

FERGUSON TOWNSHIP PLANNING COMMISSION
Regular Meeting Agenda
Monday, February 28, 2022, 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. February 14, 2022 Regular Meeting Minutes

IV. OLD BUSINESS

1. 264 Sycamore Drive/Sycamore Land Development Plan Revision

Narrative

Due to recent price spikes in some materials (supply chain issues, etc.) the Rogan's have made some changes to their house plans to simplify construction and reduce size slightly. That resulted in a layout that is a bit different than the plan previously reviewed by Planning Commission at their February 14, 2022 meeting.

Staff has reviewed the plan and has no additional comments to include in the outstanding comments.

Staff Recommendation: That the Planning Commission make a recommendation to the Board of Supervisors to approve the Land Development Plan.

Recommended Motion: Move that the Planning Commission make a recommendation to the Board of Supervisors to *approve* 264 Sycamore Drive/Rogan Preliminary/Final Land Development Plan.



2. Amendment to Chapter 16, Parks and Recreation, Part 1, Section 106 and 107, Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning by Amending Sections as Described in the Attached Exhibits

Narrative

On November 16, 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the amendments, staff have been tracking errors and omissions while interpreting the ordinances and is recommending additional amendments to address these issues. The Board was provided the draft that was last reviewed by the Planning Commission and made additional amendments to be included. Those updates include amendments to Supplemental Regulation (§27-700) and Definitions (§27-1102).

Provided with the agenda are the draft amendments as provided to Centre County Office of Planning & Community Development and Centre Regional Planning Commission for the Public Hearing to be held March 15, 2022.

Staff Recommendation: That the Planning Commission *recommend* approval of the proposed amendments to the Board of Supervisors.

Recommended Motion: Move that the Planning Commission make a recommendation to the Board of Supervisors to *approve* the Proposed Amendments.

3. Ordinance Amendment Application—Traditional Town Development Zoning District

Narrative

On January 10, 2022, Chris Schubert, Esq. on behalf of his client, AT&T, submitted an application for a text amendment to the Traditional Town Development zoning district. Planning Commission heard a presentation from the applicant at the February 14, 2022 Planning Commission meeting. Provided in the agenda is a Staff Report and a draft amendment to §27-710—Wireless Communication Facilities proposed by the applicant. The applicant is prepared to present the proposed amendments.

Staff Recommendation: That the Planning Commission *receive and discuss* the provided materials.

Recommended Motion: Move that the Planning Commission direct staff to research the proposed Wireless Communication Facilities ordinance and include amendments for compliance with the Small Wireless Facilities Deployment Act (Act 50) that was adopted in June 2021.

V. NEW BUSINESS

1. Community Planning – Three Essential Questions for Better Planning

Included in the the agenda is an article from the APA, Planning Advisory Service. The article proposes three essential questions to direct intentions across all of our work by asking:

1. Who is helped?
2. Who is harmed?
3. Who is missing?

As Planning Commissioners, asking these essential questions can create a foundation for good planning practice. Asking and answering these three questions enhances our ability to cut to the chase to what is real, because our work involves real people.

Recommended motion: *This is a discussion item.*

VI. COMMUNICATIONS TO THE COMMISSION

VII. OFFICIAL REPORTS AND CORRESPONDENCE

1. Board of Supervisors Report
2. CRPC Report
3. Land Development Plans
 - a. Farmstead View Subdivision – 3rd Staff review completed, comments delivered
 - b. 264 Sycamore Dr LDP – Revised Review
 - c. CVIM – 2026 Sandy Dr – Under 2nd Staff Review
 - d. JL Cidery Proposed Deck – Withdrawn
 - e. Peace Center and Cemetary – Awaiting Response
 - f. Orchard Square Final LDP –1st Staff Review
 - g. Centre Animal Hospital – Awaiting Response
 - h. Fusion Japanese Steakhouse – Under First Staff Review
4. Staff Updates

VIII. ADJOURNMENT

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, FEBRUARY 14, 2022
6:00 PM**

ATTENDANCE

The Planning Commission held its first meeting of the month on Monday, February 14, 2022, as a zoom meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Jerry Binney – Vice Chair
Shannon Holliday
Bill Keough
Lisa Rittenhouse - Alternate
Qian Zhang - Alternate

Staff:

Jenna Wargo - Planning & Zoning Director
Kristina Bassett - Community Planner
Jeff Ressler - Zoning Administrator

Others in attendance: Rhonda Demchak, Recording Secretary; Wes Glebe, Ferguson Township Resident; Cristine Bailey, Ferguson Township Resident; Chris Schubert, Esquire; Chris Rogan, Ferguson Township Resident; Christopher Lash, Project Manager, Jacobs; Dave Kerr, Government Affairs, AT&T

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, February 14, 2022, at 6:04 p.m. Mr. Thompson noted that the Planning Commission meeting had been advertised in accordance with the PA Sunshine Act as a virtual zoom meeting with space available in the Township main meeting room for any public members to participant. Persons attending 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.

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

II. CITIZEN INPUT

There were none.

III. APPROVAL OF MINUTES

Ms. Holliday moved that the Planning Commission **approve** the January 24, 2022, Organizational Meeting Minutes. Mr. Keough seconded the motion. The motion passed unanimously.

Mr. Binney moved that the Planning Commission **approve** the January 24, 2022, Regular Meeting Minutes. Mr. Keough seconded the motion. The motion passed unanimously.

IV. OLD BUSINESS

1. Planning Commission Introduction

Mr. Keough moved that the Planning Commission **move** the Planning Commission Introduction to the end of the meeting. The motion passed unanimously

2. 2021 State of Planning Report

Ms. Bassett reported that she included the changes/additions to the Planning

Report from the last meeting that included the following:

- Mr. Keough's request on decisions of the Conditional Use Hearings
- Ms. Wargo collected information on all the zoning permits

Ms. Basset reviewed the 2021 Zoning permits that were included in the agenda packet. The chart is on page 26 of the packet.

Mr. Keough asked if a chart of citations should be included. Mr. Ressler noted that there aren't many issued per year but would give it consideration. Mr. Ressler stated that there is more notice of violations than citations. Mr. Keough requested seeing both citations and notice of violations in the Planning Report.

Mr. Keough requested including a vision statement to the end of future Planning Reports to include items that need increased attention such as affordable housing, economic development, and expanding community input on issues. Also, Mr. Keough suggested including a statement on where the Township will be in 20 years with regards to land use, housing, and agriculture

Ms. Bassett will review Mr. Keough's suggestions when the 2022 Planning Report is being created.

Mr. Keough moved that the Planning Commission **recommend** approval of the 2021 State of Planning Report to the Board of Supervisors. Mr. Binney seconded the motion. The motion passed unanimously.

V. NEW BUSINESS

1. Ordinance Amendment Application – Traditional Town Development Zoning District

On January 10, 2022, Chris Schubert, Esq. on behalf of his client, AT&T, submitted an application for a text amendment to the Traditional Town Development zoning district. Included in the agenda is the draft text amendment submitted by AT&T. AT&T submitted requests for variances from §27-303.A.D. (prohibits telecommunication facilities within this zoning district), §27-710.3.A., (setbacks), and §27-710.H.2. (buffer landscaping) to the Zoning Hearing Board and the application was denied. AT&T is proposing a text amendment to locate a telecommunications tower in the Traditional Town Development Zoning District.

The Board of Supervisors received the application at the January 18th Regular Meeting and referred it to the Planning Commission for review and recommendation.

Mr. Schubert introduced Dave Herr, AT&T External Affairs and Christopher Lash, Project Manager, Jacobs.

Mr. Schubert and Mr. Herr presented the PowerPoint presentation that was included in the agenda packet.

Mr. Keough asked if there is a back up to the tower in case there is a power outage. Mr. Schubert stated that there will be a backup generator in place.

Mr. Keough asked if the site will require a building. Mr. Schubert noted that it will

not require a building because the tower will have a built-in cabin.

Mr. Keough asked about security around the tower. Mr. Schubert stated there will be a fence around the perimeter and it is remotely monitored 24/7.

Mr. Keough asked if the tower will be 5G. Mr. Schubert stated that the tower will be 5G capable, however the tower is being designed for 4G LTE. Mr. Schubert and Mr. Kerr explained the differences between the two. Mr. Keough inquired about the number of towers needed and the space in between. Mr. Schubert stated that they would be a half mile to a mile apart. Mr. Keough asked if the tower space is shared with other providers. Mr. Lash noted that the tower is being built for multiple carriers. Mr. Keough asked for clarification. Ms. Wargo and Mr. Ressler stated that the TTD prohibits communication towers in the district.

Mr. Keough inquired about the types of housing that the tower will be located by. Mr. Schubert viewed an ariel map of where the proposed tower will be located and noted it wouldn't be too close to residential areas.

Ms. Zhang asked for the height of the tower. Mr. Schubert answered it will be 165 feet. Ms. Zhang inquired about environmental restrictions. Mr. Schubert stated that where the tower will be located there wouldn't be restrictions. Ms. Zhang asked if the Township knows how many people use AT&T.

Mr. Binney asked if the applicant heard from Harmony in State College about the proposed tower. Ms. Wargo stated that they have not because the Board saw this on January 18th and recommended to the Planning Commission.

Mr. Keough asked if there has been any consideration to include as a conditional use in the TTD as opposed to the entire TTD. Ms. Wargo stated that the Planning Commission can recommend whatever they decide.

Mr. Wes Glebe, Ferguson Township Resident requested to view the aerial map again and suggested placing on the PS Blue Course. Mr. Lash noted that Penn State is not interested in having a tower on their property.

Ms. Holliday asked if the tower would have any negative or positive effects with the Harmony Senior Living Center. Mr. Schubert stated that it will have a positive impact because of the connectivity it will provide. Ms. Holliday inquired about the financial impact the tower may impose. Mr. Kerr stated there would be no impact. Mr. Lash identified that there are affordable programs put in place by the federal government which AT&T participates in.

Mr. Keough stated that he would prefer recommending as a conditional use and as the technology changes review at that time to move forward. Mr. Thompson asked the opinion of the other commission members. Mr. Schubert noted in the other districts they are permitted by right with no conditional uses and stated there is a lot of criteria that the staff would need to figure out. Ms. Wargo and Mr. Ressler stated there are conditional uses if they are between 200 – 300 feet.

Mr. Keough reviewed the following list of his suggested conditional uses:

1. In the TTD there would be minimum distance to the nearest residents.
2. Height
3. Opposed to having it located in a designated open space area

Mr. Lash noted that 2 of the 3 uses that Mr. Keough suggested are already in place at Ferguson Township, height, and the opposing of the open space area.

Mr. Schubert recommended working with Ms. Wargo and Mr. Ressler on additional language to be included before it is moved to the Board of Supervisors. Ms. Wargo stated that the Acting Township Manager wants a recommendation to go to the Board at their next meeting.

Cristine Bailey, Ferguson Township Resident asked what the tower will look like. Mr. Schubert showed a picture of the proposed tower.

Mr. Binney agreed with including additional language.

Mr. Keough moved that the Planning Commission *refer* to the Board of Supervisors the request to review additional information on the part of staff and the applicant to be brought back to the Planning Commission one more time before moving to the Board of Supervisors.

