine the type of buffer yard required between two uses located on separate but abutting parcels:~~

~~(a) Step One. Identify the land use classification of the proposed use and of all existing uses located on separate adjoining lots by referring to the land use intensity classification chart as follows:~~

Land Use Intensity Classification Chart	
Group I	
Agricultural	

Land Use Intensity Classification Chart

Single family detached residential use(s)
Nonagricultural residential lot
Stormwater detention basin
Group II
Townhouses, multifamily housing, duplexes, quadplexes
Neighborhood civic, business or faith based place of assembly
Community civic, business or faith based place of assembly
Group III
All uses not identified in Group I or II

~~(b) Step Two. Determine the buffer yard required between uses by referring to the following:~~

~~A. All B~~buffer yards shall include:

~~(1)-A~~ required width of 15 feet;

~~(2)-and A~~ minimum of three canopy trees and four understory trees/evergreen trees per every 100 linear feet of distance along a site's perimeter;

~~(3) A minimum of six shrubs per every 100 linear feet of distance along a site's perimeter;~~

~~(i)-~~Areas less than 100 linear feet and/or fractions thereof are to be landscaped with the corresponding ratio by 100 linear feet, rounded up to the nearest whole plant.

~~(4) Planting stock to be used as landscape materials for the buffer yard in question are included in the Township's Official Plant List.~~

~~(5) Village District.~~ Within the required three-foot side yard setback ~~of the Village District only,~~ the Board of Supervisors may approve the use of a fence or wall in place of the buffer yard which would satisfy the buffer yard requirements as defined above. When landscaping is being provided to buffer against a different use group than is on the site, the required plant material must be evenly distributed within each 100-foot section of the buffer area. The even distribution of plantings is intended to screen objectionable views. When landscaping is being provided to buffer against the same use group as exists on the site, the required plant material may be grouped or unevenly distributed within each 100-foot section of the buffer area.

~~(6) Corridor Overlay District Flexible Buffer Yard. In addition to the requirements of §27-401, including the buffer yard options set forth in illustrations adopted as part of this chapter and codified at the end of this section, any site located within the Corridor Overlay District shall comply with the following landscaped buffer yard requirements:~~

~~(i.) A minimum ten-foot-wide landscaped strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 1).~~

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(ii) A berm/earth mound, the top of which is at least two feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed 25% (4:1) for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed 50% (2:1). Berms shall be graded to appear as naturalistic forms not causing any soil erosion problems and planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 2).

(iii) A six-foot-wide landscaped embankment strip and a minimum three feet grade drop from the required yard area into any adjacent parking lot pavement. The resulting embankment shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings). At least 50% of the required shrubs shall be planted in the top half of the grade drop area (Figure 3).

(iv) A minimum of a five-foot-wide landscaped strip with a minimum three feet high brick, stone or finished concrete material wall to screen any parking lot. The wall shall be located adjacent to, but entirely outside, the minimum five-foot-wide landscaping strip. The strip shall be planted with a minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 4).

(v) A minimum twenty-five-foot-wide strip of existing woodlands or tree growth of sufficient trunk diameter or caliper of six inches if preserved between any parking lot or buildings and the corridor street (Figure 5).

(vi) For display areas consisting of a parking lot that will be used to display products for sale or rent such as cars, trucks, boats and recreational vehicles, the following buffer yard may be used:

(a) A landscaped planting strip shall be planted with a minimum of one canopy tree for every 50 feet of frontage along the display parking area. Each tree shall have a landscaped planting bed around its base. In addition, each end of the display area shall include a planting bed/mound which includes one canopy tree and 10 shrubs (Figure 6). As required but this chapter, a certain number of plants shall be planted per 35 linear feet. Within the specified length, the plantings may be staggered and do not have to be planted in a linear fashion.

(b) The placement/configuration of mulch shall reflect best practices in horticultural and landscape maintenance standards. Materials must be at a minimum, two inches of mulch and not create a formation indicative of a mulch volcano.

