

FERGUSON TOWNSHIP PLANNING COMMISSION
Regular Meeting Agenda
Monday, August 9, 2021, 6:00 PM

Hybrid Meeting

REMOTE PARTICIPANTS:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83268113138>

Meeting ID: 832 6811 3138

[Zoom Access Instructions](#)

IN-PERSON PARTICIPANTS:

**Ferguson Township Municipal
Building**

**Main Meeting Room
3147 Research Drive
State College, PA**

I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. July 26, 2021 Regular Meeting Minutes

IV. NEW BUSINESS

**1. Campbell Application for a Consideration of a Modification/Waiver
Narrative**

Included in the agenda is an Application for Consideration of a Modification/Waiver from Sue and John Campbell submitted to the Planning & Zoning Department. Sue and John Campbell own the property located at 401 Plainfield Road (24-007-,004-,0000-). Farmers Way is a private driveway on the northern portion of Tax Parcel 24-007-,004-,0000-.

The applicant proposes to build a third single family home on the northern portion of the parcel and is requesting a modification/waiver from the Subdivision and Land Development Ordinance (§22-104.1.B – New Subdivisions and Land Developments) requirement to complete a land development plan. There are two existing homes on the 181.3 acre property. The property is zoned Rural Agriculture (RA).

Staff has reviewed the Application for Modification/Waiver and is recommending as a condition of approval that the applicants comply with all State regulations.

Recommended Motion: The Planning Commission recommend to the Board of Supervisors approval of the Application for Consideration of a Modification/Waiver from §22-104.1.B. with the condition that the applicants comply with all State regulations.

Staff Recommendation: Approval of the Application for Consideration of a Modification/Waiver.

2. Penn State University Conditional Use Application

Narrative

Included in the agenda is a Conditional Use application from The Pennsylvania State University (Penn State) located at 1445 West College Avenue (24-004-051C-0000), submitted to the Planning & Zoning Department. The applicant is requesting to continue the conditional uses currently operating at the site in accordance with Chapter 27-304.2.E.(1) and (2). There are two existing conditional uses on the property. One dated November 7, 2011 for the use of the property as a golf course maintenance facility (8,500SQFT) and one dated August 26, 2014 for the use of the property as a Mixed Martial Arts studio (7,800 SQFT). Both agreements expire December 31, 2021.

The property is located in the Terraced Streetscape (TS) Zoning District and both uses are not permitted uses (§27-304.2.E.(1)), nor prohibited (§27-304.2.E.(2)). Upon review by staff, the proposed uses provide a complementary balance of land uses throughout the community meeting the needs of existing residents and businesses. This district strive to encourage a wide variety of commercial services, in appropriate locations, and to support a diverse range of business activities including professional, technical, and medical/health services. A Storage, Maintenance and Repair Facility and Mixed Martial Arts studio at this location will provide an efficient means of servicing golf carts in close vicinity to where they're being utilized, as well as, allowing a local business to continue to thrive at this location.

Given that both uses are continuing at the site and the Township is rewriting the Terraced Streetscape Ordinance, staff is recommending an addendum to these agreements to permit the uses to operate for another five years at this location.

Included with the agenda in Exhibit #1, Planning and Zoning staff has provided recommended conditions to include for the Public Hearing to be held by the Board of Supervisors on August 16, 2021.

Planning Commission is asked to review and comment on the conditional use approval. Recommendations related to the conditional use will be presented to the Board of Supervisors at the Public Hearing, scheduled for August 16, 2021. Such reasonable conditions and safeguards, other than those related to off-site transportation improvements can be attached to the permit as the Board of Supervisors deem necessary for the health, safety, and welfare of the municipality. The conditions must be related to a valid public interest established in the record of the application.

Recommended Motion: The Planning Commission Review the conditional use application and recommend to the Board of Supervisors approval of the addendum with the conditions outlined in Exhibit #1.

Staff Recommendation: Approve the addendum to the conditional use agreements for another five years.

3. Zoning and SALDO Amendments

Narrative

A comprehensive update to the Township's Zoning and Subdivision and Land Use Ordinance (SALDO) was adopted in November 2019 by the Board of Supervisors. While applying the regulations, staff has identified additional areas within the ordinances that need to be amended. The Board of Supervisors was presented with a redlined copy of staff's proposed amendments at the August 2, 2021 Regular Board of Supervisors meeting. The Board identified additional amendments that they would like to see included. Those comments are reflected in this redlined draft. The Board referred these amendments to the Planning Commission for review and comment.

Recommended Motion: This is a discussion item, no motion.

Staff Recommendation: Review the draft amendments and ask any initial questions the Commission may have. This item will be scheduled for the next Planning Commission meeting.

4. OFFICIAL REPORTS AND CORRESPONDENCE

1. Board of Supervisors
2. CRPC Report
3. Land Development Plans
4. Staff Updates

5. ADJOURNMENT

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, JULY 26, 2021
6:00 PM**

ATTENDANCE

The Planning Commission held its first meeting of the month on Monday, July 26, 2021, as a hybrid meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Rob Crassweller – Secretary
Shannon Holliday
Bill Keough
Lisa Rittenhouse
Dr. Ellen Taricani
Ralph Wheland
Qian Zhang – Alternate

Staff:

Jenna Wargo, Planning & Zoning Director
Kristina Aneckstein, Community Planner
Jeff Ressler, Zoning Administrator
Daivd Pribulka, Township Manager

Others in attendance: Rhonda Demchak, Recording Secretary; Christine Bailey, Ferguson Township Resident; Pam Strickler, Ferguson Township Resident; Rhonda Stern, Ferguson Township Resident

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, July 26, 2021 at 6:00 p.m. Mr. Thompson noted that the Planning Commission meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting, in person and via Zoom. Persons attending via zoom and wanted to participate were asked to enter their name, municipality, and topic by utilizing the Q&A bubble at the bottom of the screen. Persons that were attending in person and wanted to participate were to stand at podium to address the Commission.

Ms. Wargo took roll call, and the Planning Commission had a quorum.

II. APPROVAL OF REGULAR MEETING MINUTES JUNE 14, 2021

Mr. Wheland noted that he was omitted from attending the meeting. Ms. Rittenhouse was omitted as well. The minutes will be changed to reflect the accurate attendance.

Mr. Wheland moved that the Planning Commission **approve** the minutes of June 14, 2021. Mr. Binney seconded the motion. The motion passed unanimously.

III. CITIZEN INPUT

None.

IV. UNFINISHED BUSINESS**A. Terraced Streetscape Zoning District Discussion**

Ms. Wargo noted that during the April 19, 2021 Board of Supervisors meeting, Ms. Strickland requested a discussion by the Board to review the Terraced Streetscape District (TSD) to provide direction to the Planning Commission that would lead to the

expected engagement of a consultant in 2022 to revise the ordinance. Comments referred to Planning Commission are listed below:

- Parking regulations;
- District boundaries;
- Incentives;
- Private streets and alleyways;
- Type of regulation (form-based, Euclidean, etc.);
- Pedestrian and vehicular mobility; and
- Uses.

Included in the agenda is a PowerPoint that was presented to the Board of Supervisors on February 18, 2020 summarizing Planning Commission's review of the TSD. The presentation identified goals, stakeholders, demographic, type of zoning regulation, and parking. Given the COVID-19 Pandemic and the West College Student Housing Land Development Plan, Planning Commission is being asked to review the PowerPoint and identify any additional areas the consultant should focus on for the rewrite.

Ms. Wargo reviewed the Commission's Goals that were identified in January 2020 for the re-write. Mr. Keough would like the consultant to consider two additional issues. Flexible opportunities within the zone and a variety of building use, type, and design. Mr. Keough would like to see a host of small shops in the alleyway that will service most of the area.

Public Comment

Ms. Rhonda Stern, Ferguson Township Resident, noted that she liked the flexibility and variety, and to keep in mind the homeowners because it's a wonderful neighborhood. Ms. Stern expressed her concerns with traffic due to speeding cars.

Ms. Christina Bailey noted that she concurs with Ms. Stern and Mr. Keough. Ms. Bailey expressed her concerns with pedestrian safety and noted the lack of sidewalks.

Ms. Strickler noted that current neighborhoods haven't had input and likes the idea of a low-key shopping village.

Ms. Stern noted that buildings can be 5 feet from property lines and would like that to be reviewed to increase.

Dr. Taricani agreed that the lack of sidewalks are an issue and the bus stop along College Avenue needs to be facilitated better.

With regards to transportation issues, Mr. Keough stated that PennDot should be part of the solution and that 15 years ago, PennDot was willing to provide solutions.

Mr. Wheland asked what the problems were 15 years ago that it was rezone TSD. Ms. Strickler stated that it was a design by a developer to build a big building. Mr. Wheland suggested to reduce the size.

Mr. Keough stated that the western end of College Avenue has had nothing significant occur in 30 years and many buildings are old.

Ms. Wargo reviewed the stakeholder's portion of the PowerPoint.

Ms. Strickler stated that the Pine Hall Development traffic should be taken into

consideration.

Ms. Bailey suggested adding a turning lane.

Ms. Wargo reviewed the targeted demographic.

Mr. Keough expressed mixed feelings regarding low-income housing due to cost effectiveness. Mr. Keough encouraged low-income commercial buildings and not to require certain square footage. Mr. Keough is not opposed to having parking on the ground floor.

Ms. Wargo reviewed the types of zoning, euclidean, form-based, and the hybrid.

Mr. Binney noted that the conversion of downtown State College through Ferguson Township and then into the farmlands is very workable. Mr. Binney expressed concerns with traffic impacts.

Dr. Taricani noted it is important to include the ideas of the residents and agrees to modify the entire plan.

Ms. Wargo reviewed parking and asked if it should be incorporated.

Mr. Keough noted that parking shouldn't be just all underground parking in the building but look at other options for above ground parking. Mr. Keough would not be opposed to building a parking garage in the Township.

Ms. Wargo asked if any members know of other places that would be comparable to the Township.

Mr. Keough stated that he was in Clayton, NY and had an opportunity to spend time in the little town that is currently under renovations. Mr. Keough noted that the town has "parklets" that would host musicians, arts & craft sales, etc. to engage the community and Mr. Keough stated that he would be in favor of the parklet idea.

Mr. Binney noted that Bloomington, IN and Charlottesville, VA are comparable.

