

TOWNSHIP OF FERGUSON

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FERGUSON TOWNSHIP PLANNING COMMISSION REGULAR MEETING AGENDA

Monday, September 13, 2021

6:00 PM

Zoom Meeting

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

Meeting ID: 832 6811 3138

- I. **Call To Order**
- II. **Citizen Input**
- III. **Approval of Regular Meeting Minutes**

A. August 23, 2021

- IV. **Unfinished Business**

- A. **Zoning and Subdivision and Land Development Ordinance Amendments**

Comprehensive updates to the Township's Zoning and Subdivision and Land Development (SALDO) Ordinances were 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 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.

Staff will provide an updated draft for the October 11, 2021 Planning Commission meeting for review and recommendation to the Board of Supervisors.

Recommended Motion: Planning Commission discuss the proposed amendments and provide additional comments.

Staff Recommendation: Staff recommends that the Planning Commission discuss the proposed amendments and provide additional comments.

- V. **New Business**
- VI. **Official Reports and Correspondences**
 - A. Board of Supervisors
 - B. CRPC Report
 - C. Land Development Plans
 - D. Staff Updates
- VII. **Adjournment**

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, AUGUST 23, 2021
6:00 PM**

ATTENDANCE

The Planning Commission held its second meeting of the month on Monday, August 23, 2021, as a hybrid meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Bill Keough
Shannon Holliday
Lisa Rittenhouse
Dr. Ellen Taricani
Lewis Steinberg, Alternate
Qian Zhang – Alternate

Staff:

Jenna Wargo, Planning & Zoning Director
Kristina Aneckstein, Community Planner
Jeff Ressler, Zoning Administrator

Others in attendance: Rhonda Demchak, Recording Secretary; Jessica Gracie-Griffin, Ferguson Township Resident; David Archibald, Regional Survey Manager, SAS Geospatial, LLC

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission’s regular meeting to order on Monday, August 23, 2021 at 6:14 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 AUGUST 9, 2021

Dr. Taricani moved that the Planning Commission **approve** the minutes of August 9, 2021. Mr. Keough seconded the motion. The motion passed unanimously.

III. CITIZEN INPUT

None.

IV. NEW BUSINESS

A. Conditional Use – Griffin Flag Lot

Ms. Aneckstein noted that included in the agenda is an Application for Conditional Use submitted by Jessica Gracie-Griffin and Corey Griffin for a proposed flag lot to be created by subdividing the current lot or 1350 Greenwood Circle. The property is zoned Single Family Residential (R1). Flag lots are a conditional use in R1 zoning districts. A conditional use is a permitted use that is subject to additional zoning requirements that applicants must meet as part of the conditional use process and a necessary step in the process for subdividing a flag lot. Ms. Aneckstein noted that the conditions are included in the agenda for review.

Mr. Keough asked staff if there are two deeds to the parcel. Ms. Aneckstein reported that it is only one deed because the two lots were combined when the property was sold to the original owner. Mr. Keough asked why there was a lot line included on the plan. Ms. Aneckstein stated that the line is just a reference for the original recorded lot. Mr. Archibald confirmed that it is just a reference. Mr. Keough suggested having the plan show only one lot without the lot line down the middle. Mr. Keough questioned the utility easements on the back side of the lot and what is it comprised of. Mr. Archibald noted they are not that far yet with electric and cable. Ms. Gracie-Griffin the owner of the property stated that there is electric and cable but there has been no official survey completed.

Mr. Thompson asked if Columbia Gas installed gas lines. Ms. Gracie-Griffin stated that they did on the north side of Greenwood Circle.

Mr. Keough asked if Park Hills has a current Homeowners Association (HOA). Ms. Wargo stated that they do not. Mr. Keough asked if there should be any concerns with historic covenants. Ms. Aneckstein reported that it expired in the 1980's. Ms. Gracie-Griffin noted that they do not have an HOA but did inform the neighborhood of their plan.

Mr. Keough moved that the Planning Commission **recommend** to the Board of Supervisors approval of the Application for Conditional Use of the creation of a Flag Lot with the conditions provided in §27-732. Ms. Zhang seconded the motion. The motion passed unanimously.

V. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo reported that the Board met on August 16th. The Board reviewed the Conditional Use for Penn State and decided to only extend for three years. They reviewed the waiver/modification for the Campbell Land Development Plan. At the September 7th meeting they will review an Act 537 Amendment as well as the Conditional Use for the Griffin Flag Lot.