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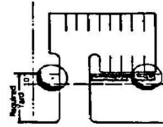


Figure 1

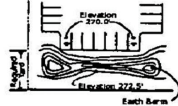


Figure 2

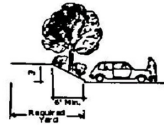


Figure 3



Figure 4

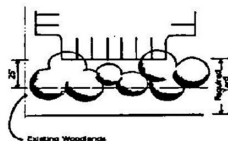


Figure 5

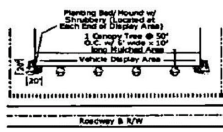


Figure 6

Corridor Overlay District Flexible Buffer Yard

~~(e) Step Three. Determine the planting stock to be used as landscape materials for the buffer yard in question by referring to the Township's official plant list.~~

D. Placement of Buffer Yard Width. The landscaped buffer yard area shall be established along the length of, and contiguous to, any lot line or demarcation of land use, such as a leasable area. The width of the area determined from buffer yard of this section shall be measured at right angles to the lot line of the applicant's land development.

§ 27-209.1.I. Yard Requirements.
[Ord. No. 1049, 11/18/2019]

1. No structure shall be placed in the front, side or rear yard setback areas specified for each use, except where specifically permitted below or in other sections of this chapter.
 - I. Where a tract of land zoned ~~R~~rural ~~A~~gricultural (RA) on the effective date of this Part 2, or thereafter, is rezoned changed to a different zoning classification, then a buffer yard of not less than 50 feet in width shall be provided on the rezoned property which has been rezoned when the rezoned that land adjoins land of ~~or~~ the RA-Rural Agricultural (RA) Zoning District.
 - (1) This revised buffer shall also be applicable to any acreage which currently contains the previously established 200-foot buffer, ~~and for which a final subdivision or land~~

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~~development plan is approved after the effective date of this Part 2.~~

~~(a) The approval of such reduction in the buffer area for any lot shall be contingent upon the agreement of all property owners within the specific section or phase of development of which the lot is a part. Any final plan submitted must therefore include all such lots. (a) Planned Residential Developments (PRD) and Traditional Town Developments (TTD) shall amend the approved master plan for that development in order to modify the buffer location.~~

~~(b) Acreage subject to the buffer but not previously designated as a phase of an existing development will require amendment of the approved master plan for that development in order to modify the existing buffer location.~~

(2) No structure, including decks, patios or building additions may encroach in this fifty-foot buffer yard other than the placement of an accessory structure/shed of less than 144 square feet, which is permitted to be located within the buffer and as close as three feet from the property line. Swimming pools shall be prohibited from being located within the fifty-foot buffer yard.

~~(3) To ensure clear distinction between the land in the RA Zone and the land zoned for development, the Board may require that the developer of the nonagricultural land install either fencing or landscaping along the entire length of the shared boundary with the RA-zoned lands in addition to the establishment of the fifty-foot buffer.~~

~~(a) Where a landscaped buffer is required by the Board, such landscaping will be required to meet the requirements of either the fifteen-foot buffer yard "B" or the thirty-foot buffer yard "D." Once installed, this landscaping may not be removed at any time by the present or future owner(s) of the nonfarm lots. These owners will be responsible in perpetuity for the continued maintenance and replacement of the landscaping material located on their property.~~

~~(b) At the discretion of the Board, the developer may be responsible for the installation of a six-foot fence in lieu of the above landscaping requirement. Such fencing shall be installed along the entire length of the shared boundary with the RA-zoned lands. The fencing may not be chain-link and may not be removed at any time by the present or future owner(s) of the nonfarm lots. In addition, unless a homeowners' association is established, the individual lot owners will be responsible in perpetuity for the continued maintenance and if necessary, the replacement of that portion of the fence on their property.~~

J. Where a tract of land zoned Rural Agricultural (RA) on the effective date of this Part 2, or thereafter, is changed to a different zoning classification, then a buffer yard of not less than ~~200~~ 50 feet in width shall be provided on the property which has been rezoned when the rezoned land adjoins land in the (FG) Forest Gameland Zone.

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6. Perimeter Requirements.

A. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned residential development, the Board of Supervisors may impose the following requirements:

(1) Structures located within 20 feet of the perimeter of a planned residential development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses.

a. Where tracts of land adjoin land in the Rural Agricultural (RA) Zoning District, then a buffer yard of not less than 50 feet in width shall be provided.