Ms. Holliday noted that we need to ensure that any advancements would improve the economy, be for the people, and protect the habitat.

Ms. Wargo asked if the TSD needs a full rewrite or minor adjustments.

The Planning Commission agreed with a full rewrite.

Mr. Keough moved that the Planning Commission **recommend** to the Board of Supervisors that the proposed Terraced Streetscape District be a full rewrite rather than a modification. Mr. Crassweller seconded the motion.

ROLL CALL: Mr. Thompson – Yes: Mr. Binney – Yes: Mr. Crassweller – Yes: Mr. Wheland – Yes: Mr. Keough – Yes: Ms. Holliday – Yes: Dr. Taricani – Yes: Ms. Rittenhouse – Yes

Due to technical difficulties at the beginning of the meeting, Chair Thompson allowed Ms. Bailey to speak. Ms. Bailey expressed her concerns with pedestrian crossing on South Butz Street due to parking on both sides of the streets. Ms. Bailey noted that the gas

meter behind Nittany Management Office Building should be moved because it makes the alley too narrow. Ms. Bailey also expressed DEP issues.

V. NEW BUSINESS

None.

VI. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo noted that the TSD will be included at the next Board of Supervisors meeting as well as the comprehensive zoning and SALDO ordinance amendments.

B. CRPC Report

Dr. Taricani reported that they had a presentation from ClearWater Conservancy on engagement and connectivity with the community. There was also a solar power presentation.

C. Land Development Plans

Ms. Aneckstein reported that they are working on the subdivision plan for Sycamore Drive and the Peace Center and cemetery for the Islamic Society. A new land development plan was submitted by the J. L. Farm & Cidery for a deck addition.

D. Staff Updates

Ms. Aneckstein reported that her name will be changing due to her recent marriage.

Mr. Binney noted that he will not be available for the August 23rd meeting.

VII. Adjournment

Mr. Binney made a motion to adjourn the June 14, 2021 Planning Commission meeting at 7:57 p.m.

Respectfully Submitted,

Rob Crassweller, Secretary
For the Planning Commission

SUBJECT: Campbell's Conditional Use

APPLICANT/ PROPERTY OWNER: Sue and Clay John Campbell - 150 Farmers Way

PURPOSE: Review of an Application for a Waiver/Modification from §22-104.1.B

EXECUTIVE SUMMARY: The applicant owns the parcel, 24-007-,004-,0000-, and wishes to construct a third single-family dwelling unit on the 181.3 acre lot. There are already two homes on the lot, a third home would be built on the same parcel.

ADDRESS:	150 Farmers Way (400 Plainfield Rd)
PARCEL ID:	24-7-4
ZONING DISTRICT:	Rural Agriculture
SITE DESCRIPTION:	Farmland
SURROUNDING LAND USE:	Agriculture
RECENT LAND USE ACTIONS:	None

BACKGROUND: The property is located in the Rural Agricultural (RA) Zoning District which allows for the construction of up to three (3) dwelling units on lots over 50 acres. Tax parcel 24-7-4 is 181.3 acres. Plainfield Road splits the lot into two portions. The western portion (on the western side of Plainfield Road) of the lot is approximately 102 acres. Two (2) single family homes currently exist on this portion of the lot.

Zoning in the Rural Agricultural district allows for the construction of up to three (3) dwelling units on lots over 50 acres. In Chapter 22, Section 202 – Definitions, the Township's Subdivision and Land Development Ordinance defines Land Development as "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; i0 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..." A second home was built on the parcel in 2013.



STAFF ANALYSIS: Staff has analyzed the proposed modification/waiver from Chapter 22, section 104.1.B of the Ferguson Township code. Based upon the content of the application and associated materials, historic development of the lot in question, staff has deemed the modification/waiver acceptable.

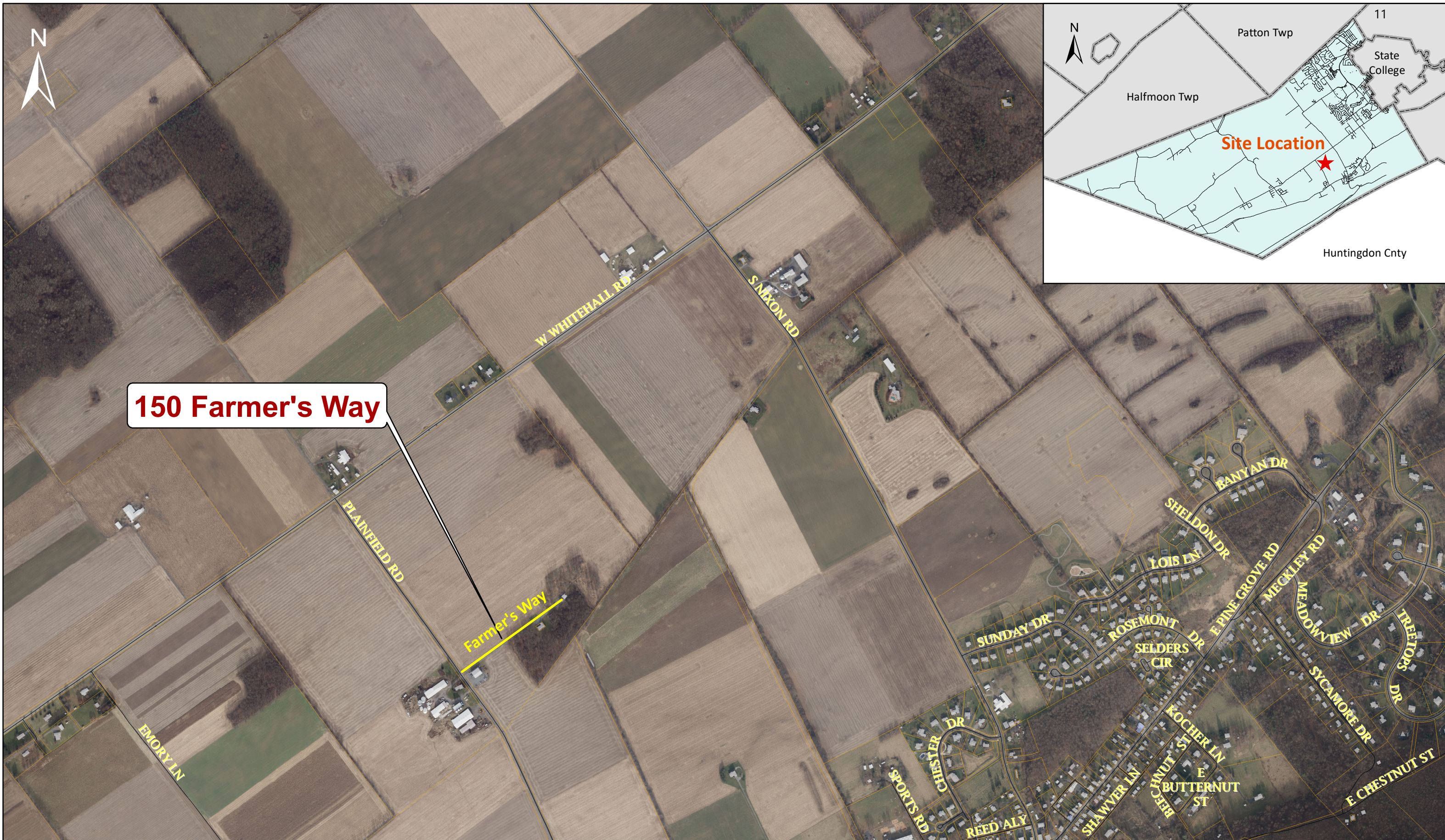
ATTACHMENTS: Attachment "A" shows an aerial view of Tax Parcel 24-007-,004-,0000- highlighted, from 2018 Ferguson Township Aerials. Attachment "B" is a hand drawn layout of the location of the proposed third dwelling unit. Attachment "C" is the Application of a Modification/Waiver from Sue and John Campbell.

Primary Author:

Kristina Aneckstein | Community Planner, 814-238-4651 or kaneckstein@twp.ferguson.pa.us

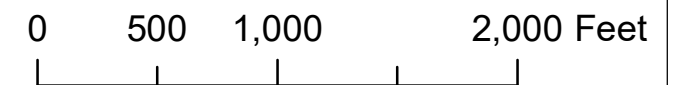
Reviewed/Approved By:

Jenna Wargo, AICP | Director of Planning & Zoning

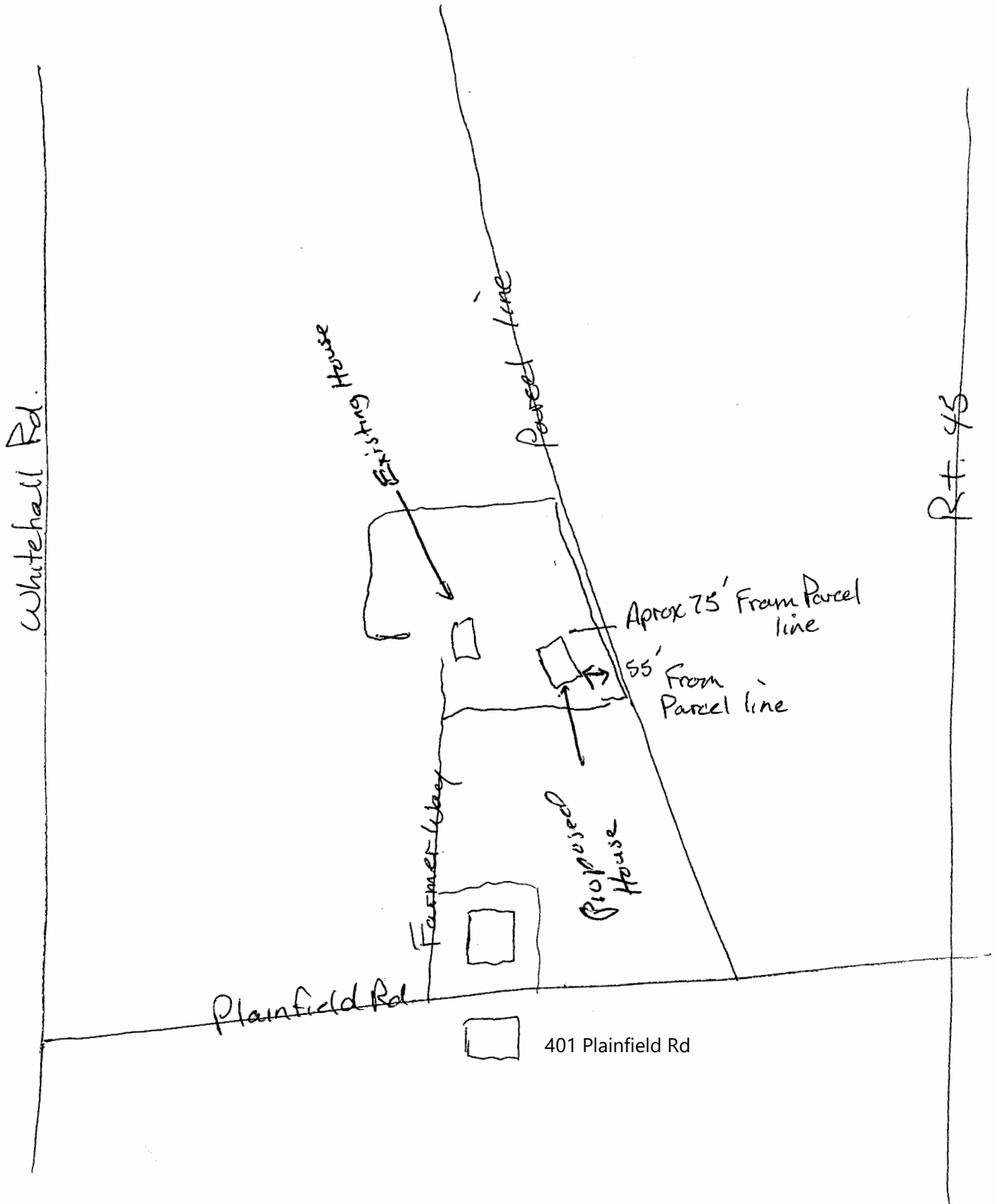


Location Map: 150 Farmer's Way

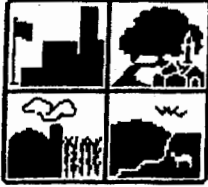
1 inch = 800 feet



Sue, John Campbell
Lot Detail



JUL 21 2021



APPLICATION FOR CONSIDERATION OF A MODIFICATION
Ferguson Township, Centre County

Submittal Date: 7-21-21

A fee of \$50.00 is required at the time of submitting this application.

The undersigned hereby applies for approval of a modification/waiver, submitted herewith and described below:

Applicant Information

Sue/John Campbell
Name

116 Elm Road PA. Furnace 16865
Street Address City Zip

814 (234-9710)
Phone Number

Property/Plan Information

Plan Name

Plan Number Plan Date
150 Farmers Way 24-007-,004-,0000-

Project Location Parcel Number

Clay/John Campbell
Name of Property Owner(s)

400 Plainfield Rd. PA. Furnace 16865
Street Address City Zip

Application Type:

- Subdivision Terraced Streetscape District (TSD)
- Land Development Traditional Town Development (TSD) District

Modification/Waiver Request Information

Specific Section(s) of the Subdivision and Land Development Ordinance or Design Standards for which a Modification/Waiver is requested:

Chapter 22 - 104.1.B

**ADDENDUM TO CONDITIONAL USE PERMIT
FOR STORAGE, MAINTENANCE, REPAIR FACILITY
AND MIXED MARTIAL ARTS STUDIO:
THE PENNSYLVANIA STATE UNIVERSITY**

Hearing Date: August 16, 2021

*This document is a series of facts related to the conditional use application for The Pennsylvania State University (Penn State), presented on behalf of the Township's Planning & Zoning Department, and entered as **Exhibit #1** for this Conditional Use Hearing.*

1. The subject of this hearing is The Pennsylvania State University (PSU), located at 1445 West College Avenue (24-004-,051C-,0000-), approximately 1.2 acres.
2. The subject property is located within the Terraced Streetscape (TS) Zoning District.
3. There are two existing conditional uses on the property. One dated November 7, 2011 for the use of the property as a golf course maintenance facility (8,500 SQFT) and one dated August 26, 2014 for the use of the property as a Mixed Martial Arts studio (7,800 SQFT).
4. The November 7, 2011 conditional use agreement included a condition that only allowed the golf maintenance facility use to continue for a 10 year period and the retail use, Mixed Martial Arts studio, could continue for an additional 5 year term subject to the approval of the Board of Supervisors (Nov. 7, 2011 Agreement; paragraph 1(b)(ii)). Both agreements expire on December 31, 2021.
5. On July 27, 2021, Penn State submitted a Conditional Use Application to continue the use of a Storage, Maintenance and Repair Facility within 8,500 square feet of the building (2011 agreement), as well as a conditional use for the Mixed Martial Arts studio (2014 agreement), in accordance with Chapter 27-304.2.E.(1) and (2).
6. A conditional use is a land use that is permitted in a specified zoning district, and one that is subject to additional zoning requirements that applicants must meet as part of the conditional use process. Approval of a conditional use permit does not equate to zoning permit approval and it is a necessary step in the process for a Storage, Maintenance and Repair Facility.
7. The Ferguson Township Zoning Ordinance (§27-304.2.E.) allows for conditional uses to be permitted only upon a lot or combined lots, that total one acre or larger upon approval by the Board of Supervisors for any use not expressly permitted (§27-304.2.E.(1)) or prohibited (§27-304.2.E.(2)) in the Terraced Streetscape District. A Storage, Maintenance and Repair Facility and Mixed Martial Arts studio are not included in the list of permitted or prohibited uses.
8. The conditional use provisions require the Board of Supervisors to hold a public hearing on the application and decide if the request is in accordance with the express standards and criteria provided in the Township's Zoning Ordinance. The Board of Supervisors has 45 days following the hearing to render a decision.
9. Reasonable conditions and safeguards, other than those related to off-site transportation improvements, in addition to those expressed in the zoning ordinance, can be attached to the conditional use permit as the Board may deem necessary for the health, safety, and welfare of the municipality. The conditions must be reasonably related to a valid public interest established in the record of the application.
10. **Exhibit #2** is an aerial view using Centre County's Webia Mapping Application with the subject lot highlighted in green.

11. **Exhibit #3** is §27-304.2.E. of the Township's Zoning Ordinance. This section provides the criteria applicants must meet in order to obtain conditional use approval.
12. **Exhibit #4** is the application submitted by Penn State for the conditional use permit.
13. **Exhibit #5** is the 2011 Conditional Use Agreement and the 2014 addendum to the agreement.
14. Township Staff have reviewed the conditional use proposal for consistency with the stated intent of the Terraced Streetscape Zoning District, and the application of appropriate design criteria as provided in Chapter 22-5A—Design Standards for Development in the Terraced Streetscape District. The following is a review of how the project meets the conditional use criteria.

Staff's review of the conditional use proposal:

The proposed Storage, Maintenance and Repair Facility and Mixed Martial Arts studio uses are consistent with the stated intent of the Terraced Streetscape (TS) Zoning District and they provide a complementary balance of land uses throughout the community meeting the needs of existing residents and businesses.

This district strives to encourage a wide variety of commercial services, in appropriate locations, and to support a diverse range of business activities including professional, technical, and medical/health services. A Storage, Maintenance and Repair Facility and Mixed Martial Arts studio at this location will provide an efficient means of servicing golf carts in close vicinity of where they're being utilized, as well as, allowing a local business to continue to thrive at this location.

Given that both uses are continuing at the site and the Township is rewriting the Terraced Streetscape Ordinance, staff is recommending an addendum to these agreements to permit the uses to operate for another five years at this location.

15. **Staff's conclusion is that the proposal meets the vast majority of the conditional use criteria. Therefore, approval of the conditional use permit is recommended.**

Staff recommends placing the following conditions on the addendum to the agreement:

- Conditional-Retail Use. Penn State shall use the 7,800 square feet of space located on the ground floor of the building as more specifically described in the plan attached in **Exhibit #5** for Mixed Martial Arts studio and other permitted principal uses a permitted in the Terraced Streetscape District. The studio shall be used for training and instruction and shall not be used as a place of assembly.
 - Penn State's right to such Conditional Use will be for a minimum term of five (5) years from the date of this agreement.
- Conditional-Maintenance, Repair and Storing Use. Penn State may use a portion of the building not exceeding 8,500 square feet as described on the in the plan attached in **Exhibit #5** for the purpose of storing, maintaining, and repairing golf carts, tractors, mowers and other golf course related equipment and ancillary office use in support of the Penn State golf courses under the following terms:
 - Penn State's right to such Conditional Use will be for a minimum term of five (5) years from the date of this agreement.
 - Notwithstanding the provision listed above, the Conditional Use shall cease if Penn State discontinues using a minimum of 80% of the said 8,500 square feet

for the storage and maintenance of golf equipment for a period exceeding 90 days.

- All conditions included in the 2011 Conditional Use Agreement and the 2014 Addendum to install the streetscape improvements, landscaping, parking, and building addition apply to this addendum.

These conditions may be placed on the permit as well as any other reasonable conditions the Board of Supervisors may wish to attach.