Mr. Schubert looks forward to further discussion.

Mr. Binney seconded the motion. The motion passed unanimously.

2. Amendment to the Regional Bike Plan

Ms. Wargo reported that since the adoption of the Centre Region Bike Plan in 2015, many municipalities have constructed new bicycle facilities and amended Official Maps to include or remove bicycle facilities. CRPA has been working with municipalities and Penn State Transportation Services to update facilities to accurately reflect the changes that have been completed since the Bike Plan was adopted. Provided with the agenda is a copy of a table of comments provide to CRPA staff and CRPA staff's response for review.

Mr. Keough stated that a bike path along Nixon Road is not an acceptable use due to the preserved farms.

3. Application for Consideration of a Modification/Waiver

Ms. Bassett reported that PennTerra Terra Engineering, Inc, on behalf of their client, has requested a modification/waiver from PennTerra Engineering, Inc, on behalf of their client, has requested a modification/waiver from Section 22-401.C.1.f – Fire Lanes and Section 22-401.C.1.g —General, landscaping plan and lighting plan. This plan is a simple Land Development and Subdivision. Staff is in the process of removing the requirements of a landscaping plan and lighting plan for single-family homes that require a land development plan. Staff has reviewed the application and isn't recommending any conditions be included with the request.

Mr. Keough moved that the Planning Commission *recommend* granting the Application for Consideration of a Modification/Waiver from §22-401.C.1.f and §22-401.C.1.g to the Board of Supervisors. Mr. Thompson seconded the motion. The motion passed unanimously.

4. 264 Sycamore Drive/Rogan Land Development Plan

Ms. Bassett reported that on behalf of their client, PennTerra Engineering, Inc. has submitted 264 Sycamore Drive/Rogan Preliminary/Final Land Development Plan. The applicant is proposing to construct a single-family home on the 7.566 acre lot. The residential home is required to submit a land development plan because it is proposed in an area identified as having steep slopes.

A Modification/Waiver was granted on October 4, 2021, for this plan to proceed as Preliminary/Final. The parcel is located within the Single Family Residential (R1) zoning district.

Mr. Keough asked if further subdivisions could be made on the lot. Mr. Chris Rogan stated that there will not be further subdivisions.

Mr. Binney moved that the Planning Commission **recommend** approval of 264 Sycamore Drive Preliminary/Final Land Development Plan to the Board of Supervisors. Mr. Keough seconded. The motion passed unanimously.

VI. OLD BUSINESS

1. Planning Commission Introduction

Ms. Wargo noted there is a video titled "[Duties & Responsibilities of a Planning Commission](#)" available for review. Ms. Wargo reminded the Commission members that they are subject to the [Sunshine Act](#) and reviewed key points.

Ms. Bassett reviewed Mr. Thompson's draft Planning Review document. Ms. Bassett reviewed how she reviews a plan by showing a plan that was withdrawn last year. Mr. Ressler also reviewed how he looks over a plan.

Ms. Zhang requested the Planning Review document be sent to everyone.

VII. COMMUNICATIONS TO THE COMMISSION

Mr. Thompson received a communication from Cindy Hahn, Executive Director, C-NET that starting today, the Planning Commission meetings at will be [aired](#) at different times.

Mr. Keough received a communication from Fredrick Sepp. Mr. Sepp noted his concerns with the stormwater fee system and not receiving a reply from staff on information he sent.

VIII. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo noted that the Board met on February 1st. They discussed the Strategic Plan, Anti-Discrimination Ordinance, Resolution to adopt the Master Plan at Songbird Sanctuary Park, and they adopted a monthly standing worksession to be held the second Tuesday of each month from 2:00 p.m. – 4:00 p.m.

B. CRPC Meeting

Mr. Thompson reported on behalf of Dr. Taricani. They discussed the amendments to the regional bike plan.

Mr. Keough reported that he had a conversation with Jim May, Director, Centre

Regional Planning Agency regarding the cell tower boom that is happening. Mr. May noted that the County Planning Commission will be overseeing the cell towers.

C. Land Development Plans

Ms. Bassett reviewed the following:

- a. Farmstead View Subdivision – Under 3rd Staff review
- b. 264 Sycamore Dr LDP – Staff complete 1st review. Awaiting Response
- c. CVIM – 2026 Sandy Dr – Awaiting Response to comments
- d. JL Cidery Proposed Deck – Awaiting Response
- e. Peace Center and Cemetery – Awaiting Response
- f. Orchard Square Final LDP – Under 1st Staff Review
- g. Centre Animal Hospital – Awaiting Response
- h. Salvation Baptist Church – Under First Staff Review

D. Staff Updates

Interviews were conducted for the Planning Commission Administrative Assistant, and they are down to two candidates.

IX. Adjournment

Mr. Binney made a motion to adjourn the February 14, 2022, Planning Commission meeting at 8:55 p.m.

Respectfully Submitted,

Rob Crassweller, Secretary
For the Planning Commission



TOWNSHIP OF FERGUSON

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

TO: Planning Commission

FROM: Kristina Bassett, Community Planner

DATE: February 24, 2022

SUBJECT: Rogan/Sycamore Subdivision

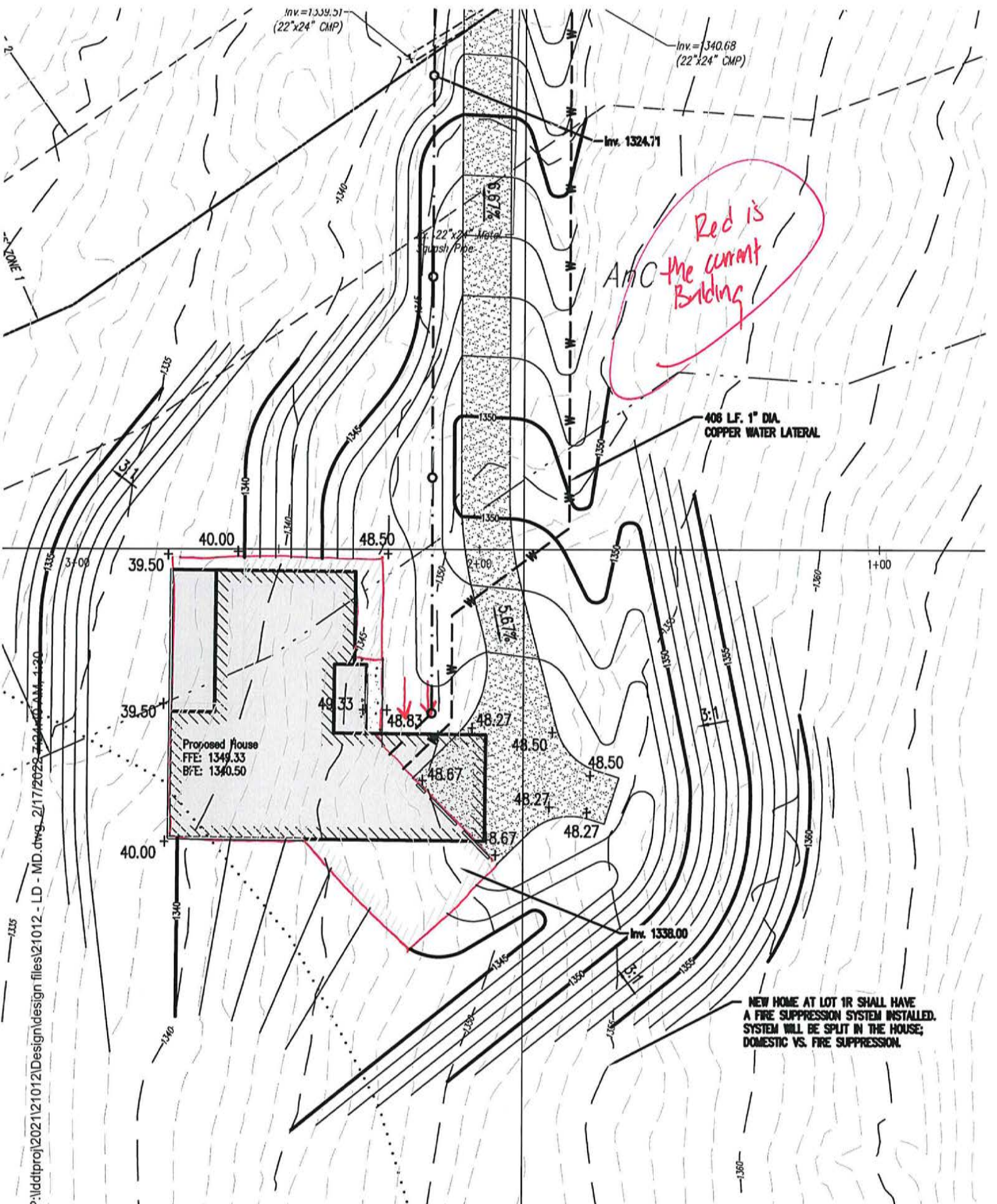
Due to recent price spikes in some materials (supply chain issues, etc.) the Rogan's have made some changes to their house plans to simplify construction and reduce size slightly. The Result is that a layout that is a bit different than the plan Planning Commission saw at their February 14, 2022 meeting.

Result is a reduction in impact for driveway and impervious coverage. The grading will be modified slightly with the new layout.

A copy of the changes have been included in the agenda.

Staff recommends the Planning Commission make a recommendation to the Board of Supervisors to approve the 264 Sycamore Drive/Rogan Preliminary/Final Land Development Plan as amended.

Staff Recommendation: The Planning Commission make a recommendation to the Board of Supervisors to approve the 264 Sycamore Drive/Rogan Preliminary/Final Land Development Plan.