(2) Structures located on the perimeter of the planned residential development must be permanently screened if required by the Board of Supervisors.

B. The above subsections are intended to provide adequate privacy to the proposed structures and uses of the PRD from adjacent incompatible structures or uses.

7. Post Final.

A. In the event that a development plan, or a section thereof, is given final approval and the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors, in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development within such five years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments in Article VI of the Pennsylvania Municipalities Planning Code.

B. No changes may be made in the approved final development plan during the construction of the planned residential development plan except upon application to the appropriate agency under the procedure provided below.

(1) Minor eChanges in the landscaping, rearrangement of common open space that does not result in total amount of open space being increased or decreased, signage, relocating of lighting and rearrangement of bicycle parking locating, siting and height of buildings, structures and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the finally approved plan to follow the Township's lot consolidation procedure may be approved by the Township after authorization by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(2) All other changes in use, any rearrangement of lots, blocks, and building tracts, locating, siting and height of buildings, structures and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the approved final development plan, any changes in the provision of common open spaces, and all other changes in the approved final development plan must be

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made by the Board of Supervisors, under the procedures authorized for final plan approval. No amendments may be made to the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Township.

**§ 27-303 Traditional Town Development (TTD).
[Ord. No. 1049, 11/18/2019]**

3. Site Plans.

A. Land Use Standards.

(1) Composition of Uses. A variety of uses are required to be provided within a traditional town development. This variety shall be comprised of a combination of the permitted uses as listed below in the percentages required by the diversity provisions of § ~~27-303, Subsection 1C(2);~~27-303.3.B.:

D. Density and Setbacks.

(1) Standards.

(e) Fence Heights. Fence heights at the front of residential units and along the side to the front facade of the structure shall not exceed 3.5 feet and, for the balance of the lot, shall not exceed six feet. Piers, fence posts and gateways in the front yard may have a maximum height of five feet, and trellises and similar features may have a maximum height of nine feet. Fence height restrictions on corner lots shall be subject to the preservation of adequate clear sight per § ~~27-206, Subsection 1E;~~ 22-502.G.

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**§ 27-304 Terraced Streetscape (TS) District.
[Ord. No. 1049, 11/18/2019]**

2. ~~2.~~ Use Regulations

C. ~~C.~~ Lots from .40 Acres, Up to and Including Lots of .99 Acres. The permitted principal uses as set forth in the chapter, subject to the following:

~~(1)~~ Any structure that will be located on the corner of a lot that is at least 0.40 acres in size and that involves an intersection with West College Avenue must address both frontages (no blank walls) and be a maximum of ~~54~~5 feet in height. The structure shall be designed in accordance with the applicable provisions of Chapter 22. The facade of buildings on corner lots may be accentuated by towers, corner building entrances or other distinctive elements; however, all structures on such lots shall be designed to architecturally enhance the corner location and all effort shall be made to ensure that such structure is a signature building within the district.

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E. ~~E.~~ Conditional Uses. All of the following conditional uses shall be permitted only upon a lot, or combined lots, that total one acre or larger upon approval by the Board of Supervisors:

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(5) Structured parking as a stand-alone structure subject to the follow criteria:

~~(f) Maximum height 45 feet. Fifteen feet may be added through the use of incentives as specified in § 27-304, Subsection 3A(2)(e) below.~~

~~(6) Structures (other than parking structures) above 55 feet subject to the follow criteria:~~

~~(a) The structure does not exceed 45 feet in height, including all rooftop appurtenances other than solar panels or rooftop wind energy conversion systems.~~

~~(b) The appearance of any portion of the facade between 30 feet and 45 feet is distinguished from the facade treatment/material of the portion of the structure below 30 feet per the design requirements in Chapter 22.~~

~~(c) Any vertical mixed-use structure that contains more than two floors devoted to residential units must provide full-time, on-site management.~~

~~(d) The application of sufficient incentives from § 27-304, subsection 3B, below to reach a height above the permitted 45 feet.~~

3. Height, Area and Bulk Regulations. The following regulations shall be observed for all permitted principal uses:

A. Maximum Height

(2) Lots of 0.40 acres and up with frontage on an arterial street:

(a) By right maximum of ~~55~~ 45 feet;

~~(b) Additional height up to 55 feet for lots of at least one acre may be obtained through the use of incentives set forth in § 27-304, subsection 3B; use of any incentive(s) other than Subsection 3B retains the requirement to obtain conditional use approval.~~

(c) Maximum height of parking structures is ~~60~~ 45 feet, not including any underground parking levels. Additional height of up to 15 feet may be added specifically to this use if a minimum of 50% of the roof is planted as a green roof or roof garden, or if a wind energy conversion system and/or solar panels are placed on the roof and provide energy for the parking structure and/or adjacent structures.