1,932,767.020 224,861.747 Feet



24-004-017-0000-

24-004-017B-0000-

24-004-051C-0000-

1445

24-004-051-0000-

24-004-051E-0000-

1315

W COLLEGE AVE

24-002A-125-0000-

1438

1400

24-002A-127-0000-

24-002A-126-0000-

24-002A-124A-0000-

1318

24-002A-122-0000-

1312

1310

24-002A-121-0000-

24-002A-124-0000-

1314

24-002A-109-0000-

1304

1308

24-002A-112-0000-

116

24-002A-113-0000-

136



- (17) Bank or financial office with no drive-through.
 - (18) Eating and licensed drinking establishments with no drive-through.
 - (19) Salon or spa.
 - (20) Medical/dental office.
 - (21) Structured parking when provided as part of or accessory to a proposed vertical mixed-use structure.
 - (22) Multifamily dwelling units (other than university housing) only if part of a vertical mixed-use structure; no more than three unrelated individuals may reside in each dwelling unit.
 - (23) Gallery, handicraft, art, or photography studio, professional office for accountant, architect, attorney or similar profession.
 - (24) Uses associated with private or public institutes of higher education; in this zoning district, these shall be limited to the following principal uses: classrooms, research facilities and labs; administrative and faculty offices, and residence halls for graduate and undergraduate student housing only when staffed, owned and operated by the university which the students attend.
- B.** Lots up to and including .39 Acres. The permitted principal uses as set forth in § 27-304, Subsection 2A(1) through (6) only.
- 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 minimum of 55 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.
 - (2) The entire first floor of all structures located on lots that have frontage on West College Avenue must be devoted to retail or commercial uses permitted in the district.
 - (a) To allow pedestrian access to office, hotel, or residential uses located above street level, lobbies may be allowed within the required retail storefront space, provided that street frontage of the lobby is limited relative to the property's overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.
 - (3) Any vertical mixed-use building not fronting on West College Avenue must dedicate a minimum of 50% of the first floor square footage of the building to nonresidential uses as specified.
- D.** Lots or Combined Lots Totaling 1 Acre or Larger. All permitted principal uses as set forth above subject to the same criteria as identified in § 27-304, Subsection 2C(1) through (3) above.
- 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:
- (1) Any use not specifically permitted within the TS District that is deemed to be an acceptable use due to its consistency with the stated intent of the district, and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.
 - (2) Any use not specifically excluded in § 27-304, Subsection 2F, that would be deemed to be an acceptable use within the TS District and is consistent with the stated intent of the district and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.

CONDITIONAL USE APPLICATION REQUEST FOR FERGUSON TOWNSHIP

Submittal Date: _____

Application Fee: Please refer to the Township's Fee Schedule for the correct amount.

Applicant Information

The Pennsylvania State University

Name

208 Old Main

Street Address

Univeristy Park

City

PA

State

16802

Zip

814-863-5397

Phone Number

Property Information

24-004-051C

Tax Parcel Number

1.27 acres

Lot Size

Terraced Streetscape

Zoning District

1445 W College Ave

Property Location (Address)

State College

City

PA

State

16801

Zip

Is this a changed use? No

What do you propose to do on the lot? (please include details)

Storage, maintenance and repair of golf course related equipment (17,542 sf) with ancillary office

and retail use (7,800 sf). Golf course equipment may consist of golf carts, tractors, and mowers.

Are there existing buildings on the lot? If so, how many?

Yes No # of Buildings: one building

What size(s) are the existing buildings (square feet)?

25,342 sf

If proposing a building, please state the size (square feet).

If proposing a parking lot, please state the size, how many cars can be parked in the parking lot (including handicap accessible), and how many employees you hope to employ.

Please explain how the proposed project will not subsequently alter or change the character of the neighborhood.

Granting this extension would allow Penn State to utilize the building and site in compliance with the existing 11/7/2011 conditional use agreement between the university and Ferguson Township.

Additional Comments (attach additional sheets if necessary)

I hereby certify that all of the above statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief. I understand that other permits may be required and made separately from this application.

Owner/Applicant Name



7/27/2021

Date

WAIVER OF STENOGRAPHER RECORD

I agree to waive the requirements of Section 908 of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature: _____

Date: _____

-For Office Use Only-Date Received: July 27, 2021 By: Jenna WargoDate Paid: July 22, 2021 Check No.: CC Amount: \$500.00Advertisement Dates: 7/30/21 & 8/6/21 Planning Commission Review Date: 8/9/21Board of Supervisors Meeting Date: 8/16/21

Ferguson Township
3147 Research Drive
State College, PA 16801
814-238-4651
814-238-3454 (fax)
www.twp.ferguson.pa.us

000000

Receipt No. 00018851

07/22/2021 04:04 PM

Carl Heck

01 Conditional U se Permit/PSU Go lf Storage	500.00
--	--------

Check #	
Receipt Total	500.00
Payment Total	500.00

Thank you!

ADDENDUM TO AGREEMENT

THIS ADDENDUM TO AGREEMENT is made this 26th day of August, 2014, by and between The Pennsylvania State University, a non-profit corporation with offices at 208 Old Main, University Park, Pennsylvania (hereinafter referred to as "Penn State") and Ferguson Township, a home rule municipality, having offices at 3147 Research Drive, State College, Pennsylvania (hereinafter referred to as "Township") (collectively referred to as the "Parties").

BACKGROUND

1. Penn State owns a certain parcel of real property [24-004-051C] with a building constructed thereon (the "Building") located at 1445 West College Avenue, State College (Ferguson Township), Pennsylvania (the "Property").
2. On November 7, 2011, Penn State and the Township entered into an agreement to grant Penn State's application for Conditional Use for the Building and Property, subject to the terms and conditions set forth therein (the "Agreement"). A copy of the Agreement is attached hereto and made a part hereof as Exhibit "1".
3. The Agreement, in paragraph 1(a) provides that Penn State shall use 7,800 square feet of space located on the ground floor of the Building "for retail purposes and other permitted principal uses as permitted in the Terraced Streetscape Zoning District."
4. The 7,800 square feet of space located on the ground floor, is included in Schedule "A" List of In-Lieu Properties, pursuant to the Mutual Release and Settlement Agreement dated July 8, 2008, included in Exhibit "2".

5. Penn State has requested that the Township permit, as a conditional use, a mixed martial arts studio in the 7,800 square feet of space located on the ground floor of the Building which, in the Agreement, has been designated for retail purposes and other permitted principal uses.

6. A mixed martial arts studio is not specifically permitted within the Terraced Streetscape District; however, such a use is also not specifically excluded. As a result, pursuant to sections 27-703.2.e. (1) and (2) such a use may be permitted as a conditional use.

7. Penn State has filed an application with the Township for approval of a mixed martial arts studio as a conditional use and the Township has agreed to grant Penn State's application for conditional use subject to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and intending to be legally bound, the Parties agree as follows:

1. Usability. Penn State shall use the 7,800 square feet of space located on the ground floor of the Building as more specifically described in the Plan attached to the Agreement as Exhibit "B" for a mixed martial arts studio. The studio shall be used for training and instruction and shall not be used as a place of assembly.

2. Parking.

a. Penn State shall post surety in a form acceptable to the Township within one year of the occupancy of the 7,800 square feet as a mixed martial arts studio and install landscaping on the east side of the Property in accordance with section 3(a) of the Agreement.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first above written.

WITNESS:

THE PENNSYLVANIA STATE UNIVERSITY

W. M. Fink

David J. Gray

David J. Gray
Sr. Vice President for
Finance & Business
Treasurer
Penn State University

WITNESS:

FERGUSON TOWNSHIP

Mark A. Fink

Richard J. Mascolo
Richard J. Mascolo

Exhibit "1"

AGREEMENT

THIS AGREEMENT is made this 7th day of NOVEMBER, 2011, by and between The Pennsylvania State University, a non-profit corporation with offices at 208 Old Main, University Park, Pennsylvania (hereinafter referred to as "Penn State") and Ferguson Township, a home rule municipality, having offices at 3147 Research Drive, State College, Pennsylvania (hereinafter referred to as "Township").

RECITALS

- A. Penn State owns a certain parcel of real property [24-004-051C] with a building constructed thereon (the "Building") located at 1445 West College Avenue, State College (Ferguson Township), Pennsylvania, as more specifically described on Exhibit "A" attached hereto (the "Property").
- B. Penn State filed an application with the Township for approval of a conditional use pursuant to Section B (5) of the Terraced Streetscape District ("TS") provisions of the Township's Zoning Ordinance (Ordinance 944), to permit the use of a portion of the Building for storage, maintenance and repair of golf course related equipment with ancillary office and retail use (referred to herein as the "Conditional Use").
- C. It is the Township's long range intention to achieve a streetscape design consistent with the design guidelines included in Ordinance 944.
- D. Following discussions and negotiations between representatives of Penn State and staff and elected officials of the Township, the Township has agreed to grant Penn State's application for Conditional Use subject to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and intending to be legally bound, the parties agree as follows:

1. Use of Building.

a) Retail Use. Penn State shall use the 7,800 square feet of space located on the ground floor of the Building as more specifically described in the Plan attached hereto as "Exhibit "B" (the "Building Plan") for retail purposes and other permitted principal uses as permitted in the Terraced Streetscape Zoning District.

b) Conditional Use. Penn State may use a portion of the Building not exceeding 8,500 square feet as described on the Building Plan for the purpose of storing, maintaining and repairing golf carts, tractors, mowers and other golf-course related equipment and ancillary office use in support of the Penn State golf courses under the following terms:

i) Penn State's right to such Conditional Use will be for a minimum term of ten (10) years from the date of this Agreement.

ii) If the retail portion of the Building as described in subparagraph (a) remains occupied for a continuous period of five (5) years, during the initial ten (10) year period, the Conditional Use may continue at the conclusion of such ten (10) year period, for an additional five (5) year term subject to the approval of the Board of Supervisors.

iii) Notwithstanding the provisions of subparagraphs (i) and (ii) above, the Conditional Use shall cease if Penn State discontinues using a minimum of 80% of the said 8,500 square feet for the storage and maintenance of golf equipment for a period exceeding 90 days.

2. Sidewalk Construction. Penn State will construct a 12 feet wide sidewalk and install landscaping on the Property substantially in accordance with the Sidewalk Plan attached

hereto as Exhibit "C" no later than ninety (90) days following the Township's delivery of design details setting forth the location of the sidewalk and landscaping; provided, however, that the ninety (90) day period will be extended as reasonably required to accommodate seasonal weather conditions. At the time this sidewalk is constructed, Penn State shall reduce access to the Property from West College Avenue to one access driveway.

3. Parking. There are presently a total of 46 on-site parking spaces located on the Property, 16 of which are located at the front of the Building (the "Front Lot") and 30 of which are located at the east side of the Building (the "Side Lot"). The parties agree as follows with respect to the said parking lots:

a) Penn State will install landscaping within the Side Lot equal to five (5%) percent of the total area of the Side Lot pursuant to the Side-Lot Parking Plan attached hereto as Exhibit "D", such work to be completed upon occupancy of the building.

b) Upon receipt of the Parking Strategy, Penn State will remove the impervious area/parking spaces within the Front Lot and landscape the same in accordance with the Front Lot Parking Plan attached hereto as Exhibit "E". The uses described in Paragraphs 1(a) and (b) will thereafter continue to be permitted based on the 30 remaining on-site parking spaces located on the Side Lot, which are six (6) spaces less than the 1 space per 500 square foot presently required under the TS regulations.