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LATERAL (C.O. EVERY 50')

INTERMITTENT STREAM

Inv. = 1339.51
(22"x24" CMP)

Inv. = 1340.68
(22"x24" CMP)

Inv. 1324.71

Ex. 22"x24" Metal Squash Pipe

AnC

406 L.F. 1" DIA. COPPER WATER LATERAL

1/4 F
er Rogan
r Rogan
e Assigned)
1A, 254,000--
3 97, PG 68
58 S.F.
3 Ac.
more Drive

35' ZONE 1

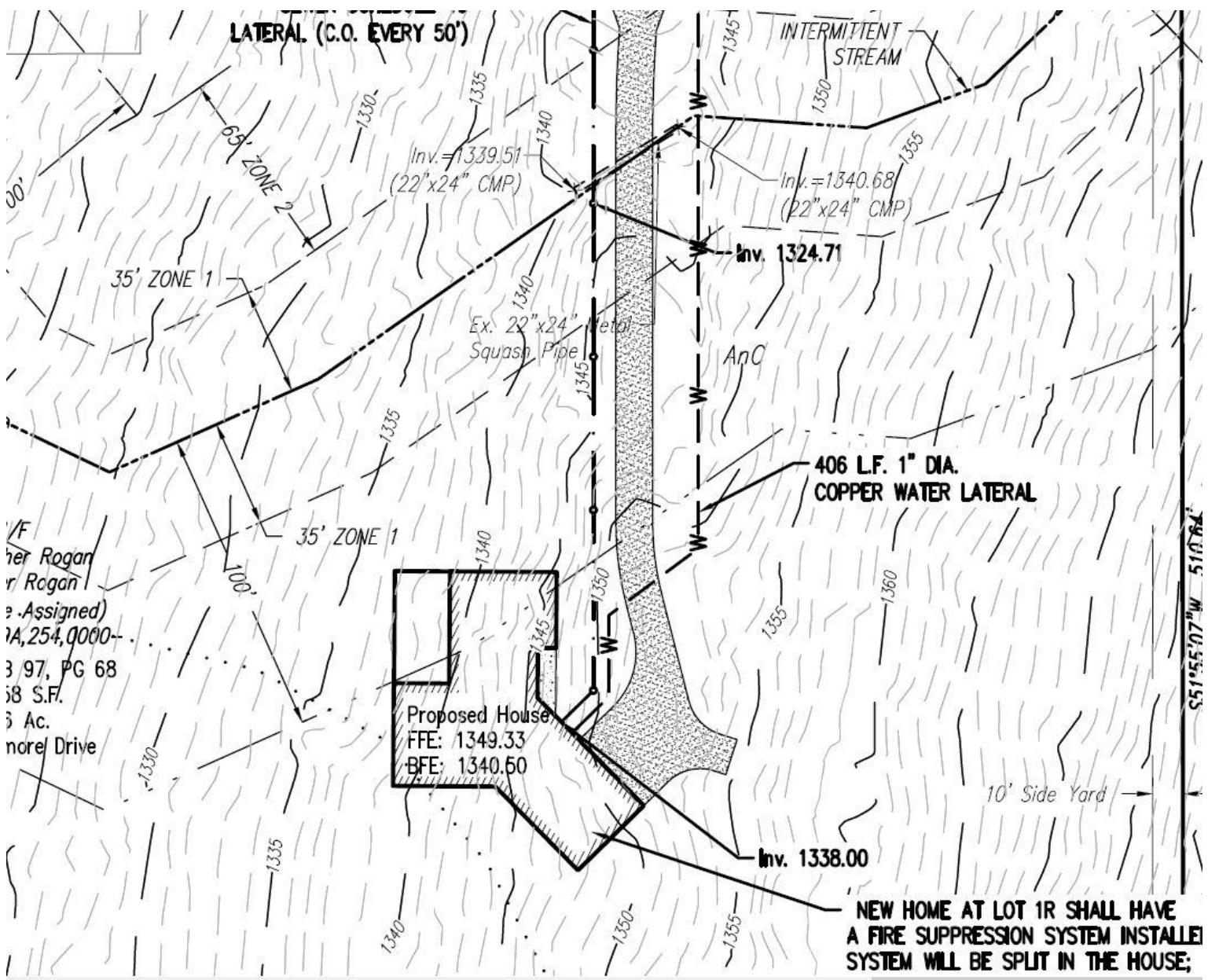
Proposed House
FFE: 1349.33
BFE: 1340.50

Inv. 1338.00

10' Side Yard

NEW HOME AT LOT 1R SHALL HAVE A FIRE SUPPRESSION SYSTEM INSTALLED. SYSTEM WILL BE SPLIT IN THE HOUSE;

S51°55'07"W 510.6A



**§ 16-106. Regulated Uses.
Centre Region Parks and Recreation Department.**

[Ord. 873, 11/20/2006, § 7]

5. Selling Concessions. No person shall in any park exhibit, sell, or offer for sale, hire, lease or let out any object, service or merchandise or anything whatsoever, whether corporal or incorporal, ~~except under a permit issued by the Centre Region Department of Parks and Recreation not to adversely limit allowances as provided in Ferguson Township's Code of Ordinances.~~

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§ 16-107. Centre Region Parks and Recreation Department.

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

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

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

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—A land development which does not qualify or classify as a minor land development;

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

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A. Not more than three detached single-family residential structures, whether developed initially or cumulatively on a single lot, as permitted by the Township's Zoning Ordinance. Proposed single-family residential structures are exempt activities under Minor Land Developments.

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B. The construction or alteration of a nonresidential building with a footprint of not more than 1,000 square feet, whether initially or cumulatively; provided that the construction or alteration does not

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result in the following:

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

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

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

SUBDIVISION

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

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

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

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

B. Consolidation of lot lines; and

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

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

**§ 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

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

1. Fees for Review.

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

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

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

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

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

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B. ~~Seven~~ black (or blue) on white full-size prints, ~~one~~ 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.

3. Upon receipt of the above, the Township Department of Planning and Zoning shall forward, immediately, one copy of the plan to the following reviewing agencies: the Township Solicitor; Centre Regional Planning Agency; Centre Regional Planning Commission; Centre County Planning Commission; the Township Engineer; the Township Tree Commission; the Township Parks and Recreation Committee; Township Arborist; and the Alpha Fire Company Chief. All written comments from reviewing agencies are requested to be delivered to the Township within 14 days of receipt from the Township.

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

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

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

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

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

a. Approve the preliminary application.

b. Approve the preliminary application with conditions.

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

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

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

(6) Effect of Approval. If the plan receives preliminary approval by the Board of Supervisors ~~and all fees are paid~~, the action of the Board of Supervisors shall be noted, together with the date of action and signature of the Chairman, ~~and~~ Secretary and Township Engineer, on two copies of the plan. One copy of the plan shall be given to the applicant, while the other copy shall be retained in the Township files. The preliminary plan shall be entitled to the protections afforded by §508(4) of the MPC, 53 P.S. §10508(4). After the signatures are obtained, the applicant may immediately begin to lay out all lots, parcels, blocks, easements, and rights of way, and construct all streets, sanitary-

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~~sewage disposal systems, water supply systems, storm drainage facilities, and monuments in accordance with the approved plan, but no parcel or lot may be conveyed or recorded until after final approval of the plan. Any privately owned, off-site easements that shall be approved by others shall be secured by the applicant prior to the filing for final plan approval.~~

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

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

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

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

(2) Payment of all application and escrow fees.

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

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

A. Recommendations and Approvals.

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

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

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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.

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2. Minor Alteration Plan.

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

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

(1) The building coverage will be increased or decreased by no more than 10%.

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(2) The impervious coverage will be increased by not more than 10%.

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(3) The change in use will not increase the parking requirements.

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(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.

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(6) The location for the construction of proposed structures from an approved plan will not be changed by more than 10% of the ground floor area.

(7) ~~The landscaping plan will not be changed in more than 10% of the total pervious coverage area. All landscaping alterations are permitted if in compliance with §22-515. Landscaping.~~

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(8) ~~The changes to the proposed/existing sign(s), include changes in size, shape, height, location, orientation, lighting, or number of signs. A change in sign copy does not require minor alteration approval.~~

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D. ~~An~~ applicant/landowner shall be permitted to file more than one minor alteration plan to a previously issued zoning permit ~~or land development plan~~ based on ~~any of the following~~ subsections of ~~Subsection 2B of § 22-306.2 B, (3), and (7).~~ ~~More than one minor alteration plan may be filed for a site, but only one for each of the subsections listed.~~

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3. Minor Land Development Plan

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

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

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

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

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

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

i. §22-401.1.C.1.g., and

ii. §22-401.1.C.1.h.

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

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

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

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

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

A. Requirements for Subdivision and Land Development Plans.

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(1) General Data.

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(a) Graphic scale.

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

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

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

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

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

(g) Total size of the property, and each lot and/or area(s) to be leased.

(h) The proposed use of the property.

(i) Location of the existing and proposed front, side and rear yard setback area(s) as required by the applicable zoning district.

(j) A stormwater management site plan as required by Chapter 26, Stormwater Management, of the Code of Ferguson Township.

(k) Soil erosion and sedimentation control plan in accordance with 25 Pa. Code § 102, Erosion Control.

(l) A statement of general utility information and information required by Act 172 of 1986, 73 P.S. § 176 et seq., as amended.

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

[§22-506.1. Water Supply](#)

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1. All water supply systems shall meet applicable state and/or local water authority/company standards.

A. All lots located within the designated water service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to public water authority/company mains when such is

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feasible and/or permitted by the appropriate water authority/company. All water mains and laterals shall meet the design and installation specifications of said water authority/company.

- B. Fire hydrants shall be provided in accordance with this section for the protection of buildings or portions of buildings. Fire hydrants shall be provided along required fire apparatus access roads and adjacent to public streets along the route of travel for fire apparatus.
- C. Existing fire hydrants on public streets may be considered available. Existing fire hydrants on adjacent private properties shall not be considered available.
- D. One- and two- family dwellings.

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

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

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

2. Fire hydrant spacing.

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

b. One- and two-family dwellings may install a National Fire Protection Association (NFPA) 13D Residential Sprinkler System in lieu of being located within ~~400~~600 feet of a fire hydrant.

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

1. Minimum fire flow.

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

2. Fire hydrant spacing.

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

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Commented [BK1]: Added per Steve Bair's recommendation to align with the adopted PA fire code.

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

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~~G. The spacing between fire hydrants shall not exceed 1,000 feet in developments of one and two family dwellings and shall not exceed 600 feet in developments of other development types as measured along the center line of fire apparatus access roads. With the exception of one and two family dwellings, the distance to any building or structure shall not exceed 300 feet.~~

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

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

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

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

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

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

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

Required Off-Street Parking Spaces

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

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

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Required Off-Street Parking Spaces

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

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

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

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

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

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

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<u>87</u>	Treatment centers	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
<u>88</u>	Tutoring and study centers	1 space per 200 square feet of net floor area
<u>89</u>	Veterinary offices/clinics	1 space per 250 square feet of net floor area
<u>90</u>	Water production facilities	1 space per work vehicle
<u>91</u>	Wholesale distribution, warehouses	1 space per 2,000 square feet of net floor area
<u>92</u>	Wind energy systems	1 space per operating/control station
<u>93</u>	Wineries/tasting facilities	1 space per 50 square feet of tasting room
<u>94</u>	All other commercial and industrial uses	Shall be determined through a parking study provided by the applicant and as per recommendation by the Planning Commission

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

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

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

A. Bicycle Parking Spaces Required.

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

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

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

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

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

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

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

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

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

Land Use Intensity Classification Chart	
Group I	
Agricultural	

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Land Use Intensity Classification Chart

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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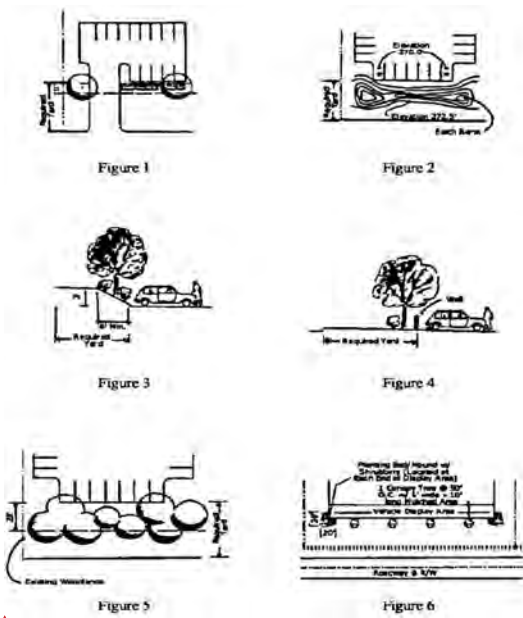
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Corridor Overlay District Flexible Buffer Yard

~~(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.