~~(d) Minimum height of all structures on lots up to and including 0.39 and any lots of this size other than corner lots which are subject to Subsection 2C(1) above: A street wall at least two stories or 30 feet in height (whichever is greater) shall be maintained for a minimum of 65% of the length of the lot frontage through placement of the principal structure or extension of its facade with an appropriate architectural element.~~

B. Building Height Incentives

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~~1. If a shared parking facility is provided or used to accommodate the use(s) on the lot, an additional 10 feet may be added to the permitted maximum.~~

~~2. If structured parking is provided to accommodate the use(s) on the lot and provides space for use by others, an additional 20 feet may be added to the permitted maximum without the need to obtain conditional use approval.~~

~~3. If a proposed development is complying with § 27-716, Workforce Housing, the by right maximum height of 45 feet may be increased to accommodate bonus market rate units, not to exceed 65-55 feet.~~
[Amended by Ord. No. 1065, 1/4/2021]

~~4. If 15% of the total residential units in a vertical mixed-use building are established and maintained as age-restricted units, an additional 20 feet may be added to the permitted maximum.~~

~~G. Parking Requirements. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.~~

~~The regulations set forth herein are intended to apply within the TS District and may differ from the provisions of Chapter 22.~~

~~1. The required parking may be met through the use of on-site, off-site, and remote or structured parking, or any combination thereof.~~

~~2. When an on-site surface parking area is proposed, it shall be located underneath or to the side or rear of the structure(s) it is intended to serve and shall have vehicular access from the side or rear of the lot. On-site parking in the front yard is specifically prohibited.~~

~~3. When surface parking is located to the side of a structure, it must be set back from the sidewalk edges a minimum of 10 feet. This additional setback shall be used to accommodate screening composed of a low architectural wall, masonry piers, fencing, or a combination thereof, and a continuous four-foot high (at time of planting) shrub hedge that screens the parking and defines the sidewalk edge. Additional deciduous and evergreen trees may be used to supplement the required plantings.~~

~~4. Surface parking located to the side of a structure may not extend to a side street. The corner lots are subject to the use and yard requirements as stipulated above.~~

~~5. The maximum number of permitted spaces in an on-site surface parking lot is 30. However, if acceptable pervious paving is used for the entire parking area, this number may be increased to 45.~~

~~6. Parking areas shall be designed so as to optimize the potential to serve more than one building or more than one use on a site or adjoining sites as long as the location and design remain consistent with the other criteria of this section.~~

~~7. To be counted toward the minimum number of required spaces, off-site parking must be located within two blocks or 1/4 mile of the main entrance to the use that requires the spaces. If the off-site spaces are not in a publicly owned and operated parking structure, documentation of the reservation of such spaces for each use must be provided in the form of a shared parking agreement.~~

~~8. Residential parking within the TS District shall be provided at the rate of 1.0 space for each studio or one-bedroom unit and 1.5 spaces for each unit that is two bedrooms or larger, subject to the following.~~

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criteria:

~~a. To utilize this parking standard, all surface parking on the site shall be priced separately from the cost of the unit. Such fee structure would not be applicable to the use of driveways, attached garages, or underground and understructure parking spaces on site but would be applicable to the use of off site parking spaces in a structured parking facility.~~

~~b. The use of incentives cannot reduce this required parking ratio.~~

~~9. Parking for nonresidential uses within the TS District shall be provided at the rate of 1/500 square feet, subject to the following criteria:~~