B. CRPC Report

Dr. Taricani reported that they did not meet but noted there is progress being made at the new Aspen Heights Building.

C. Land Development Plans

Ms. Aneckstein reported that they are reviewing the Farmstead View Subdivision Plan and it's the first review. After reviewing, it will return to the engineer for their comments. A new land development plan was received since the last meeting for Orchard Square. Orchard Square is a commercial lot next to Sheetz on Whitehall Road. Ms. Aneckstein noted that the Peace Center and cemetery for the Islamic Society is currently on hold.

Mr. Keough asked if staff did research regarding rules with creating a cemetery. Ms. Wargo stated that it comes down to local municipalities and the Township's Ordinance. Mr. Keough suggested corresponding with DEP to obtain any concerns with a new cemetery being established and if there is overriding legislation that would apply. Ms. Wargo will send an email but noted that DEP doesn't get involved with the regulations of cemeteries. They only get involved if there is a contamination issue and that is complaint driven. Mr. Keough asked if we should be looking at issues where there are concerns that might not be covered by the existing ordinance. Mr. Ressler reported that part of the requirement is that graves must have a concrete vault. The Islamic Center is aware and is fine with the requirement.

D. Staff Updates

No Report.

Mr. Thompson reported that he attended the groundbreaking ceremony at Orchard View and the developers complimented the Township on the process.

VI. Adjournment

Mr. Keough made a motion to adjourn the August 23, 2021 Planning Commission meeting at 6:45 p.m.

Respectfully Submitted,

Rob Crassweller, Secretary
For the Planning Commission

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

LAND DEVELOPMENT

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

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

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

A. Not more than three detached single-family residential structures, whether developed initially or cumulatively on a single lot, as permitted by the Township’s Zoning Ordinance for the zoning district the structures are located in;

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B. The construction or alteration of a nonresidential building (not to exceed 1,000 square feet, cumulatively) 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:

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

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

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

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

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

(6). A requirement of additional parking.

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

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

SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or

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lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

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

(2) Payment of all application and escrow fees

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

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

A. Recommendations and Approvals.

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

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

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

2. Minor Alteration Plan.

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

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

- (1) The building coverage will be increased or decreased by no more than 10%.
- (2) The impervious coverage will be increased by ~~no~~ more than 10%.
- (3) The change in use will not increase the parking requirements.
- (4) The stormwater management controls will not be changed.

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- (5) Any motor vehicle access to the property will not be added, deleted or relocated by more than 50% of its width.
- (6) The location for the construction of proposed structures from an approved plan will not be changed by more than 10% of the ground floor area.
- (7) ~~The landscaping plan will not be changed in more than 10% of the total pervious coverage area. All landscaping alterations are permitted if in compliance with the current §27-707. (§22-515.) Landscaping regulations.~~
- (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.

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.

(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.

§22-506.1.G Water Supply

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

(1) Exception. One- and two-family dwellings, the distance to any building or structure shall not exceed 300 feet.

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

§ 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.

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

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

A. Bicycle Parking Spaces Required.

(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 individual private garages or equivalent separate storage space for each unit:	0.05 per bedroom or 1 per 20 units	None
Commercial	Office building	1 per each 20,000 square feet of floor area	1 to 1.5 per 10,000 square feet of floor area
	General retail	1 per each 5,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Grocery	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Restaurant	1 per each 2,000 square feet of floor area	1 per 10,000 to 12,000 square feet of floor area
	Parking garage	2 spaces	1 per 20 motor vehicle spaces
	Outdoor parking lot	1 per 20 motor vehicle spaces	2 spaces
Civic	Nonassembly cultural (e.g., library, government buildings)	1 per each 8,000 to 10,000 square feet of floor area	1 to 1.5 per each 10 to 20 employees
	Assembly (e.g., places of worship, theaters, stadiums, parks)	Spaces for 2 to 5 percent of maximum expected daily attendance	1 to 1.5 per each 20 employees
	Schools (K through 12)	1 per each 20 students of planned capacity	1 per each 10 to 20 employees and 1 per each 20 students of planned capacity for grades 6 through 12 to
	Colleges and universities	1 per each 10 students of planned capacity	1 per each 10 to 20 employees and 1 per each 10 students of planned capacity or 1 per each 20,000 square feet of floor area, whichever is greater
Industrial	Manufacturing and production, agriculture	2 spaces	1 per 20 employees

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§ ~~27-707-22-515~~ 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~~ ~~b~~ Buffer yards are intended to aid the Township of Ferguson in protecting the community character of the Township by separating incompatible uses either within the same zoning district and/or between adjacent zoning districts. The purpose of the ~~flexible~~ buffer yard requirements is to alleviate problems which could be encountered by a single standard. The requirements of this section can reasonably accommodate the characteristics of each site and the range of land uses.