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

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

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

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

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

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

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

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

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

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

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6. Perimeter Requirements.

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

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

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

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

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

7. Post Final.

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

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

(1) Minor 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

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

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

3. Site Plans.

A. Land Use Standards.

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

D. Density and Setbacks.

(1) Standards.

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

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

2. ~~2.~~ Use Regulations

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

~~(1)~~ Any structure that will be located on the corner of a lot that is at least 0.40 acres in size and that involves an intersection with West College Avenue must address both frontages (no blank walls) and be a maximum of ~~545~~ feet in height. The structure shall be designed in accordance with the applicable provisions of Chapter 22. The facade of buildings on corner lots may be accentuated by towers, corner building entrances or other distinctive elements; however, all structures on such lots shall be designed to architecturally enhance the corner location and all effort shall be made to ensure that such structure is a signature building within the district.

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

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

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

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

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

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

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

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

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

A. Maximum Height

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

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

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

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

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

B. Building Height Incentives

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

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

~~13. If a proposed development is complying with § 27-716, Workforce Housing, the by right maximum height of 45 feet may be increased to accommodate bonus market rate units, not to exceed 65-55 feet.~~
[Amended by Ord. No. 1065, 1/4/2021]

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

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

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

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

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

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

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

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

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

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

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

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criteria:

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

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

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

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

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

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

~~G. Parking Requirements:~~

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

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

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

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Land Development.

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

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§ 27-502 **Standards for Specific Uses.**

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

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

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

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

A. Applicant shall complete a land development plan;

B. Paving of access road to the site;

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

B. Compliance with Chapter 26—Stormwater Management;

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

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

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

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§ 27-702 **Slope Controls.**

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

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

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

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pollution.

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

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

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

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

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

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

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§27-717. Bed-and-Breakfast

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

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

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

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

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

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

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

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

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

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

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

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

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§ 27-721 Home Occupations.

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

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§ 27-722.1.C Temporary Uses

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

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Use Number of Spaces

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

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

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

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A. Time Limits.

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

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

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

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

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

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

B. Location.

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

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

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

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

1. Blue Course Drive;

2. Whitehall Road;

3. West College Avenue;

4. North Atherton Street, and;

5. West Aaron Drive.

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

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

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

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

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

1. The Meadows;

2. Park Hills, and;

3. Songbird Sanctuary.;

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

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

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

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

D. Sanitation and Safety.

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

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

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(a) A plan for refuse and recycling containers.

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(b) Proposed seating (if applicable).

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

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

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

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

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

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

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§ 27-905 Occupancy Permits.

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

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

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

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

AGE-RESTRICTED UNITS

Housing that restricts ownership and/or residency to individuals of a certain age range, as defined by the Department of Housing and Urban Development (HUD).

FOOD VENDOR, MOBILE

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

FOOD TRUCK RETAIL FOOD FACILITY, MOBILE

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

LAND CLEARING MATERIAL

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

STORAGE OF LAND CLEARING MATERIAL

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

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 (current or proposed) is more than 251 and 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 (current 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 (current or proposed) is equal to or greater than

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| 751.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT; SECTION 202, DEFINITIONS, SECTION 301, GENERAL, SECTION 303, REVIEW OF PRELIMINARY PLAN, SECTION 304, REVIEW OF FINAL PLAN, SECTION 306, MINOR SUBDIVISION AND MINOR ALTERATION PLAN, SECTION 401, PRELIMINARY PLAN CONTENTS AND REVIEW, SECTION 506, WATER SUPPLY, SECTION 5C02, BICYCLE PARKING REGULATIONS, ESTABLISHING SECTION 516, LANDSCAPING AS DESCRIBED IN EXHIBIT "A" MADE PART OF THIS ORDINANCE.

The Board of Supervisors of the Township of Ferguson hereby ordains:

Section 1—Chapter 22, Subdivision and Land Development, Section 202, Definitions, Section 301 – General, Section 303 – Review of Preliminary Plan, Section 304 – Review of Final Plan, Section 306 – Minor Subdivision, Minor Alteration Plan and Minor Land Development Plan, Section 401 – Preliminary Plan Contents and Review; Section 506 – Water Supply, Section 5C01.1 – Parking General Regulations, Section 5C02 – Bicycle Parking Regulations, and Section 516 - Landscaping is hereby amended by the Chapter 22, Subdivision and Land Development amendments attached hereto as Exhibit "A".

Section 2—The forgoing Section 1 shall be effective immediately upon the date of the enactment of this ordinance.

ORDAINED and ENACTED this ___ day of _____, 2022.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

By: _____
Centrice Martin, Secretary

Exhibit “A”
CHAPTER 22
SUBDIVISION AND LAND DEVELOPMENT

§ 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—A land development which does not qualify or classify as a minor land development;

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

A. Not more than three detached single-family residential structures, whether developed initially or cumulatively on a single lot, as permitted by the Township’s Zoning Ordinance. Proposed single-family residential structures are exempt activities under Minor Land Developments.

B. The construction or alteration of a nonresidential building with a footprint of not more than 1,000 square feet, whether initially or cumulatively; provided that the construction or alteration does not result in the following:

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

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

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

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

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

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

§ 22-301 **General.**

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

Proposed subdivision and land development plans shall be reviewed by the Township Planning Commission and the Centre County Planning Commission, or its designated agent, and shall be approved or not approved by the Board of Supervisors in accordance with the procedures specified in this chapter. Following the recommended preapplication conference for sketch plan review, plans may be presented in two stages, preliminary and final, or simultaneously as a preliminary/final plan. If a plan is presented in one stage as a preliminary/final plan, then the plan must meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.

1. Fees for Review.

The Supervisors shall establish, by resolution, a schedule of fees for applications for development, for the Township’s review of the materials in connection therewith which are

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

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

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

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

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

this chapter.

C. One digital copy of all submitted documents.

3. Upon receipt of the above, the Township Department of Planning and Zoning shall forward, immediately, one copy of the plan to the following reviewing agencies: the Township Solicitor; Centre Regional Planning Agency; Centre Regional Planning Commission; Centre County Planning Commission; the Township Engineer; the Township Tree Commission; the Township Parks and Recreation Committee; Township Arborist; and the Alpha Fire Company Chief. All written comments from reviewing agencies are requested to be delivered to the Township within 14 days of receipt from the Township.

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

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

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

copy shall be retained in the Township files. The preliminary plan shall be entitled to the protections afforded by §508(4) of the MPC, 53 P.S. §10508(4).

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

1. A plan shall be officially submitted to the Township Department of Planning and Zoning for final Township review after all improvements, as defined by this chapter, indicated on the plan receiving preliminary approval have been installed or, in lieu of the completion of the improvements, after deposit with the Township of a corporate bond or other security acceptable to the Board of Supervisors in accordance with this chapter. All plans which have received preliminary approval shall be entitled to final approval in accordance with the terms of the approved preliminary application for a period of five years from the date of the preliminary approval.
 - A. A plan shall be deemed to have been submitted for final review when the applicant has furnished to the Township Department of Planning and Zoning the following documents:
 - (1) Seven black (or blue) on white full-size prints, one eleven-inch-seventeen-inch copies and one digital copy of the plan which shall fully comply with the provisions of this chapter.
 - (2) Payment of all application and escrow fees.

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

1. Minor Subdivision. Applicants are required to apply for and receive a minor subdivision approval from the Township in accordance with the following criteria:
 - A. Recommendations and Approvals.
 - (1) A minor subdivision plan shall meet both the preliminary plan requirements and final plan requirements as if the plan were presented in two stages.
 - (2) Application requirements as shown on the Subdivision and/or Land Development Requirements Table shall be submitted for all minor subdivisions.
 - (3) The Township staff shall review and forward an application to the Planning Commission regarding minor subdivision. Township staff comment resulting from said review shall accompany the application forwarded.
 - (4) The Planning Commission shall recommend application approval, approval

subject to conditions, or denial to the Township Board of Supervisors regarding minor subdivision.

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

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

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

2. Minor Alteration Plan.

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

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

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

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

3. Minor Land Development Plan

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

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

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

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

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

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

i. §22-401.1.C.1.g., and

ii. §22-401.1.C.1.h.

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

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

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

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

A. Requirements for Subdivision and Land Development Plans.

(1) General Data.

(a) Graphic scale.

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

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

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

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

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

(g) Total size of the property, and each lot and/or area(s) to be leased.

(h) The proposed use of the property.

(i) Location of the existing and proposed front, side and rear yard setback area(s) as required by the applicable zoning district.

(j) A stormwater management site plan as required by Chapter **26**, Stormwater Management, of the Code of Ferguson Township.

(k) Soil erosion and sedimentation control plan in accordance with 25 Pa. Code § 102, Erosion Control.

(l) A statement of general utility information and information required by Act 172 of 1986, 73 P.S. § 176 et seq., as amended.

§22-506.1. Water Supply

1. All water supply systems shall meet applicable state and/or local water authority/company standards.
 - A. All lots located within the designated water service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to public water authority/company mains when such is feasible and/or permitted by the appropriate water authority/company. All water mains and laterals shall meet the design and installation specifications of said water authority/company.
 - B. Fire hydrants shall be provided in accordance with this section for the protection of buildings or portions of buildings. Fire hydrants shall be provided along required fire apparatus access roads and adjacent to public streets along the route of travel for fire apparatus.
 - C. Existing fire hydrants on public streets may be considered available. Existing fire hydrants on adjacent private properties shall not be considered available.
 - D. One-and two- family dwellings.
 1. Minimum fire flow.
 - a. Lots with front, side, and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater shall be 750 gallons per minute.
 - b. Lots with front, side, and rear yard setback requirements of less than 15 feet or building separations of less than 30 feet shall be 1,000 gallons per minute.
 2. Fire hydrant spacing.
 - a. Spacing between fire hydrants shall not exceed 600 feet in developments of one- and two-family dwellings as measured from the center line of the fire apparatus access roads.
 - b. One- and two-family dwellings may install a National Fire Protection Association (NFPA) 13D Residential Sprinkler System in lieu of being located within 600 feet of a fire hydrant.
 - E. All other types of developments.
 1. Minimum fire flow.
 - a. Requirements for developments of other than one- and two-family dwellings

shall be determined by using the Needed Fire Flow Method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).

2. Fire hydrant spacing.

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

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

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

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

§ 22-5A12 Articulation of Facades [Ord. No 1050, 11/18, 2019]

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

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

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

parallel to the access aisle.