- ~~— Where shared parking can be arranged, the amount of required parking shall be dictated in accordance with the provisions of the ULI Shared Parking Handbook, Second Edition (2005).~~
- ~~— Where either on or off site shared parking is utilized, an agreement establishing the rights to use of the spaces shall be prepared, submitted and, upon approval by the Township, recorded.~~
- ~~— Additional reductions may be considered through the use of incentives as listed elsewhere in this section.~~

~~10. Every nonresidential use with a floor area of 10,000 square feet or more must provide a loading/unloading area. Curbside deliveries are permitted so long as they do not block travel lanes.~~

~~11. All uses shall provide bicycle parking accommodations on site. See § 22-502, Subsection 2.~~

~~12. All egress from a parking area shall be designed so that motor vehicles leaving the parking area will enter the public street traveling in a forward direction.~~

~~13. All surface parking lots must be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as enhance the environment and ecology of the site and surrounding area. At a minimum, all surface parking areas shall be landscaped in accordance with the provisions of § 27-707, Subsection 14B and C and shall demonstrate that a minimum of 5% of the internal surface parking area has been devoted to landscaping area.~~

~~14. Surface parking space dimensions shall be in accordance with the provisions of § 27-601.~~

~~G. Parking Requirements:~~

~~(11) All uses shall provide bicycle parking accommodations on site. See § 22-5C02 District and may differ from the provisions of Chapter 22.~~

~~§ 27-401 Corridor Overlay District Requirements.
[Ord. No. 1049, 11/18/2019]~~

~~E. Landscaping Requirements to Apply. Any site located within the Corridor Overlay District shall comply with the landscaped buffer yard requirements set forth in this Chapter 22, Subdivision and~~

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Land Development.

H. Signage. Ground signage in the Corridor Overlay District shall be installed in accordance with Chapter 19§19-111.2 of the Sign Ordinance and applied to all uses. The ground pole shall not exceed 10 feet above grade except that the sign height is permitted to be an additional three feet higher with a landscaped base elevated with each mounding up to three feet tall. The placement of building-mounted signs is permissible in accordance with the applicable sections of the Sign Ordinance (Chapter 19) for the relevant use.

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§ 27-502 Standards for Specific Uses.

[Ord. No. 1049, 11/18/2019]

33. Water Production Facilities. Water production facilities in the vicinity of their potable water wells shall be permitted as a conditional use if the following standards and criteria are met:

- A. An ambient sound-level study is provided and the ambient sound level at all points along the boundary line of the property upon which the water production facility is located shall be no more than 55 decibels (dBA).
- B. A land development plan shall be prepared in accordance with § 22-403. Subdivision and Land Development~~27-1003 of this chapter~~. An elevation drawing of any structure to be constructed on the property shall be provided as part of the land development plan.

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36. Storage of Land Clearing Material. Storage of land clearing material shall be permitted as a conditional use if the following standards and criteria are met:

A. Applicant shall complete a land development plan;

B. Paving of access road to the site;

B. Applicant will comply with applicable zoning district regulations for site design;

B. Compliance with Chapter 26—Stormwater Management;

C. Compliance with §22-510—Erosion and Grading Control;

D. Compliance with §26-305—Erosion and Sedimentation Requirements; and

E. The proposed use would not store or use hazardous materials on site.

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§ 27-702 Slope Controls.

[Ord. No. 1049, 11/18/2019]

1. All land defined herein as having steep slopes shall be subject to the following regulations:

- A. Intent. It is the intent of this section to control the following purposes: 1) to limit erosion and sedimentation, 2) to prevent an increase in the possibilities of landslides and soil subsidence, 3) to maintain adequate foliage cover on hillsides and 4) to protect streams from increases in sediment and

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pollution.

B. Permitted Uses. Steep slopes may be used as permitted by the district regulations within which they are located, subject to the additional requirements below.

C. Principles of Development. Where it is necessary to use steep slopes (23.5% or greater) to permit development of a lot, all such proposals shall, in addition to other applicable regulations of this chapter, be in accordance with the following principles of development. All development on steep slopes shall:

- (1) Be oriented so that grading and other site preparations are kept to an absolute minimum.
- (2) Where grading is essential, shape such grading to complement the natural land form.
- (3) Be staged where necessary to complete construction of each stage during a season so that large areas of disturbed land are not left bare and exposed during the winter-spring runoff period.
- (4) Accomplish all paving as rapidly as possible after grading.
- (5) Allocate to open space and recreation uses those areas least suited to development, as evidenced by competent soils, geology and hydrology investigations.
- (6) Landscape areas around structures to blend them with the natural landscape.
- (7) Take measures to minimize erosion and sedimentation and to limit increases in stormwater runoff in accordance with related regulations of the Township and the Commonwealth of Pennsylvania.