4. Construction of Addition.

a) Penn State agrees to complete construction of an approximately 7,000 square foot addition (the "Addition") to the portion of the Building adjoining West College Avenue, so that the front of the Building will be at the Property's front property line, no later than December 31, 2021. The design of the Addition will be consistent with

the design standards of the TS as specified in Part 5A of Chapter 22 of the Township Code of Ordinances; provided, however, that if the said ordinance is hereinafter amended, Penn State may at its option either comply with the modified requirements or the requirements as set forth in the present Ordinance.

b) Notwithstanding the provisions of Paragraph 4(a), if the Streetscape Design detail is not available from the Township by December 31, 2021, Penn State's obligation to construct the Addition will be suspended as reasonably required to assure that the Streetscape improvements associated with the existing parcel can be completed by the University with the appropriately engineered design.

c) If the Township's Streetscape Design Detail for the TS does not provide for on-street parking, the construction of the Addition will be contingent upon the development of a Parking Strategy within the TS that will address any shortfall associated with the required parking for the retail use that occupies the Addition.

5. Surety. Penn State agrees to post surety for completion of its obligations under Paragraphs 2, and 3 of this Agreement pursuant to the requirements of the Pennsylvania Municipalities Planning Code.

6. Binding Effect. This Agreement shall be a covenant running with the current land owner, and will be binding upon the parties, their successors, and assigns only as long as the herein permitted conditional use occupies the building. Unless the improvements required in Paragraphs 2, 3, and 4 of this Agreement have been completed, the use shall not be continued by the landowner, their successors or assigns.

7. Recordation. The parties agree that this Agreement will be recorded with the Recorder of Deeds of Centre County.

8. Definitions. The parties agree to the following definitions of the terms used herein:

- a. Parking Strategy – to include the identification of the availability of on-street parking, the availability of shared parking opportunities with other sites in the corridor and/or the availability of parking in a structure parking facility
- b. Streetscape Design Detail – the engineered design of the area between the building facades within that portion of the West College Avenue corridor that falls within the TS District.

9. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the matters referenced herein and otherwise assumes full compliance with the design standards of the Terraced Streetscape Zoning District.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written.

WITNESS:

Diane K. Keshwani

THE PENNSYLVANIA STATE UNIVERSITY

By: Joseph J. Doncsecz

Joseph J. Doncsecz, Associate Vice President
for Finance and Corporate Controller

ATTEST:

Mark A. Fyfe

FERGUSON TOWNSHIP

By: George Pytel
George Pytel, Chairman

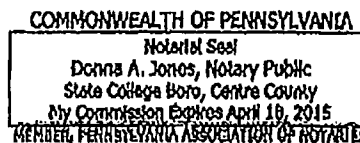
COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CENTRE)

On this, the 10th day of November 2011, before me, a Notary Public, the undersigned officer, personally appeared Joseph J. Doncsecz, who acknowledged himself to be the Associate Vice President for Finance and Corporate Controller of The Pennsylvania State University, a non-profit corporation and an instrumentality of the Commonwealth of Pennsylvania, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Donna A. Jones [SEAL]
Notary Public

My Commission Expires: April 18, 2015



COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CENTRE)

On this, the 18th day of November 2011, before me, a Notary Public, the undersigned officer, personally appeared George Pytel, who acknowledged himself to be the Chairman of the Ferguson Township Board of Supervisors, a home rule municipality, and that in such capacity, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the municipality by himself in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Angela J. Kalke [SEAL]
Notary Public

My Commission Expires: 8-23-12

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Angela J. Kalke, Notary Public
Ferguson Twp., Centre County
My Commission Expires Aug. 23, 2012
Member, Pennsylvania Association of Notaries

Exhibit A

Beginning at an iron pin in the northerly line of West College Avenue (S.R. 026) a 60-foot right of way, South 46 degrees 30 minutes West 212.15 feet from the northwesterly corner of the intersection of West College Avenue and the Bellefonte Central Railroad; thence South 46 degrees 30 minutes West 296.00 feet along the north line of West College Avenue to an iron pin; thence North 31 degrees 42 minutes West 206.83 feet along lands now or formerly of The Pennsylvania State University to an iron pin; thence North 46 degrees 30 minutes East 253.00 feet along lands now or formerly of W.B. Dreibelbis, to an iron pin; thence South 43 degrees 30 minutes East 202.00 feet along lands now or formerly of Albert Dreibelbis to an iron pin, the place of beginning.

CONTAINING 55,530 square feet.

BEING known as Centre County Uniform Parcel Identifier Tax Parcel Number 24-4/51C

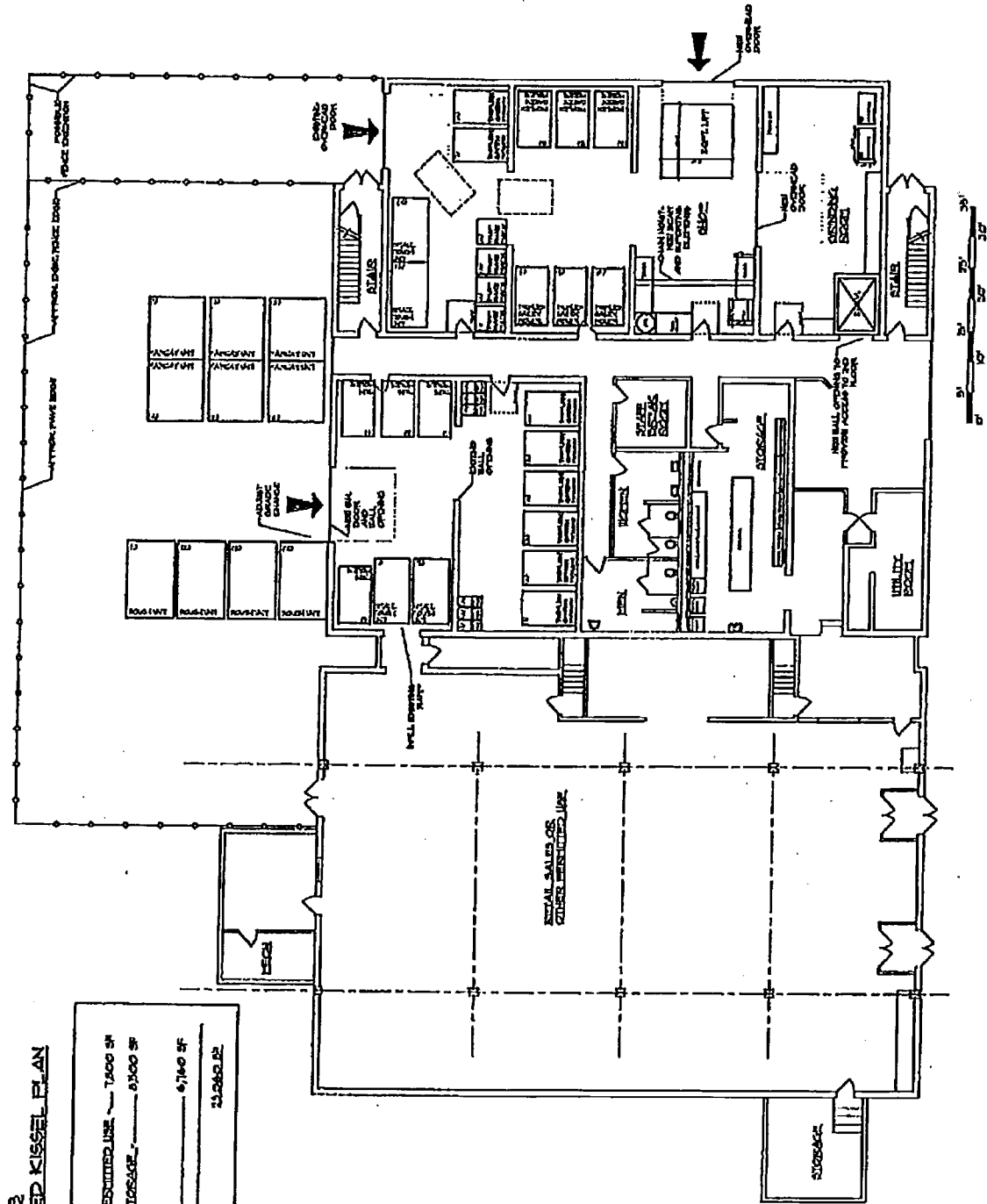


EXHIBIT B
PROPOSED KISSEL PLAN

<p> FIRST FLOOR SPECIAL OCCASION, RESTRICTED USE ~ 7,600 SF MAINTENANCE AND STORAGE ~ 6,100 SF SECOND FLOOR RESTRICTED USE ~ 6,760 SF TOTAL 20,460 SF </p>