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

Required Off-Street Parking Spaces

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

Required Off-Street Parking Spaces

Nonresidential Land Uses		Minimum Required Off-Street Parking
1	Administrative office buildings (associated with other uses)	1 space per 250 square feet of net floor area
2	Adult business uses	1 space per 500 square feet of net floor area
3	Agriculture	N/A
4	Agriculture/environmental education program	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
5	Amusement arcades	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
6	Any use owned or managed by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) or the Commonwealth Game Commission	N/A
7	Archery and shooting ranges, indoor/outdoor	1 space per target stand or shooting station
8	Archival libraries	1 space per 750 square feet of net floor area
9	Auto wrecking, junk and scrap establishments	1 space per 5,000 square feet of indoor/outdoor storage area plus ratio associated with administrative office buildings, as applicable
10	Automobile service stations and garage	1 space per pump plus 6 spaces per repair/service bay plus ratio associated with convenience food stores as applicable
11	Banks and financial establishments	1 space per 250 square feet of net floor area
12	Bed-and-Breakfast	1.2 spaces per rooming unit

13	Bird and wildlife sanctuaries/fish hatcheries	N/A
14	Bus passenger stations	1 space per 220 square feet of net floor area or lot area sufficient to support program
15	Business, professional, and financial offices	1 space per 250 square feet of net floor area
16	Camping grounds	2 spaces per 1 campsite
17	Car washes	4 spaces per wash/detail bay and 1 space per vacuum unit
18	Cideries	1 space per 250 square feet of net floor area
19	Cigar, hookah and/or vapor lounges	1 space per 50 square feet of net floor area
20	Cemeteries	1 space per 350 square feet of indoor gathering space
21	Child/day-care centers	1 space per 350 square feet of net floor area
22	Clinics and medical/dental Offices	1 space per 250 square feet of net floor area
23	Commercial hunting preserves	N/A
24	Communications facilities	1 space per building
25	Communication towers	1 space per tower
26	Community Gardens	1 space per 10 garden plots
27	Conservation areas	1 space per full-time equivalent employee
28	Convenience food stores	1 space per 200 square feet of net floor area
29	Country Clubs	1 space per 4 seats/persons; based upon the largest maximum occupancy of a gathering room/space as permitted by the Centre Regional Code Administration
30	Day and overnight camping	N/A
31	Eating and drinking establishments, sit-	1 space per 50 square feet of indoor seating

	down	area plus 1 space per 100 square feet of outside seating area
32	Eating and drinking establishments, takeout	1 space per 100 square feet of floor area for seating, standing, and waiting
33	Emergency Services	2 spaces per service vehicle + 1 space per 350 square feet of net floor area
34	Equestrian facilities/horse riding stables/riding academies	1 space per 2 stalls plus 1 space per 4 persons based on maximum design capacity as permitted by the Centre Region Code Administration
35	Essential services	1 space per employee plus 1 space per 2,500 square feet of net floor area
36	Exhibit halls and museum	1 space per 500 square feet of net floor area plus 1 space for buses/vans of 10-plus occupants per 2,000 square feet of net floor area
37	Farm cafes	1 space per 50 square feet of net indoor floor area plus 1 space per 100 square feet of outdoor seating area
38	Farm Markets	1 space per 200 square feet of sales area (indoor or outdoor)
39	Food catering	1 space per 400 square feet of net floor area
40	Forestry	N/A
41	Freight and Trucking Terminals	1 space per 200 square feet of net floor area
42	General Natural Resource Research	1 space per 500 square feet of net floor area
43	General Storage to include Boats and RV's	N/A
44	General weather, radio and satellite research	1 space per 500 square feet of net floor area
45	Golf courses	10 spaces per golf hole

46	Grocery Stores	1 space per 200 square feet of net floor area
47	Health and athletic clubs	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
48	Hotels and Motels	1.2 spaces per rooms
49	Incinerators	1 space per work vehicle
50	Kennels	1 space per 250 square feet of net floor area of office area plus 1 space per 4 animal holding areas
51	Landscape and garden centers, nonretail	1 space per 10,000 square feet of growing area
52	Landscape and garden centers, retail	1 space per 250 square feet of indoor and/or outdoor sales area
53	Laundromats	1 space per 250 square feet of net floor area
54	Manufacturing, processing or bulk storage of natural gas	1 space per work vehicle
55	Medical marijuana dispensaries	4 spaces per pharmacist or physician
56	Microdistilleries/breweries (beverage production facilities)	1 space per 50 square feet of brew pub or tap/tasting room
57	Mining and quarrying	1 space per 250 square feet of net floor area of office area (for administrative office buildings)
58	Mortuaries	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
59	Moving and storage parcel delivery and express transfer stations	1 space per 2,000 square feet of net floor area
60	Nature education centers	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration

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

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

87	Treatment centers	1 space per 3 persons based on maximum design capacity as permitted by the Centre Region Code Administration
88	Tutoring and study centers	1 space per 200 square feet of net floor area
89	Veterinary offices/clinics	1 space per 250 square feet of net floor area
90	Water production facilities	1 space per work vehicle
91	Wholesale distribution, warehouses	1 space per 2,000 square feet of net floor area
92	Wind energy systems	1 space per operating/control station
93	Wineries/tasting facilities	1 space per 50 square feet of tasting room
94	All other commercial and industrial uses	Shall be determined through a parking study provided by the applicant and as per recommendation by the Planning Commission

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

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

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

A. Bicycle Parking Spaces Required.

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

total required spaces results in a fractional number, the next highest whole number shall be used. Up to half of the required short-term bicycle parking spaces may be replaced with long-term bicycle parking spaces.

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

		of planned capacity	employees and 1 per each 20 students of planned capacity for grades 6 through 12 to
	Colleges and universities	1 per each 10 students of planned capacity	1 per each 10 to 20 employees and 1 per each 10 students of planned capacity or 1 per each 20,000 square feet of floor area, whichever is greater
Industrial	Manufacturing and production, agriculture	2 spaces	1 per 20 employees

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

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

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

A. All buffer yards shall include:

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

minimum of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 1).

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

bed/mound which includes one canopy tree and 10 shrubs (Figure 6). As required but this chapter, a certain number of plants shall be planted per 35 linear feet. Within the specified length, the plantings may be staggered and do not have to be planted in a linear fashion.

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

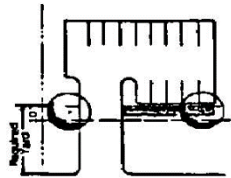


Figure 1

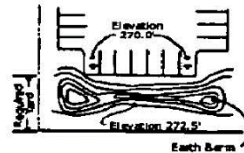


Figure 2

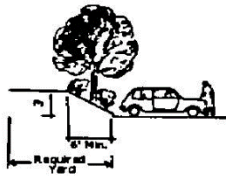


Figure 3

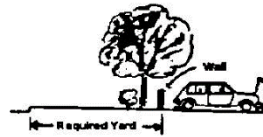


Figure 4

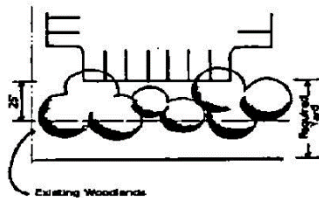


Figure 5

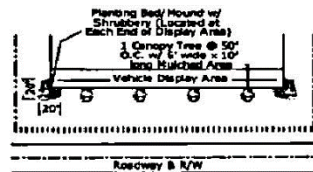


Figure 6

Corridor Overlay District Flexible Buffer Yard

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

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; SECTION 205.1, RURAL AGRICULTURAL (RA) DISTRICT QUICK AS DESCRIBED IN EXHIBIT “A”, SECTION 205.3, AGRICULTURAL RESEARCH (AR) DISTRICT QUICK AS DESCRIBED IN EXHIBIT “B”, SECTION 209 – YARD REQUIREMENTS, SECTION 303, TRADITIONAL TOWN DEVELOPMENT, SECTION 304 – TERRACED STREETScape (TS) DISTRICT, SECTION 401 – CORRIDOR OVERLAY DISTRICT REQUIREMENTS, SECTION 502 – STANDARDS FOR SPECIFIC USES, SECTION 702 – SLOPE CONTROLS, SECTION 713 – SOLAR COLLECTORS AND SOLAR-RELATED EQUIPMENT; SECTION 717 – BED AND BREAKFAST; SECTION 718 – REGIONAL PARKS AND OUTDOOR RECREATIONAL FACILITIES, SECTION 719 – SHORT-TERM RENTALS, SECTION 721 – HOME OCCUPATION; SECTION 722 – TEMPORARY USES, SECTION 723 – FOOD TRUCKS, AND SECTION 1102 – DEFINITIONS AS DESCRIBED IN EXHIBIT “C” MADE PART OF THIS ORDINANCE.

The Board of Supervisors of the Township of Ferguson hereby ordains:

Section 1—Chapter 27, Zoning, Section 205.1, Rural Agricultural (RA) District Quick is hereby amended by amending Principal Uses, Area and Bulk Category 1 to permit Storage of Land Clearing Material as a Conditional Use attached hereto as Exhibit “A”.

Section 2—Chapter 27, Zoning, Section 205.3, Agricultural Research (AR) District Quick is hereby amended by amending Principal Uses, Area and Bulk Category 1 to permit Storage of Land Clearing Material as a Conditional Use attached hereto as Exhibit “B”.

Section 3—Chapter 27, Zoning, Section 209—Yard Requirements, Section 303—Traditional Town Development, Section 304—Terraced Streetscape District, Section 401—Corridor Overlay District Requirements, Section 502—Standards for Specific Uses, Section 702—Slope Controls, Section 713—Solar Collectors and Solar-Related Equipment, Section 717—Bed and Breakfast; Section 718—Regional Parks and Outdoor Recreational Facilities, Section 719—Short-Term Rentals, Section 721—Home Occupation, Section 722—Temporary Uses, Section 723—Food Trucks, and Section 1102—Definitions, is hereby amended attached hereto as Exhibit “C”.

Section 4—The forgoing Section 1, Section 2, and Section 3 shall be effective immediately upon the date of the enactment of this ordinance.