D. Land Development Plan Review. All applications for zoning permits for lot, uses and structures located, in whole or in part, on land with steep slopes shall submit, along with the application, a land development plan as required in the Township Subdivision and Land Development Ordinance. A land development plan is not required for residential dwellings when a zoning permit is issued for lot, uses and structures that are not located directly on the steep sloped portions of the lot and are not within 50 feet of the steep slopes on the lot.

§27-713.8.B. Solar Collectors and Solar-Related Equipment.

~~B. Building-mounted systems mounted on a flat roof shall not be visible from the public right of way within a fifty-foot radius of the lot, exclusive of an alley as defined by this section, at a level of five feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right of way within a fifty-foot radius when measured at a distance of five feet from the ground. Building-mounted systems mounted on a flat roof shall not be raised to a height greater than three (3) feet from the roof surface.~~

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§27-717. Bed-and-Breakfast

1. A bed-and-breakfast which contains one to three rooms shall be permitted as an accessory use to an owner-occupied single-family dwelling unit as long as the following requirements are met. Rental or lease of the bed-and-breakfast property for events such as weddings, reunions, parties, business or social gatherings which host 10 or more nonovernight guests is specifically prohibited at these facilities.

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~~A. One paved off street parking space shall be provided per guest room in addition to the spaces required for the dwelling unit. In the RA and RR Zones, if the existing driveway and parking spaces are not paved, the additional parking spaces required by this section do not have to be paved. These parking spaces may not be stacked and must comply with this chapter and the Township Subdivision and Land Development Ordinance. [1] Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.~~

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2. A bed-and-breakfast which contains four to 10 rooms shall be permitted as an accessory use to an owner-occupied single-family dwelling unit in the RA, RR and V Districts as long as the following requirements are met:

~~1.A. Off-street paved parking shall be provided in accordance with the Township's parking requirements (1.2 spaces per room) and one per four persons based on maximum number of nonovernight guests to be hosted. In the RA and RR Zones, if the existing driveway and parking spaces are not paved, the additional parking spaces required by this section do not have to be paved. These parking spaces may not be stacked and must comply with this chapter and the Township Subdivision and Land Development Ordinance (Chapter 22). The amount of parking available will determine the maximum number of nonovernight guests that may be hosted at any one time. When a parking lot of five or more spaces is provided on site to meet parking requirements, a continuous vegetative buffer to reach a height of six feet shall be provided around the perimeter of the parking lot. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.~~

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§27-718. Regional Park and Outdoor Recreational Facilities.

~~3. Parking-Paving of drive-aisles.~~

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§ 27-719 Short-Term Rentals.
[Ord. No. 1049, 11/18/2019]

1. The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six months of the calendar year and provide certification that the property is the principal place of residence by providing a driver's license, voter registration or other documentation to prove residency.

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~~4. The short term rental shall provide one off street parking space per bedroom available for rental. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.~~

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5. Prior to use of a residence as a short-term rental, an applicant shall apply for a permit with the Zoning Administrator and pay the required fee for a permit. The owner shall include a copy of their rental

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permit from the Centre Region Code Office at the time of application or a completed Rental Permit Application from the Centre Region Code Office. Within 14 days of said application, the Zoning Administrator shall notify the applicant, in writing, of the approval or denial of the permit, and shall state the provisions of this Part 7 with which the application does not comply. Failure of the Zoning Administrator to properly grant or deny a permit in the manner and time period stipulated above shall constitute an approval of the application for the permit, and the residence may be used as a home occupation so long as the use complies with this Part 7.

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A. Upon issuance of the short term rental permit, the permit number shall be displayed in the window of the home being rented and the rental permit number shall be included in the advertisements of the short term rental. Failure to properly display the short term rental permit number in either medium will result in a violation of this Part 7.

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§ 27-721 Home Occupations.