THE PENN. STATE UNIVERSITY

NOV 2011 11/27/11

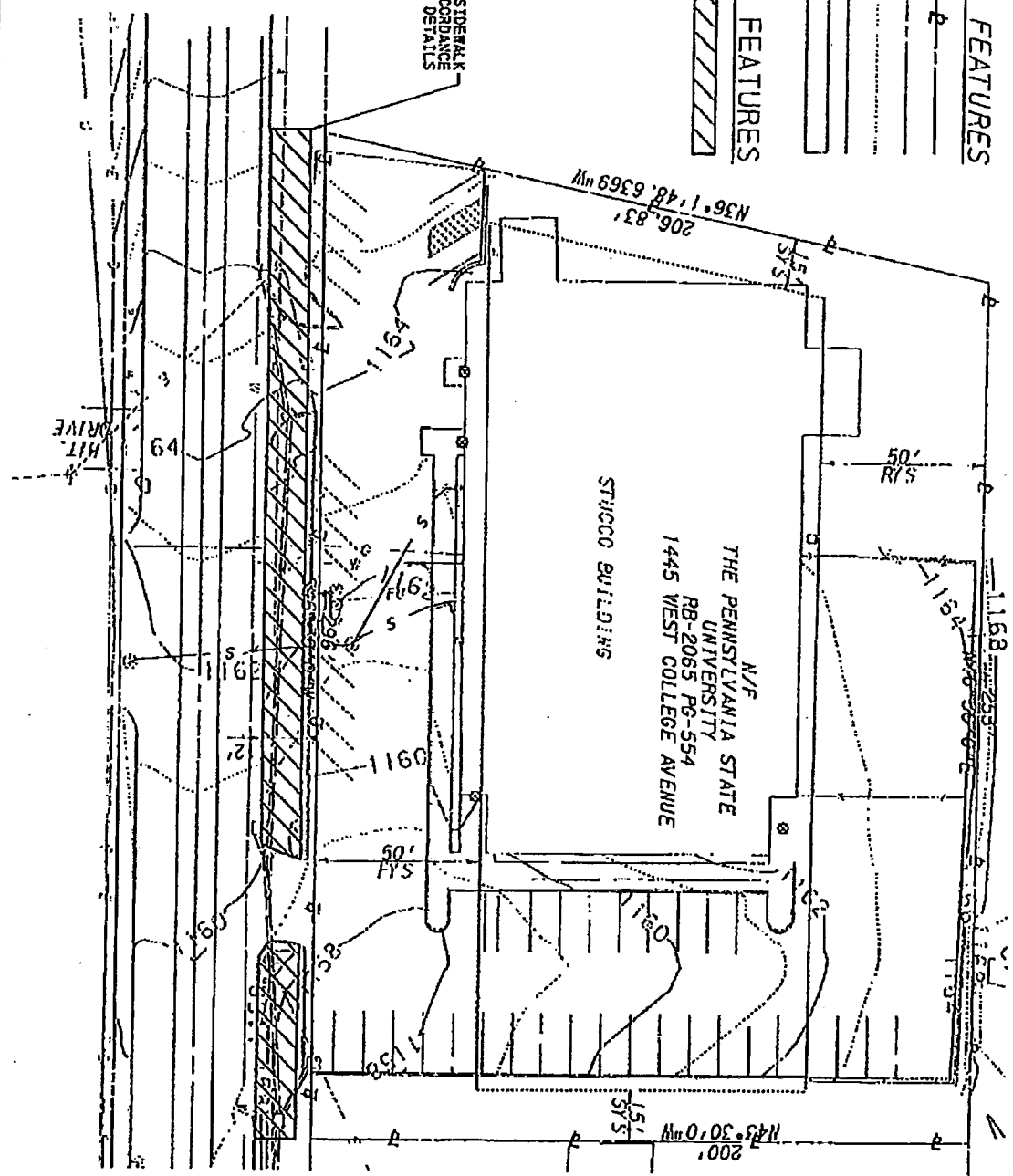
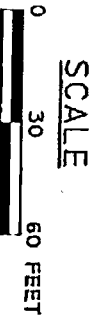
LEGEND - EXISTING FEATURES

- PROPERTY LINE
- ROADWAY CENTERLINE
- EXISTING CONTOUR (2 FT)
- BUILDING SETBACK LINE
- BUILDING STRUCTURE

LEGEND - PROPOSED FEATURES

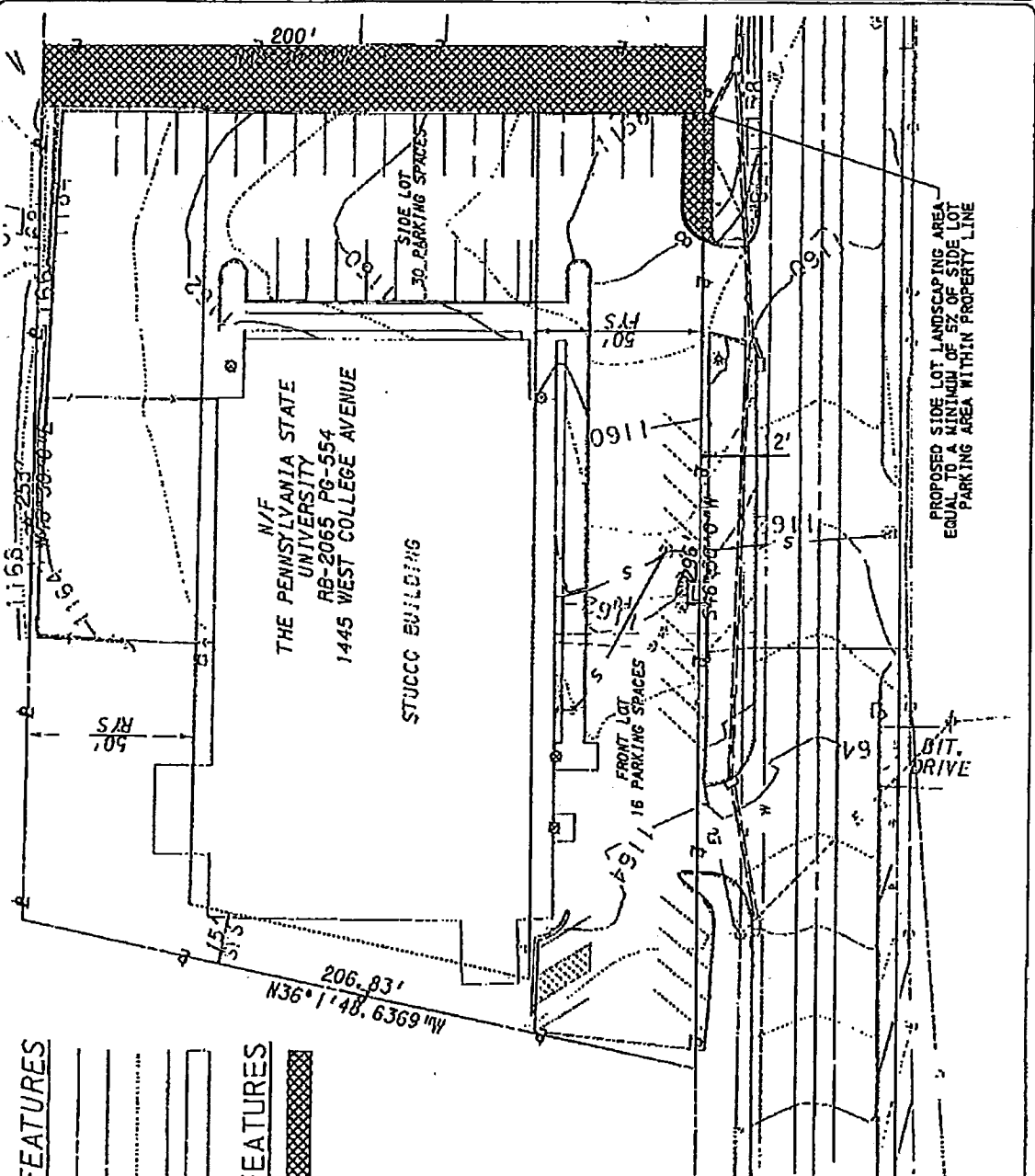
- PROPOSED SIDEWALK

PROPOSED 12 FOOT WIDE SIDEWALK AND LANDSCAPING IN ACCORDANCE WITH TOWNSHIP DESIGN DETAILS



<p>STATE UNIVERSITY ENGINEERING, LLC</p>	<p>PROJECT NAME FSU GOLF FACILITY 1445 WEST COLLEGE AVENUE RENSSELAER TOWNSHIP, CENTRE COUNTY, PA</p>	<p>PROJECT NO. 10-108 DATE NOVEMBER 7, 2011</p>	<p>EXHIBIT C SIDEWALK PLAN</p>
<p>DATE 11/27/11</p>	<p>DESIGNER ARCHITECT PLANNER ENGINEER</p>	<p>SCALE 1"=30'</p>	<p>1 OF 1</p>

STATE SHEAFER ENGINEERING, INC. Professional Engineer No. 16458 Exp. 12/31/11 Address: 1010 Locust St., Suite 200 Philadelphia, PA 19106	DATE
	REVISED
SURVEYOR CHUBB REGISTERED PROFESSIONAL NO. 450 P.D.	DATE
	REVISED
	DATE
	REVISED
PROJECT NAME	RSU GOLF FACILITY
	1445 WEST COLLEGE AVENUE
	FERGUSON TOWNSHIP, CENTRE COUNTY, PA
	SHEATPANE
	EXHIBIT D
	SIDE LOT PARKING PLAN
PROJECT NO.	10-108
DATE	NOVEMBER 7, 2011
SCALE	1"=30'
SHEET NO.	1 OF 1



LEGEND - EXISTING FEATURES

PROPERTY LINE ————

ROADWAY CENTERLINE ————

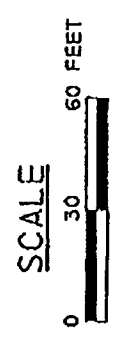
EXISTING CONTOUR (2 FT) - - - - -

BUILDING SETBACK LINE ————

BUILDING STRUCTURE [hatched rectangle]

LEGEND - PROPOSED FEATURES

LANDSCAPED AREA [cross-hatched rectangle]