ORDAINED and ENACTED this __ day of _____, 2022.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

By: _____
Centrice Martin, Secretary

§ 27-205.1 - District - Rural Agriculture (RA)

Exhibit "A"

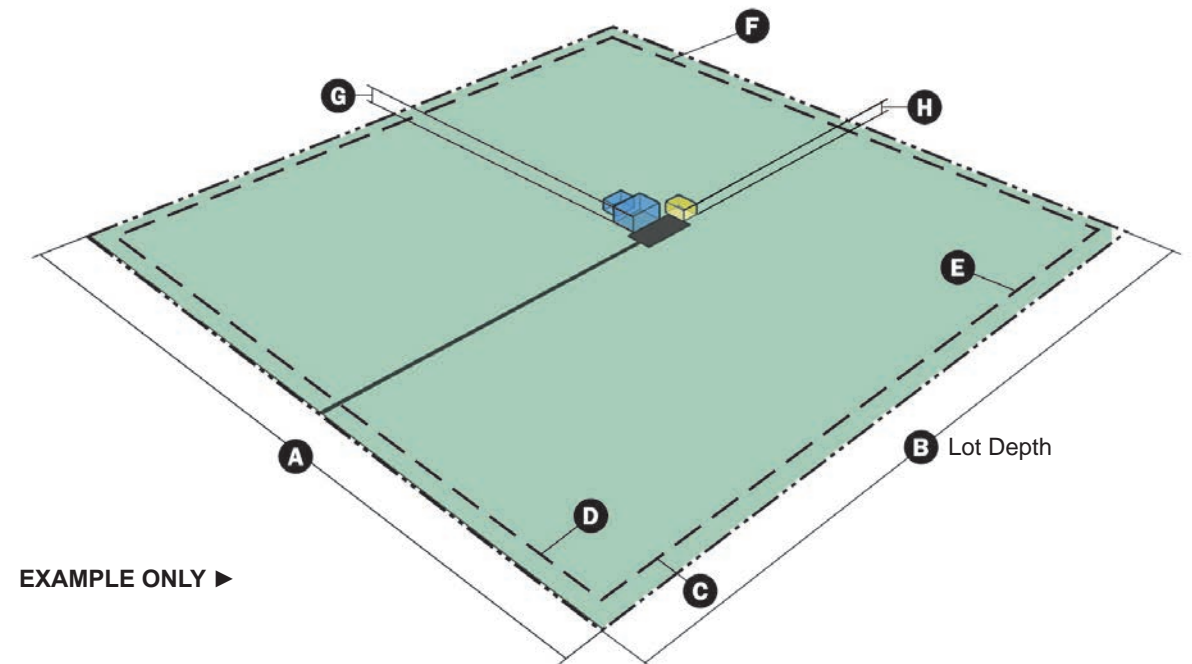
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Agriculture	P
1	Agriculture Related Production	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Commercial Hunting Preserves	P
1	Communication Towers	P
1	Conservation Areas	P
1	Equestrian Facility (50 acres or greater)	P
1	Forestry	P
1	Landscape and Garden Center – Non-Retail (50 acres or greater)	P
1	Cemeteries	P
1	Cideries	P
1	Community Gardens	P
1	Country Club	C
1	Equestrian Facility	P
1	Essential Services – Type 1	P
1	Golf Course	C
1	Landscape and Garden Center – Retail	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Places of Assembly, Community	P
1	Places of Assembly, Regional	C
1	Single-Family Detached Dwelling on Non-Subdivided Lot – see Baseline Example Scenario and Example Scenario D	P
1	Solar Energy Systems (PSES)	P
1	Storage of Land Clearing Material	C
1	Water Production Facilities	P
1	Wind Energy Systems	P
2	Emergency Services	P
2	Farm Cafés	C
2	Farm Markets	C
2	Kennels	P
2	Pet Care Services Facility	C
2	Single-Family Detached Dwelling (one for every 50 acres of a primary use as determined and calculated before subdivision into smaller separate lots – see Example Scenario C)	P
2	Tasting Facilities	P
2	Veterinary Offices/Clinics	P

ACCESSORY USES		
Use	Area and Bulk Categories	
	1	2
Accessory Use Customarily Incidental to the Specified Principal Use	P	P
Agriculture/Environmental Education Program	P	
Agriculture	P	P
Agritourism	P	
Bed and Breakfast (1-3 rooms)	P	P
Bed and Breakfasts (10 rooms max.)	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P
Cideries	P	
Commercial Hunting Preserve	P	
Communication Towers	P	P
Community Garden	P	P
Community-Supported Agriculture Delivery Station	P	P
Composting – Small Scale	P	P
Day and Overnight Camping	P	
Dwelling Units	P	
Essential Services – Type 2	C	
Family Child-Care Homes	P	P
Farm Cafés	P	P
Farm Markets	P	P
Farm Stands by Road <2,000 SF	P	
Farm Stands by Road >2,000 SF	P	
Farm Structures, Traditional-Scale	P	
Farm Structures, Non-Traditional-Scale	P	
Food Trucks	P	P
General Storage to include Boat and RVs	P	P
Group Child-Care Homes	P	P
Home-Based Business, No-Impact (including Farm-Based Business, No Impact)	P	P
Home Occupation – Type 1	P	P
Home Occupation – Type 2	P	P
Horse Riding Stables/Riding Academies	P	
Incinerators, agricultural	P	
Kennels	C	
Pet Care Services Facility	P	P
Retail Establishments, Agriculture-Supported	P	
Retail Establishments, Value-Added Agriculture	P	
Non-Commercial Keeping of Livestock	P	
Short-Term Rentals	P	P
Silos	P	P
Sugar Shacks for Processing Sap from Trees on Different Lot	P	
Sugar Shacks for Processing Sap from Trees on Lot	P	P
Tasting Facilities	P	P
Usual Farm Structures, including Barns, Greenhouses, and Single- and Two-Family Dwellings not to Exceed Three Dwelling Units on a Lot – see Example Scenarios A, B, and E	P	
Veterinary Offices/Clinics	P	P
Welding Shops, Small Engine Repair	P	
Wind Energy Systems	C	C
Wineries/Tasting Facilities	P	

DIMENSIONS		AREA AND BULK CATEGORIES		
		1	2	
Minimum	Lot Size	50 ac	1 ac min. 2 ac max.	
		Lot Width	at Building Setback Line	
	at Street Line			
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	20 ft
			Front Yard, for Principal Use on Arterial Street	
		Side Yard, for Principal Use	50 ft	30 ft
Rear Yard, for Principal Use		50 ft	50 ft	
Maximum	Height	Principal Structure		
		Accessory Structure		
	Coverage	Building		
Impervious Surface				

AREA AND BULK CATEGORIES:

- 1 – usual farm structures and single- and two-family dwellings not to exceed three dwelling units on a lot
- 2 – other



EXAMPLE ONLY ▶

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

§ 27-205.3 - District - Agricultural Research (AR)

Exhibit "B"

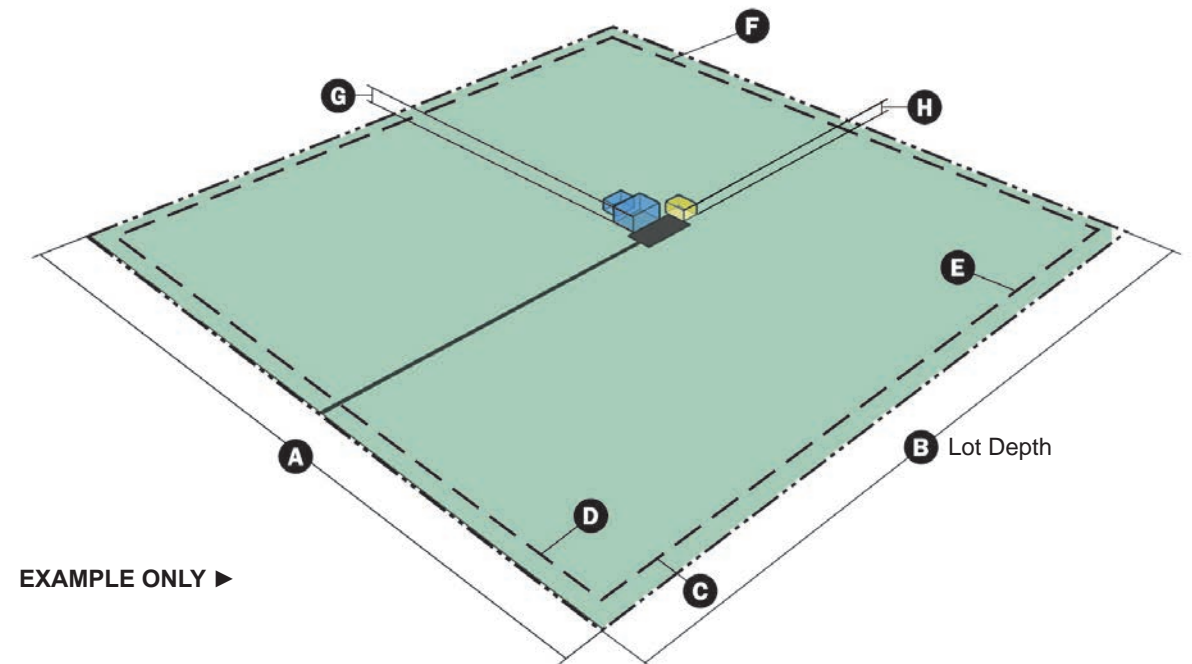
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Administrative Office Buildings (associated with Advanced Agricultural Research)	P
1	Advanced Agricultural Research	P
1	Agriculture	P
1	Agriculture/Environmental Education Program	P
1	Any Use Performed by the State Game Commission	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Exhibit Halls and Museums	P
1	Forestry	P
1	General Natural Resource Research	P
1	General Weather, Radio and Satellite Research	P
1	Nature Education Centers	P
1	Recreation Facilities for Employees, Faculty & Students	P
1	Storage of Land Clearing Material	C
2	Farm Markets	C
2	Tasting Facilities	P
3	Archery and Shooting Ranges, Indoor	P
3	Community Gardens	P
3	Emergency Services (Ambulances, Fire, Police)	P
3	Essential Services – Type 1	C
3	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
3	Park and Outdoor Recreational Facilities, Community, Public	P
3	Park and Outdoor Recreational Facilities, Regional, Public	P
3	Places of Assembly, Neighborhood	P
3	Places of Assembly, Community	P
3	Places of Assembly, Regional	P
3	Solar Energy Systems (PSES)	C
4	Communication Facilities	P
4	Communications Towers	P
4	Wind Energy Systems	C

ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Agriculture/Environmental Education Program	P	P	P	
Agritourism	P	P	P	
Agriculture	P	P	P	
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Gardens	P	P	P	P
Composting – Small Scale	P	P	P	P
Day and Overnight Camping	P		P	
General Storage to include Boat and RVs	P			
Farm Structures, Traditional-Scale	P	P	P	P
Farm Structures, Non-Traditional-Scale	P	P	P	P
Food Trucks	P	P	P	
Incinerators	P			
Offices, Laboratories, Work Areas Related to Administrative/Research Activities	P	P		
Silos	P	P		
Temporary Facilities Related to Advanced Agricultural Research	P	P		
Welding Shops, Small Engine Repair	P			

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	10 ac	2 ac	5 ac	n/a	n/a	
	Lot Width	at Building Setback Line	300 ft	150 ft	150 ft	150 ft	n/a
		at Street Line	300 ft	150 ft	150 ft	150 ft	n/a
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	500 ft	n/a
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft	n/a
		Side Yard, for Principal Use	100 ft	100 ft	100 ft	500 ft	n/a
Rear Yard, for Principal Use		75 ft	75 ft	75 ft	500 ft	n/a	
Maximum	Height	Principal Structure	40 ft	40 ft	40 ft	200 ft	n/a
		Accessory Structure	40 ft	40 ft	60 ft	20 ft	n/a
	Coverage	Building	10%	30%	n/a	n/a	n/a
Impervious Surface		10%	50%	10%	n/a	n/a	

AREA AND BULK CATEGORIES:

- 1 – agricultural, conservation, research, and institutional uses
- 2 – agriculture-related businesses
- 3 – non-agricultural/non-residential/other uses
- 4 – utility and communication facilities



EXAMPLE ONLY ▶

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

Exhibit “C”

**CHAPTER 27
ZONING**

§ 27-209.1.I. Yard Requirements.