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

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

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 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.

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(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).

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(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.

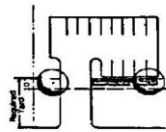


Figure 1

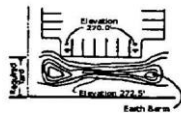


Figure 2

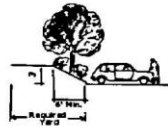


Figure 3



Figure 4

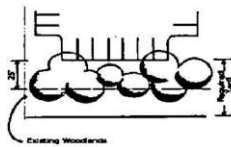


Figure 5

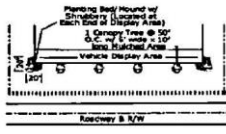


Figure 6

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.

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- 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~~ 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.

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(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.~~

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

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

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

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

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

~~8. Residential parking within the TS District shall be provided at the rate of 1.0 space for each studio or one-bedroom unit and 1.5 spaces for each unit that is two bedrooms or larger, subject to the following 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, Subdivision and Land Development~~27-1003 of this chapter~~. An elevation drawing of any structure to be constructed on the property shall be provided as part of the land development plan.

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

Field Code Changed

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

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

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

C. Principles of Development. Where it is necessary to use steep slopes (25% or greater) to permit development of a lot, all such proposals shall, in addition to other applicable regulations of this chapter, be in accordance with the following principles of development. All development on steep slopes shall:

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

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

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

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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.

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.

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

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(12) Food trucks shall not be parked in the public right of way or on the road itself. The mobile food vendor shall first obtain 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.

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(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.

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

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

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

~~(3) 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 vendor 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 vendor shall prominently display the property owner's consent on the mobile retail food facility.~~

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~~(4) 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.~~

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~~(5) The mobile retail food facility must be located at least 15 feet from fire hydrants or any other fire department connection.~~

~~(6) 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 vendor 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 vendor~~ shall obtain a ~~food truck mobile retail food facility~~ operation zoning permit and applicable health permit; both shall be displayed ~~on the food truck mobile retail food facility~~. Each person obtaining a zoning permit shall pay all applicable fees set forth in the Township fee schedule. The permit required will be for a period of one year and shall be renewed on an annual basis. Prior to the issuance of a zoning permit, the vendor shall provide evidence of a Pennsylvania Department of Agriculture Bureau of Food and Laboratory Services retail food facility permanent license, or a division of health and neighborhood services permit with facilities plan review and the following:

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- (a) A plan for refuse and recycling containers.
 - (b) Proposed seating (if applicable).
 - (c) The ~~food truck~~ mobile retail food facility shall be subject to all code requirements in Chapter 10 (Health and Safety) of the Township Code of Ordinances.
- (3) The mobile food vendor or his/her designees must be present during operating hours, except in the case of emergencies.
- (4) Vehicle registration for all vehicles being used shall be provided as part of the zoning permit application.
- (5) A twenty-four-inch-by-thirty-six-inch sandwich board sign is permitted and shall be ~~contained~~ located within five feet of the ~~food truck~~ mobile retail food facility. No off-site signs shall be permitted.
- E. If the office for the ~~food truck~~ mobile retail food facility business is located within the owner's home in Ferguson Township, a ~~No-Impact~~ Home-Based Business ~~occupation~~ permit shall be required.
- 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 VENDOR, MOBILE

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

FOOD TRUCK RETAIL FOOD FACILITY, MOBILE

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

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exempted from this chapter.

PLACE OF ASSEMBLY

An institution, other than recreation and/or school-related, that people regularly attend to participate in or hold religious worship services, community wide activities and/or related meetings.

1. COMMUNITY PLACE OF ASSEMBLY

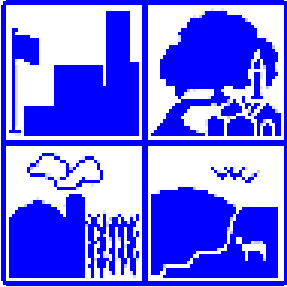
A place of assembly, as herein defined, that is designed to serve those within the surrounding community and maximum seating capacity of the largest assembly space (present or proposed) is less than or equal to 750.