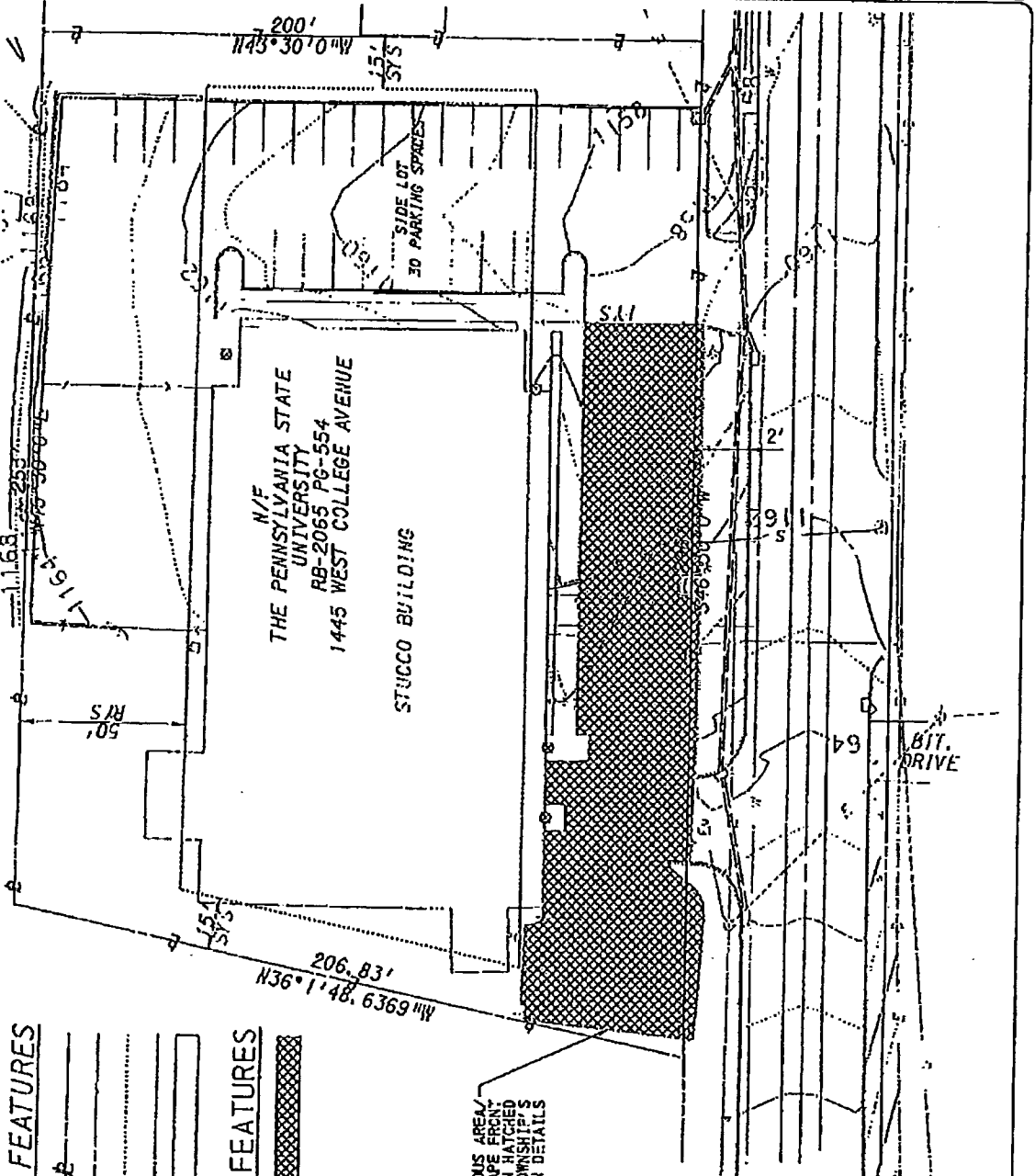


PROPOSED SIDE LOT LANDSCAPING AREA
EQUAL TO A MINIMUM OF 5% OF SIDE LOT
PARKING AREA WITHIN PROPERTY LINE

SCALE: 1"=30'

DATE: NOVEMBER 7, 2011

SCARLE SHEPHERD ENGINEERING LLC ENGINEERING ARCHITECTURE 1445 WEST COLLEGE AVENUE FERGUSON TOWNSHIP, CENTRE COUNTY, PA	TITLE: _____ DATE: _____ DRAWN BY: _____ CHECKED BY: _____ SCALE: _____ SHEET NO.: _____ OF _____
	PROJECT NAME: PSU GOLF FACILITY 1445 WEST COLLEGE AVENUE FERGUSON TOWNSHIP, CENTRE COUNTY, PA SHEET NAME: FRONT LOT PARKING PLAN EXHIBIT E
PROJECT NO.: 10-108 DATE: NOVEMBER 7, 2011 SCALE: 1"=30' SHEET NO.: 1 OF 1	



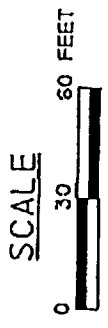
LEGEND - EXISTING FEATURES

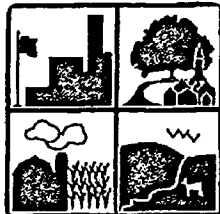
- PROPERTY LINE
- ROADWAY CENTERLINE
- EXISTING CONTOUR (2 FT)
- BUILDING SETBACK LINE
- BUILDING STRUCTURE

LEGEND - PROPOSED FEATURES

- LANDSCAPED AREA

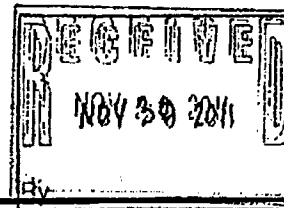
REMOVE EXISTING IMPERVIOUS AREA/
 PARKING SPACES AND LANDSCAPE FRONT-
 LOT PARKING AREA WITH IN HATCHED
 REGION IN ACCORDANCE WITH TOWNSHIP'S
 STREETSCAPE DESIGN DETAILS





TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
 Telephone: 814-238-4651 • Fax: 814-238-3454
 www.twp.ferguson.pa.us



November 28, 2011

Mr. Daniel Sieminski
 Associate Vice President of Business and Finance
 The Pennsylvania State University
 201 Old Main
 University Park, PA 16802

1) DWS

2) F: Property (Real Estate)
 - 1445 West College Ave

Re: Decision on Conditional Use Application for 1445 West College Avenue

Dear Mr. Sieminski:

On Monday, November 7, 2011 the Ferguson Township Board of Supervisors approved the application for a conditional use for property owned by The Pennsylvania State University located at 1445 West College Avenue to use a portion of the existing building for golf course maintenance equipment storage. In accordance with the Pennsylvania Municipalities Planning Code, Article IX – Zoning hearing Board and other Administrative Proceedings, Section 908. Hearings (9) the Board has rendered the decision in accordance with the following findings:

Township Ordinance 943 adopted February 7, 2011 states;

Conditional Uses. All of the following conditional uses shall be permitted only upon a lot, or combined lots, that total one (1) acre or larger upon approval by the Board of Supervisors:

- (a) Any use not specifically permitted within the TS District that is deemed to be an acceptable use due to its consistency with the stated intent of the District, and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.
- (b) Any use not specifically excluded in Section B.(6) that would be deemed to be an acceptable use within the TS District and is consistent with the stated intent of the District and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.

Decision:

The Ferguson Township Board of Supervisors finds that the conditional use of a portion the above property as more fully described in an Agreement recorded at the Centre County Recorder of Deeds meets the intention of the Terraced Streetscape Zoning District within a reasonable timeframe given the incomplete streetscape design details and parking strategy intended for the district.

On behalf of the
 Ferguson Township Board of Supervisors,

Mark A. Kunkle
 Mark A. Kunkle
 Township Manager

C: Trisha Lang
 Correspondence file

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

[§ 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 two detached single-family residential structures, whether developed initially or cumulatively;](#)

[B. The construction of a single*, nonresidential building or building addition with a footprint of not more than 1,000 square feet, whether initially or cumulatively; provided that the construction 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;](#)

[\(4\). An increase in water consumption or sewage discharge exceeding 350 gallons per day;](#)

[\(5\). Changes to utility services including new service laterals to increase capacity or provide fire protection;](#)

[\(6\). Vertical expansions of more than two stories above existing structures; and](#)

[\(7\). 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](#)

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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, which 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 adjustment of lot line between lots where no new lots are created, consolidation of lot lines, and survey corrections of property lines for townhouses and other attached dwellings after construction when in conformance with the previously recorded plan.

§ 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 resolution and the 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-Ten~~ 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.](#)

§ 22-304 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.

[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](#)

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chapter.

(2) Payment of all application and escrow fees

§ 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.

- (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 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 for compliance with the current §27-707. (§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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C. The revised minor alteration plan shall be a full-size copy of the latest recorded land development plan with the appropriate changes as required below:

- (1) Clear delineation of all proposed changes to the previously approved land development plan.
- (2) Revision of the existing plan notes to accurately reflect the current plan information.
- (3) Removal or strike-out of all previously executed signature blocks that are no longer applicable, including any signatures or certifications that were not specifically obtained in relation to the proposed change(s).
- (4) Provision of new notarized signatures of all landowners affected by the proposed change(s) and any certifications necessitated by these changes.
- (5) Provision of the following note:

This minor alteration plan revises the plan recorded in the Centre County Recorder's Office in Plat Book____, Page____, only in the manner identified herein. Such alteration(s) do(es) not meet the definition of subdivision or land development [Chapter 22] and is/are therefore exempted from the approval process set forth in Chapter 22 of the Ferguson Township Code of Ordinances. This represents a true and correct copy of the approved plan as of ____ (date).

- (6) Submission of sufficient documentation to demonstrate compliance with the minor alteration criteria set forth in this chapter.

- 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 these subsections of ~~Subsection 2B of~~ § 22-306, Subsection 2 (3), (7), or (8). ~~More than one minor alteration plan may be filed for a site, but only one for each of the subsections listed.~~

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) 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.

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

- 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 or 1 per 20 units	0.5 spaces per bedroom or 1 to 4 per 4 units
	(b) With <u>individual</u> private garages or equivalent separate storage space for each unit:	0.05 per bedroom or 1 per 20 units	<u>None</u>
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	2 spaces	1 per 20 employees

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	production, agriculture		
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§ ~~27-707-22-515~~ Landscaping.
 [Ord. No. 1049, 11/18/2019]

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

13. Purpose. ~~Flexible~~ ~~bb~~ 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
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

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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.

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(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 much shall reflect best practices in horticultural and landscape maintenance standards, including but not limited to no placing of materials to be a minimum of two inches of mulch and not to create a formation indicative of a mulch volcano.

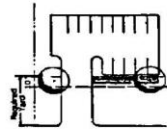


Figure 1

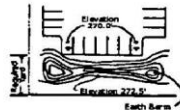


Figure 2

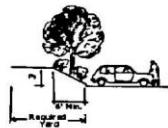


Figure 3



Figure 4

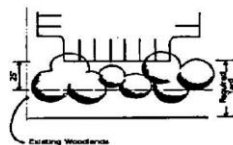


Figure 5

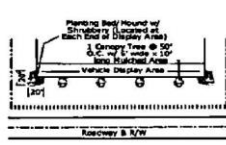


Figure 6

Corridor Overlay District Flexible Buffer Yard

~~(c) 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.

§ 27-302 Planned Residential Development (PRD) District.
[Ord. No. 1049, 11/18/2019]

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 e~~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 ~~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 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.

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§ 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.