I. All parking shall be off street and two off street spaces shall be provided in addition to that required of the residence unit. Off-street parking shall be provided and maintained in accordance with the provisions of §22-5C01.

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§ 27-722.1.C Temporary Uses

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9. The temporary uses permitted by this section shall provide the following number of parking spaces:

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Use Number of Spaces

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Outdoor Retail 1 per 250 square feet of retail space9. Temporary uses for outdoor retail shall provide off-street parking and maintenance in accordance with the provisions of §22-5C01.

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§ 27-723 Food Trucks Mobile Retail Food Facilities.

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[Ord. No. 1049, 11/18/2019]

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1. Food trucks General. Mobile retail food facility shall be a permitted use in every zoning district in Ferguson Township under the following conditions:

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A. Time Limits.

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(1) This permitted use is for the sale of food and nonalcoholic beverages, between the hours of 6:00 a.m. to 2:00 a.m. in the General Commercial (C), General Industrial (I), and Industrial, Research and Development (IRD) Zoning Districts.

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(2) This permitted use is for the sale of food and nonalcoholic beverages between the hours of 7:00 a.m. to 11:00 p.m. in the Village (V), Terraced Streetscape (TS), and Traditional Town Development (TTD) Zoning Districts.

(3) In all other zoning districts, food trucks mobile food facilities are permitted between the hours of 7:00 a.m. and 7:00 p.m.

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(4) Mobile food facilities located in neighborhood parks and places of assembly located in residential zoning districts may operate between the hours of 7:00 a.m. and 9:00 p.m.

1. Mobile retail food facilities cannot be located on a premises permanently for no more than 13 weeks and must be moved off site daily per calendar year. All food trucks are required to conform to the following criteria:

a. Overnight parking of Mobile food facilities in parks is prohibited, unless by special event permit issued by Ferguson Township.

B. Location.

~~Food trucks shall only be located on a lot containing a principal building(s).~~

~~(12) Food trucks shall not be parked in the public right-of-way or on the road itself. The mobile food vendor shall first obtain a permit from Ferguson Township's Zoning Administrator prior to selling its products within a Township public right-of-way. Township staff shall be permitted to establish conditions restricting specific streets, location, or time of day as to which products may be sold.~~

(a) The vending of food from a mobile food facility shall be prohibited from the street side of the facility or in a way where customers will be positioned to impede vehicle traffic in a parking lot or roadway, and customers are not permitted on private property.

(b) Mobile food facilities are prohibited to operate on the following Township streets:

1. Blue Course Drive;

2. Whitehall Road;

3. West College Avenue;

4. North Atherton Street, and;

5. West Aaron Drive.

(c) Approval of operating in a Township public right-of-way is site specific. If a new location to operate a mobile food facility is proposed, a new permit shall be issued.

~~(2) The Centre Region Parks and Recreation Authority is solely responsible for the permitting and regulation of food trucks in public parks. The mobile food vendor may be permitted to sell its products on public property, such as parks, under the following conditions:~~

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(a) The mobile food vendor shall first obtain a permit from Township Staff;

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(b) Mobile retail food facility is permitted to operate during hours of park operation, set by Centre Region Parks and Recreation.

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(c) Mobile Food vendors are prohibited from operating in the following Parks:

1. The Meadows;

2. Park Hills, and;

3. Songbird Sanctuary.;

(d) The mobile food vendor shall follow all regulations contained herein and regulations established by resolution.

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(3) The mobile retail food facility must be located at least 15 feet from fire hydrants or any other fire department connection.

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(4) Mobile retail food facilities shall be prohibited from utilizing or blocking handicapped-accessible parking.

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C. Noise. No audio amplification, including, but not limited to, megaphones or speaker systems, shall be permitted as part of the mobile retail food truck-facility vending operation.