2. NEIGHBORHOOD PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is design to serve those within one or more adjacent neighborhoods and maximum seating capacity of the largest assembly space (present or proposed) is less than or equal to 250.


3. REGIONAL PLACE OF ASSEMBLY

A place of assembly, as herein defined, that is designed to serve those in multiple communities and maximum seating capacity of the largest assembly space (present or proposed) is equal to or greater than 750.



Ferguson Township
3147 Research Drive
State College, PA 16801
Telephone: 814 – 238 – 4651
Fax: 814 – 238 – 3454
www.twp.ferguson.pa.us

Memo

To: Board of Supervisors
From: David Pribulka, Township Manager 
CC: Department Heads
Date: August 24, 2021
Re: August 16, 2021 Regular Meeting Follow Up

At the August 16th Regular Meeting, the following items were discussed:

- I. Citizen's Input
 - a. Result: No Citizen's Input was received.

- II. Approval of August 2nd Regular Meeting Minutes; July 20th CIP Special Meeting Minutes; and July 21st CIP Special Meetings Minutes
 - a. Result: Motion to approve minutes as presented carried unanimously.

- III. Reports – State College Borough Water Authority
 - a. Result: Report was received.
 - b. Action: No follow-up action is needed. Of note, the Township Zoning Administrator has been working with the SCBWA on concerns related to the Kiefer clean fill site on Ernest Lane/Nixon Road. Much of the permitting is done at the state and county level, but the grading permit issued by the Township can reflect conditions that may alleviate some of the Water Authority's concerns. I am also working on facilitating a meeting between the property owner and some of the adjoining property owners to discuss nuisance complaints.

- IV. Review of DRAFT 2022 Centre Region Council of Governments Program Plan and Draft 2022 – 2026 Capital Improvement Plan
 - a. Result: No formal action was taken. The Comment Guide was reviewed by the Board and responses provided.

- b. Action: The Assistant Manager forwarded the Board's comments in advance of the August 19th deadline to the COG Executive Director.
- V. Consent Agenda
 - a. Result: Motion to approve the consent agenda as presented carried unanimously.
 - b. Action: Follow-up action as appropriate.
- VI. Conditional Use Hearing – 1445 West College Avenue
 - a. Result: Motion to close the public hearing and direct the Township Manager to present Findings of Fact and a written decision to the Board for consideration at the September 7th Regular Meeting carried unanimously.
 - b. Action: The written decision will be prepared and presented to the Board on September 7th for consideration. The decision will be modified to reflect a term of three years instead of five. Staff is researching the concern regarding the gravel path constructed at the rear of the facility.
- VII. Public Hearing – Act 537 Plan Amendment
 - a. Result: Motion to adopt the resolution adopting an Act 537 Sewage Facilities Plan Update carried unanimously.
 - b. Action: The signed resolution has been forwarded to CRPA and UAJA.
- VIII. Request for Variance – 1609 North Atherton Street
 - a. Result: Motion to remain neutral on the request for variance at 1609 North Atherton Street carried unanimously.
 - b. Action: No follow-up action is needed.
- IX. Request for Waiver – 401 Plainfield Road
 - a. Result: Motion to grant the waiver from §22-104.B. subject to the condition that the applicants comply with all state regulations carried unanimously.
 - b. Action: Conditional approval of the waiver will be communicated in writing to the applicant.
- X. Heritage Tree Designation – 210 Deibler Road
 - a. Result: Motion to approve the designation of Heritage Tree subject to receipt of an executed tree easement document from the property owner carried unanimously.
 - b. Action: The easement document will be executed and recorded. Staff will work on an acknowledgement for Baileyville Community Hall for preserving the tree.
- XI. Letter to PSU President urging mandatory COVID-19 vaccinations for returning students, faculty, and staff

- a. Result: Motion to authorize the Chair to endorse the letter to Penn State University officials urging the University to require COVID-19 vaccinations for all non-exempt students, faculty and staff as soon as logistically possible carried unanimously.
 - b. Action: The letter has been modified as discussed by the Board and formatted for the Chair's signature.

- XII. Board Member Request – Radio Park Elementary School Crossing Guard
 - a. Result: Motion to authorize the hiring of a part-time crossing guard for Radio Park Elementary School carried unanimously.
 - b. Action: The job announcement is being prepared and will be advertised accordingly. Additionally, the stop sign study and lighting improvements at the intersection are proceeding as discussed.

- XIII. Reports
 - a. Action: Staff will follow up on tree pruning on Cherry Lane.