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

1. No structure shall be placed in the front, side or rear yard setback areas specified for each use, except where specifically permitted below or in other sections of this chapter.
 - I. Where a tract of land zoned Rural Agricultural (RA) is rezoned to a different zoning classification, then a buffer yard of not less than 50 feet in width shall be provided on the rezoned property when that land adjoins land of the Rural Agricultural (RA) Zoning District.
 - (1) This revised buffer shall be applicable to any acreage which currently contains the previously established 200-foot buffer.
 - (a) Planned Residential Developments (PRD) and Traditional Town Developments (TTD) shall amend the approved master plan for that development in order to modify the buffer location.
 - (2) No structure, including decks, patios or building additions may encroach in this fifty-foot buffer yard other than the placement of an accessory structure/shed of less than 144 square feet, which is permitted to be located within the buffer and as close as three feet from the property line. Swimming pools shall be prohibited from being located within the fifty-foot buffer yard.
 - J. Where a tract of land zoned Rural Agricultural (RA) on the effective date of this Part 2, or thereafter, is changed to a different zoning classification, then a buffer yard of not less than 50 feet in width shall be provided on the property which has been rezoned when the rezoned land adjoins land in the (FG) Forest Gameland Zone.

6. Perimeter Requirements.

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

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

- a. Where tracts of land adjoin land in the Rural Agricultural (RA) Zoning District, then a buffer yard of not less than 50 feet in width shall be provided.
- (2) Structures located on the perimeter of the planned residential development must be permanently screened if required by the Board of Supervisors.

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

7. Post Final.

- A. In the event that a development plan, or a section thereof, is given final approval and the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors, in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development within such five years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments in Article VI of the Pennsylvania Municipalities Planning Code.
- B. No changes may be made in the approved final development plan during the construction of the planned residential development plan except upon application to the appropriate agency under the procedure provided below.
 - (1) Changes in the landscaping, rearrangement of common open space that does not result in total amount of open space being increased or decreased, signage, relocating of lighting and rearrangement of bicycle parking may be approved by the Township after authorization by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
 - (2) All other changes in use, any rearrangement of lots, blocks, building tracts, locating, siting and height of buildings, structures and rearrangement of lots to not exceed a 10% reduction of overall dwelling units of the approved final development plan and all other changes must be made by the Board of Supervisors, under the procedures authorized for final plan approval. No amendments may be made to the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Township.

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

3. Site Plans.

A. Land Use Standards.

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

D. Density and Setbacks.

(1) Standards.

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

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

2. Use Regulations

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

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

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

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

(f) Maximum height 45 feet.

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

A. Maximum Height

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

(a) By right maximum of 45 feet;

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

B. Building Height Incentives

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

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

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

- E. Landscaping Requirements to Apply. Any site located within the Corridor Overlay District shall comply with the landscaped buffer yard requirements set forth in Chapter 22. Subdivision and Land Development.
- H. Signage. Ground signage in the Corridor Overlay District shall be installed in accordance with Chapter 19 of the Sign Ordinance and applied to all uses. The ground pole shall not exceed 10 feet above grade except that the sign height is permitted to be an additional three feet higher with a landscaped base elevated with each mounding up to three feet tall. The placement of building-mounted signs is permissible in accordance with the applicable sections of the Sign Ordinance (Chapter 19) for the relevant use.

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

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

- A. An ambient sound-level study is provided and the ambient sound level at all points

along the boundary line of the property upon which the water production facility is located shall be no more than 55 decibels (dBA).

- B. A land development plan shall be prepared in accordance with § 22-403. Subdivision and Land Development. An elevation drawing of any structure to be constructed on the property shall be provided as part of the land development plan.

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

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

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

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

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

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

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

- (1) Be oriented so that grading and other site preparations are kept to an absolute minimum.

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

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

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

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

§27-717. Bed-and-Breakfast

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

long as the following requirements are met:

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

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

- 3. Paving of drive-aisles.

§ 27-719 **Short-Term Rentals.**

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

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

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

§ 27-721 Home Occupations.

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

§ 27-722.1.C Temporary Uses

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

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

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

A. Time Limits.

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

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

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

1. (4) Mobile food facilities located in neighborhood parks and places of assembly located in residential zoning districts may operate between the hours of 7:00 a.m. and 9:00 p.m. Mobile retail food facilities can be located on a premises for no more than 13 weeks per calendar year.

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

B. Location.

(1) The mobile food vendor shall first obtain a permit from Ferguson Township's Zoning Administrator prior to selling its products within a Township public right-of-way. Township staff shall be permitted to establish conditions restricting specific streets, location, or time of day as to which products may be sold.

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

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

1. Blue Course Drive;

2. Whitehall Road;
3. West College Avenue;
4. North Atherton Street, and;
5. West Aaron Drive.

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

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

- (a) The mobile food vendor shall first obtain a permit from Township Staff;
- (b) Mobile retail food facility is permitted to operate during hours of park operation, set by Centre Region Parks and Recreation,

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

1. The Meadows;
2. Park Hills, and
3. Songbird Sanctuary.

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

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

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

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

D. Sanitation and Safety.

- (1) The mobile food vendor is responsible for the proper disposal of trash and waste associated with the operation. Vendors shall remove trash from their approved locations

at the end of each day as needed to maintain the health and safety of the public. No liquid waste or grease is to be disposed of in landscape areas, storm drains, onto sidewalks or streets or other public spaces. Specific plans for disposal of liquids shall be included in the permit application.

- (2) The mobile food vendor shall obtain a mobile retail food facility operation zoning permit and applicable health permit; both shall be displayed on the mobile retail food facility. Each person obtaining a zoning permit shall pay all applicable fees set forth in the Township fee schedule. The permit required will be for a period of one year and shall be renewed on an annual basis. Prior to the issuance of a zoning permit, the vendor shall provide evidence of a Pennsylvania Department of Agriculture Bureau of Food and Laboratory Services retail food facility permanent license, or a division of health and neighborhood services permit with facilities plan review and the following:
 - (a) A plan for refuse and recycling containers.
 - (b) Proposed seating (if applicable).
 - (c) The mobile retail food facility shall be subject to all code requirements in Chapter **10** (Health and Safety) of the Township Code of Ordinances.
- (3) The mobile food vendor or his/her designees must be present during operating hours, except in the case of emergencies.
- (4) Vehicle registration for all vehicles being used shall be provided as part of the zoning permit application.
- (5) A twenty-four-inch-by-thirty-six-inch sandwich board sign is permitted and shall be located within five feet of the mobile retail food facility. No off-site signs shall be permitted.

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

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

§ 27-905 Occupancy Permits.

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

A. Within seven days of request for final inspection, the Zoning Administrator shall inspect the premises to determine if the action taken complies with the regulations of this chapter.

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

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

AGE-RESTRICTED UNITS

Housing that restricts ownership and/or residency to individuals of a certain age range, as defined by the Department of Housing and Urban Development (HUD).

FOOD VENDOR, MOBILE

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

RETAIL FOOD FACILITY, MOBILE

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

LAND CLEARING MATERIAL

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

STORAGE OF LAND CLEARING MATERIAL

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

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 (current or proposed) is more than 251 and 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 (current 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 (current or proposed) is equal to or greater than 751.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 16, PARKS AND RECREATION, SECTION 106, REGULATED USES, AND SECTION 107, CENTRE REGION PARKS AND RECREATION DEPARTMENT AS DESCRIBED HEREIN MADE PART OF THIS ORDINANCE.

The Board of Supervisors of the Township of Ferguson hereby ordains:

Section 1—Chapter 16, Parks and Recreation, Part 1, Section 106, Regulated Uses is hereby amended by amending §16-106.5. to read as follows:

5. Selling Concessions. No person shall in any park exhibit, sell, or offer for sale, hire, lease or let out any object, service or merchandise or anything whatsoever, whether corporal or incorporal, not to adversely limit allowances as provided in Ferguson Township's Code of Ordinances.

Section 2—Chapter 16, Parks and Recreation, Part 1, Section 107, Centre Region Parks and Recreation Department, is hereby amended by amending §16-107.1.B, C, and D. to read as follows:

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

Section 3—The forgoing Section 1 and Section 2 shall be effective immediately upon the date of the enactment of this ordinance.

ORDAINED and ENACTED this ___ day of _____, 2022.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

By: _____
Centrice Martin, Secretary

Exhibit “A”
CHAPTER 16
PARKS AND RECREATION

§ 16-106. Regulated Uses.

Centre Region Parks and Recreation Department.

[Ord. 873, 11/20/2006, § 7]

5. Selling Concessions. No person shall in any park exhibit, sell, or offer for sale, hire, lease or let out any object, service or merchandise or anything whatsoever, whether corporal or incorporeal, not to adversely limit allowances as provided in Ferguson Township’s Code of Ordinances.

§ 16-107. Centre Region Parks and Recreation Department.

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

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



SUBJECT: Wireless Communication Facilities

APPLICANT: New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility

AUTHORIZED AGENT: Christopher Schubert, Esq. Riley Riper Hollin & Colagreco

PROPERTY OWNER: Circleville Road Partners B, LP

TAX PARCEL: 24-004-,200B,0000-

REQUEST: Zoning text amendment to the Traditional Town Development (TTD) Zoning District for a wireless communications tower to be permissible outside of the right-of-way.

STAFF: Kristina Bassett, Ferguson Township Community Planner

ZONE DISTRICT: Traditional Town Development (TTD)

EXECUTIVE SUMMARY: On January 10, 2022, an application for a Proposed Zoning Text Amendment was submitted to Ferguson Township. The request comes from New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility requesting Wireless Communication Towers be permissible outside of the right-of-way, if located at least 1/3 the tower height from adjoining property lines and 4,000 feet from existing towers in the Traditional Town Development Zoning District. To date, the Agricultural Research (AR), Rural Residential (RR), Rural Agriculture (RA), General Commercial (C), Industrial (I), and Industry, Research and Development (IRD) zoning districts allow Wireless Communication Towers by right. The Facility is proposed to remedy a significant gap in wireless coverage and service capacity in AT&T's network in the vicinity of the property.

BACKGROUND: On September 15, 2021, Ferguson Township received a request for a variance from New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility from Chapter 27-303.A.d to allow free-standing telecommunications tower within the TTD, Traditional Town Development district; Chapter 27-710.3.A to permit a setback of 60 feet from Blue Course Drive to the east and a setback of 100 feet from the Havershire Boulevard to the south, where a setback of 500 feet from the nearest property is required; and Chapter 27-710.3.H.2 to permit buffer landscaping around three sides of the fenced-compound, instead of the entire perimeter of the compound. The applicant proposed to install a 165 foot monopole free standing telecommunications tower at the north corner of Blue Course Drive and Havershire Boulevard. The monopole would be able to accommodate up to four (4) carriers, including First Net System. The Zoning Hearing Board heard the case on October 26, 2021 and denied the request 2-1.

On January 10, 2022, Chris Schubert, Esq. on behalf of his client, AT&T, New Cingular Wireless PCS, LLC d/b/a/ AT&T, submitted an application for a Zoning Text Amendment to the Traditional Town Development Zoning District. Mr. Schubert drafted the text amendment showing the changes AT&T requested to allow the type of WCF proposed. Mr. Schubert's presentation to the Planning Commission highlighted the increased demand of wireless communications and the lack of coverage in the proposed area.