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

2. Use Regulations

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:

(4) Uses accessory to permitted principal uses, subject to the following criteria:

- (a) The proposed accessory use is associated with a use specifically permitted in the district.
 - 1) The proposed accessory use is complementary to the specific intent of the TS Zoning District and the West College Avenue streetscape.
 - 2) Sufficient parking exists or can be established to support the proposed accessory use under the parking standards specified in this district.
 - 3) Conformance with the criteria found in § 27-205.

3. G. Parking Requirements. The parking regulations set forth herein are intended to apply within the TS shall be in accordance with the provisions of §22-502.

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

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~~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 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:~~

~~(a) 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).~~

~~(b) 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.~~

~~(c) 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 3.~~

~~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-~~

~~District and may differ from the provisions of Chapter 22.~~

~~(14) Surface parking space dimensions shall be in accordance with the provisions of §22-502.~~

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§ 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 e~~[Chapter 22. Subdivision and Land Development](#).

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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~~[27-1003](#) Subdivision and Land Development ~~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.

§ 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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2. All activity at the short-term rental shall be subject to enforcement of the Township's noise-, nuisance- and property maintenance-related ordinances including but not limited to performance standards and property maintenance. The owner shall include a copy of their rental permit from the Centre Region Code Office at the time of application or a Rental Permit Application from the Centre Region Code Office.

§ 27-723 ~~Food Trucks~~Mobile Retail Food Facilities.

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

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.

(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 unless otherwise permitted by this chapter.

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

(3) 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.

(4) 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:

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B. Location.

(1) Food trucks Mobile retail food facilities shall only be located on a lot containing a principal building(s).

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(2) Food trucks shall not be parked in the public right-of-way or on the road itself. The mobile food peddler shall first obtain permission from the Board of Supervisors prior to selling its products within a Township public right-of-way. The Board 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.

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

(a) The mobile food peddler shall first obtain permission from the Board of Supervisors; and

(b) The mobile food peddler shall follow all regulations contained herein.

(4) Food trucks shall be located a minimum of 100 feet from the closest property line of any brick and mortar eating establishment. The mobile food peddler shall submit written consent of the property owner where the mobile retail food facility is to be located at the time of application and the mobile food peddler shall prominently display the property owner's consent on the mobile retail food facility.

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(5) The number of ~~food trucks~~mobile retail food facilities per property is dependent upon the approval of the property owner. Written permission from the property owner is required.

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

(7) 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 ~~truck~~facility vending operation.

D. Sanitation and Safety.

(1) The ~~food truck~~mobile food peddler-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~~Mobile retail food facilities shall utilize recyclable products for portable food storage to minimize packaging to the best of their ability.

(2) The ~~food truck operator~~mobile food peddler 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:

(a) A plan for refuse and recycling containers.

(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 peddler 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.

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- (5) A twenty-four-inch-by-thirty-six-inch sandwich board sign is permitted and shall be contained 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.~~
- F. The requirements of this subsection are not subject to the provisions of temporary uses.

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

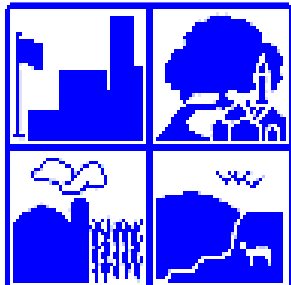
Unless a contrary intention clearly appears, the following words and phrases shall have a meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage as defined in Merriam Webster's Collegiate Dictionary, Eleventh Edition. Definitions found in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

FOOD PEDDLER, 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.



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www.twp.ferguson.pa.us

Memo

To: Board of Supervisors
From: David Pribulka, Township Manager 
CC: Department Heads
Date: August 3, 2021
Re: August 2, 2021 Regular Meeting Follow Up

At the August 2nd Regular Meeting, the following items were discussed:

- I. Citizen's Input
 - a. Result: No Citizen's Input was received.
- II. Approval of July 19th Regular Meeting Minutes
 - a. Result: Motion to approve minutes as presented carried unanimously.
- III. Reports – Schlow Centre Region Library Report
 - a. Result: Report was received.
 - b. Action: No follow-up action needed.
- IV. 2022 – 2026 Capital Improvement Program Budget Review
 - a. Result: Motion to authorize advertisement of a public hearing on the 2022 – 2026 Ferguson Township Capital Improvement Program Budget for Tuesday, September 7, 2021 carried unanimously.
 - b. Action: The public hearing will be advertised as directed. Staff will incorporate the clarifying narrative changes that were identified by the Board in the final document presented for adoption on September 7th.
- V. Terraced Streetscape Ordinance Amendment Discussion
 - a. Result: Motion to authorize staff to draft a Request for Proposals (RFP) for the rewrite of the Terraced Streetscape District (TSD) for expected engagement of a consultant in 2022 carried unanimously.

- b. Action: The RFP will be drafted inclusive of the feedback received from the Board and the Planning Commission. This includes an assessment of zoning district boundaries and an emphasis on Low Impact Development design incentives.

At this time, staff is still determining a process for issuance of the RFP, and how accommodate review by the Board while not releasing the document prematurely. More details will be forthcoming as the project develops.

VI. Pine Grove Mills Transportation Mobility Study and Signal Warrant Study Reauthorization

- a. Result: Motion to award McCormick Taylor with both the professional services contracts to (1) conduct the Pine Grove Mills Mobility Study in the amount of \$61,580.00; and (2) the Pine Grove Road (SR45), Water Street (SR26), and Nixon Road Signal Warrant Study in the amount of \$18,390.00 carried unanimously.
- b. Action: Staff will execute the revised proposal for each engagement and the project will proceed after the start of the 2021 – 2022 academic year. Updates will be provided with the Public Works Director report on the progress of each project.

VII. Consent Agenda

- a. Result: Motion to approve the consent agenda as presented carried unanimously.
- b. Action: Follow-up action as appropriate.

VIII. Review of DRAFT Zoning/SALDO Ordinance Amendments

- a. Result: Motion to refer the draft Zoning Ordinance amendments to the Planning Commission for review and comment carried unanimously.
- b. Action: Changes to food truck regulations will be incorporated into the draft. Item will be referred to the Planning Commission for review as presented with an emphasis on amendment process for Planned Residential Developments.

IX. Review of 2022 COG Program Plan

- a. Result: No formal action taken. The Board reviewed the comment guide questions and notes.
- b. Action: Questions and requests for clarification discussed will be forwarded to the COG Executive Director and Finance Director in advance of the August 16th Regular Meeting.

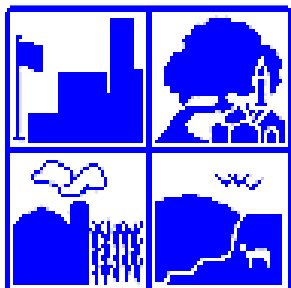
X. Acceptance of Prasenjit Mitra's Resignation from the Board of Supervisors

- a. Result: Motion to Supervisors accept Prasenjit Mitra's resignation effective August 21, 2021 carried unanimously (4 – 0, Mr. Mitra abstained).

- b. Action: Staff will advertise the vacancy today. Process will follow as described in the Manager memorandum included with the agenda. Interviews of applicants will take place at a time to be determined during the week of August 30th.


XI. Reports

- a. Action: Staff will follow up on several Board-requested items including: Request to establish a School Zone on West Cherry Lane at Radio Park Elementary; questions on refuse collection billing; and several tree maintenance items.



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Memo

To: Board of Supervisors
From: David Pribulka, Township Manager 
CC: Department Heads
Date: July 21, 2021
Re: July 19, 2021 Regular Meeting Follow Up

At the July 19th Regular Meeting, the following items were discussed:

- I. Citizen's Input
 - a. Result: No Citizen's Input was received.
- II. Approval of July 6th Regular Meeting Minutes
 - a. Result: Motion to approve minutes as presented carried unanimously.
- III. Reports – Strategic Plan / Community Engagement Report
 - a. Result: Report was received.
 - b. Action: No follow-up action needed.
- IV. Resolution – Automated Red Light Enforcement Grant Extension of Time
 - a. Result: Motion to adopt the resolution authorizing the Chair and Secretary to execute an extension of time letter for the Automated Red Light Enforcement Program Project Funding Agreement between the Township of Ferguson and the Commonwealth of Pennsylvania carried unanimously.
 - b. Action: The signed resolution and extension of time letter will be forwarded to PennDOT District 2. The new grant performance deadline is January 9, 2023.
- V. Review of Draft Turf, Grass, Weeds and Other Vegetation Ordinance Amendment
 - a. Result: No formal action was taken. The draft ordinance was reviewed and discussed.

- b. Action: The draft will be amended as follows: Including an increase from six inches to eight inches for allowable height of turf grass; requiring a perimeter of two feet be mowed and maintained around any green infrastructure installation; removal of the requirement to remove invasive species from green infrastructure installations; amending enforcement language by incorporating it into the correct section of the ordinance; and removal of the “Audit” provision. The draft language on invasive species will be referred to the Tree Commission for review and comment.

A revised draft will be presented back to the Board prior to referring the draft to the Planning Commission and authorization for advertisement for public hearing.

VI. Official Map Amendment – Musser Gap Trail

- a. Result: No formal action was taken.
- b. Action: The Board will schedule another discussion on the Official Map to consider any additional amendments before authorizing the addition of the Musser Gap to Whitehall Road Regional Park trail connection as a Proposed Bicycle Facility.

VII. Consent Agenda

- a. Result: Motion to approve the consent agenda as presented with the exception of the Special Events Permit for the Pregnancy Resource Clinic 5K carried unanimously. Motion to approve the Special Events Permit for the Pregnancy Resource Clinic 5K carried 4 – 1.
- b. Action: Follow-up action as appropriate.

VIII. Award of Contract to update the Recreation, Parks, and Open Space Plan

- a. Result: Motion to award a contract to HRG, Inc. in an amount of \$39,500 for consulting services to update the Ferguson Township Recreation, Parks, and Open Space Plan carried unanimously.
- b. Action: Staff will initiate the engagement and schedule a kickoff meeting. The Board will be updated as the project develops.

IX. Reports

- a. Action: Staff will follow up on several Board-requested items including: Line striping at Northland Center near Park Crest Terrace; a reminder to residents about our domestic chicken ordinance and permit process; funding for ballfield lights at Whitehall Road Regional Park; overgrowth and signage in the vicinity of Radio Park Elementary School; installation of a Grow Zone sign at Homestead Park; and consideration of kiosk replacement or repair at Homestead Park.