D. Sanitation and Safety.

(1) The ~~food truck~~ mobile food vendor is responsible for the proper disposal of trash and waste associated with the operation. Vendors shall remove trash from their approved locations at the end of each day as needed to maintain the health and safety of the public. No liquid waste or grease is to be disposed of in landscape areas, storm drains, onto sidewalks or streets or other public spaces. Specific plans for disposal of liquids shall be included in the permit application. ~~Food trucks shall utilize recyclable products for portable food storage to minimize packaging to the best of their ability.~~

(2) The ~~food truck operator~~ mobile food vendor shall obtain a ~~food truck~~ mobile retail food facility operation zoning permit and applicable health permit; both shall be displayed ~~on the food truck~~ on the mobile retail food facility. Each person obtaining a zoning permit shall pay all applicable fees set forth in the Township fee schedule. The permit required will be for a period of one year and shall be renewed on an annual basis. Prior to the issuance of a zoning permit, the vendor shall provide evidence of a Pennsylvania Department of Agriculture Bureau of Food and Laboratory Services retail food facility permanent license, or a division of health and neighborhood services permit with facilities plan review and the following:

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(a) A plan for refuse and recycling containers.

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(b) Proposed seating (if applicable).

(c) The ~~food truck~~ mobile retail food facility shall be subject to all code requirements in Chapter 10 (Health and Safety) of the Township Code of Ordinances.

(3) ~~The mobile food vendor or his/her designees must be present during operating hours, except in the case of emergencies.~~

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(4) Vehicle registration for all vehicles being used shall be provided as part of the zoning permit application.

(5) A twenty-four-inch-by-thirty-six-inch sandwich board sign is permitted and shall be ~~contained~~ located within five feet of the ~~food truck~~ mobile retail food facility. No off-site signs shall be permitted.

E. If the office for the ~~food truck~~ mobile retail food facility business is located within the owner's home in Ferguson Township, a ~~No-Impact Home-Based Business-occupation~~ permit shall be required.

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F. ~~The requirements of this subsection are not subject to the provisions of temporary uses.~~

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§ 27-905 Occupancy Permits.

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1. Upon completion of the erection, extension or alteration of a structure or the establishment of the use for which a zoning permit was issued, the applicant shall request a final inspection. The structure for which the zoning permit was issued may not be occupied or otherwise used until a final inspection has been completed by the Zoning Administrator.

A. Within seven days of request for final inspection, the Zoning Administrator shall inspect the premises to determine if the action taken complies with the regulations of this chapter. ~~If it does, the Zoning Administrator shall sign the building permit card or sign off on the project within the seven day time limitation.~~

§ 27-1102 Definitions.
[Ord. No. 1049, 11/18/2019]

Unless a contrary intention clearly appears, the following words and phrases shall have a meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage as defined in Merriam Webster's Collegiate Dictionary, Eleventh Edition. Definitions found in the Subdivision and Land Development Ordinance (Chapter 22) shall be applicable to this chapter.

FOOD VENDOR, MOBILE

Any person, firm, corporation, vendor, or operator within the Township engaging in the peddling, selling, or taking orders, either by sample or otherwise, of food items to be used or sold for immediate human consumption, in serving size packages using a mobile unit either in a stationary position on private or public property or in a moving position on public streets. This definition shall apply to any

mobile unit who dispenses food items to the public which are prepackaged, or are cooked, prepared and/or assembled and served from within the mobile unit.

FOOD TRUCK RETAIL FOOD FACILITY, MOBILE

A licensed, self-contained, motorized vehicle or mobile food unit (unit that does not travel under its own power) which is temporarily permitted to park in a designated area of an established use in-permitted zoning district within Ferguson Township in a location approved by the property owner. Ice cream trucks are exempted from this chapter. Mobile units including food trucks, trailers, stick stands, carts, and other similar structures that are mobile/transitory by design from which food is stored, prepared, processed, distributed, or sold. A Mobile Food Facility is synonymous with the term Retail Food Facility as defined in PA State Regulation, Title 7, Chapter 46, PA Food Code. Ice cream trucks are exempted from this chapter.

LAND CLEARING MATERIAL

Native vegetation from land clearing, grubbing, and excavation, including trees, brush, stumps and vegetative material, that has been removed from the land for agricultural purposes or development projects.

STORAGE OF LAND CLEARING MATERIAL

The storage of native vegetation from land clearing, grubbing, and excavation, including trees, brush, stumps, and vegetative material that has been removed from the land for agricultural purposes or development projects, whether temporary or permanent.

Commented [WJ2]: Based on 25 Pa. Code 271.101(b)(5)

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