The proposed tower would be located on the property owned by Circleville Road Partners, LLC. The owners

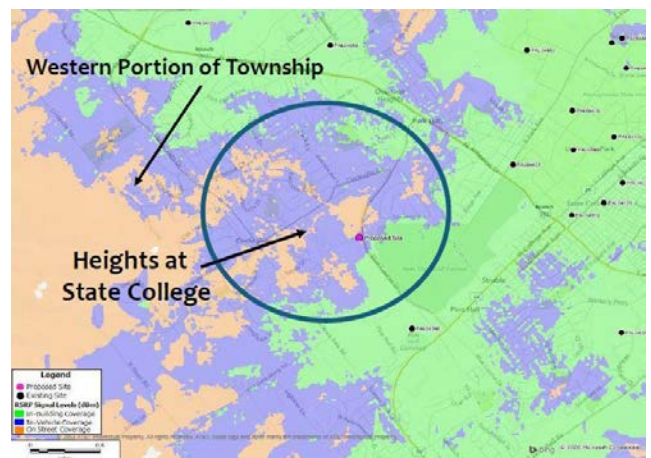


Figure 1: Current Coverage

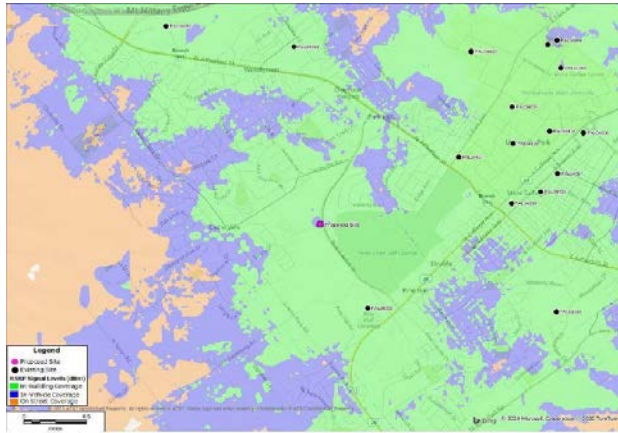


Figure 2: Current Coverage

welcome the proposed tower. The property is a part of the Approved Turnberry Land Development Plan. The Planning Commission heard the presentation and asked staff to review the proposed amendment and for more research to be done.

HISTORY: Tax Parcel 24-4-200B was known as the Circleville Farm property locally and zoned Rural Agriculture. In 2005, the property, along with several other parcels, were rezoned to the newly formed Traditional Town Development (TTD) Zoning District. Wireless Communication Towers were not included as an allowed use in the Traditional Town Development. In 2012, Circleville Road Partners, LLC, received approval for the Turnberry Master Plan. This multi-phased plan proposed 890 dwelling units, 605 units have been constructed thus far.

In 2019, the Pine Hall Master Plan received approval. This plan proposed a mix of residential (1029 dwelling units), office and commercial uses on the adjoining property to the south. The demand for wireless communications will only increase as the approved plans are constructed.

On December 8, 1997, the Board of Supervisors established Chapter 27, Zoning, Part 2, District Regulations for regulating communications facilities and towers. This ordinance was established to provide a competitive and wide range of communications services while minimizing the impacts of the communications infrastructure in populated areas; To encourage and maximize the shared use of existing communication towers, buildings, and structures; and To ensure that new towers will be safe, placed in suitable locations, and blend into the environment where located. Towers were permissible in the RA (Rural Agricultural District), RR (Rural Residential District), C (General Commercial District), OC (Office Commercial District), I (General Industrial District) and the IRD (Light Industry, Research and Development) Zoning Districts. A maximum height of 200' was established, with communication towers constructed at a height greater than 200 feet but not to exceed 300 feet shall be permitted as a conditional use in the RA, RR, C, OC, I, and IRD districts by the Board of Supervisors. Setbacks were 200' or 110% of the proposed tower height, whichever was greater. Towers were to be designed to withstand winds of 100 mph.

On October 18, 1999, Communication Towers were added as a permitted use in the newly established Forest Gamelands Zoning District.

On October 18, 1999, amendments to the landscape, fencing and screening requirements found in Section 209 , subsection 6 were approved by the Board of Supervisors. This amendments required a security fence of approved design, of not less than eight (8) feet in height, and no greater than ten (10) feet in height, shall completely enclose the communications facility. For the purposes of fencing, the communications facility shall not include an office building which is occupied on a daily basis. A fence of not less than eight (8) feet in height and not greater than ten (10) feet in height shall also completely enclose the anchored locations of the guy wires, if used. The fencing required in this section must also have a one (1) foot barbed arm slanted at a forty-five (45) degree angle which runs along the entire top of the fence.

On September 16, 2002, a comprehensive update to Chapter 27 – Section 209, Communication Facilities and Towers, was approved by the Board of Supervisors.

On January 5, 2015, Chapter 27, Zoning, Part 2, District Regulations, Section 209, Communications Facilities and Towers was amended to Wireless Communication Facilities (WCF). This update added definitions and requirements for emerging technology in the wireless communications field.

Ferguson Township Zoning Code limits Wireless Communication Facilities to Rural Agriculture, Rural Residential, Commercial, Industrial and Industry, Research and Development Zoning Districts. Chapter 27-710 outline requirements for WCF in those zoning districts.

STAFF ANALYSIS: Based upon the foregoing information, staff does yet have an opinion and needs to conduct further research.

Primary Author:

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

Reviewed/Approved By:

Jenna Wargo, AICP | Director of Planning & Zoning

Ferguson Township Code
Chapter 27, Part 7, Section 710 Wireless Communications Facilities

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

1. Intent. The wireless communications facilities (WCF) regulations are intended to achieve the following:

A. To provide a competitive and wide range of communications services.

B. To encourage the shared use of existing communication towers, buildings and structures.

C. To ensure compliance with federal and state regulations.

D. To promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities.

E. To address modern and developing technologies including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities.

F. To establish procedures for design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based wireless communications facilities in the Township, including facilities both inside and outside of the public rights-of-way.

G. To protect Township residents and businesses from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

2. **General Requirements for All Tower-Based Wireless Communications Facilities.** The following regulations shall apply to all tower-based wireless communications facilities:

A. Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety, and safety-related codes including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

B. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry (ANSI EIA/TIA-222-E Code, as amended).

C. Height. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of 200 feet, or ~~450~~ feet when located within the ROW, which height shall include all subsequent additions or alterations. Height shall be measured from the average natural grade to the top point of the communications tower or antenna, whichever is greater. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure. Tower-based WCF constructed outside the ROW ~~at a height greater than 200 feet but not to exceed 300 feet~~ shall be permitted as a conditional use in the RA, AR, RR, C, FG, ~~TTD~~ and IRD Districts by the Board of Supervisors. ~~The Board of Supervisors may permit a tower-based WCF constructed outside the ROW at a height equal to or greater than 200 feet but not to exceed 300 feet~~ if the following criteria are met:

Commented [c1]: To meet the definition of “small cell wireless facility” under federal and state law (Act 50), this standard should be 50 feet, not 40 feet.

Commented [c2]: This amendment, when applied with the separation distance requirement, below, will permit only 1 tower in the current TTD district, which is under 200 feet. Also, this requires any new tower to go through a conditional use process, as desired by the Planning Commission.

Commented [c3]: A tower height of 200 or greater mandates lights by FAA regulation. Therefore, the language was modified to “equal to or greater than”.

(1) The applicant shall provide documentation to the Township which details the commitment to provide capacity on the proposed tower-based WCF to more than one provider. The document must describe the additional tower height that is required to provide the capacity to the additional provider(s). The document shall also show that by providing the additional height and capacity, there will not be a need from the involved companies for an additional tower outside the ROW within a radius of one mile of the site. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required service.

(2) The applicant shall provide documentation to the Township that the height limitation of 200 feet will require the construction of two or more towers and that by permitting an increase in the height of the tower, only one tower will be required. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required services. The purpose of this conditional use is to permit an increase in the height of one tower to reduce the need for additional towers.

D. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

E. Maintenance. The following maintenance requirements shall apply:

(1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair, except as permitted and in accordance this section.

(2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

(3) All maintenance and activities shall utilize the best available technology for preventing failures and accidents.

F. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (FCC) including, but not limited to, the FCC Office of

Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The applicant shall provide, upon request, a statement from a qualified licensed and professional registered engineer that the non-ionizing electromagnetic radiation (NIER) emitted from the tower-based WCF, when measured in conjunction with the emissions from all communications antenna on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by the FCC or the ANSI.

G. Historic Buildings or Districts. No tower-based WCF may be located on or within 200 feet of a site that is listed on an historic register, a site listed for inclusion on the historic register, or in an officially designated state or federal historic district.

H. Identification. All tower-based WCF shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township. The notice shall not exceed two square feet in gross surface area and shall maintain the contact party.

I. Lighting. Tower-based WCF shall not be artificially lighted, except as required by the Federal Aviation Administration and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. No flag shall be located on the structure that requires lighting.

J. Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Township Planning and Zoning Director to harmonize with the surroundings.

K. Noise. Tower-based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Chapter 10, Part 3, of the Ferguson Township Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

L. Aviation Safety. Tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.

M. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

N. Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. All complete applications for tower-based WCF shall be acted upon within 150 days of the receipt of a fully completed

application for the approval of such tower-based WCF, and the Township shall advise the applicant, in writing, of its decision. If additional information is requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.

O. Nonconforming Uses. Nonconforming tower-based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section. Co-location of facilities may be permitted on nonconforming structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.[1]

[1] Editor's Note: See 53 P.S. § 11702.1 et seq.

P. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

(1) All unused or abandoned tower-based WCF and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.

(2) If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(3) Any unused portions of tower-based WCF, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

Q. Application Fees. The Township may assess appropriate and reasonable application fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

3. **Tower-Based Wireless Communications Facilities Outside the Rights-of-Way.** The following regulations shall apply to tower-based wireless communications facilities located outside of the right-of-way (ROW):

A. **Tower Setbacks and Location. Permitted Only in Certain Zones.** ~~A tower-based WCF located outside of the ROW shall be located at least one-third (1/3) the height of the tower from all adjoining property lines, no closer than 300 feet to any residential building and no closer than 2,500 feet to any other existing tower-based WCF located outside of the ROW. No tower-based WCF shall be permitted within 500 feet of the nearest adjoining property line.~~ Tower-based WCF shall only be permitted as designated in zoning districts as identified within the chapter.

Commented [c4]: These setbacks are more realistic in terms of public safety and the recognition of the strict code standards that apply to these structures. Based on the vegetation and topography of the Township, the 2,500-foot separation distance is more realistic in terms of macro-tower placement within a developing network of cell sites, since it allows macro-towers within ½ mile of each other. This separation distance also allows for only 1 new macro-tower within the TTD district – an express concern of the Planning Commission (See the MAP submitted with this document). The proposed AT&T tower would comply with all these requirements.

B. Evidence of Need. It is required that the applicant for the placement of a tower-based WCF that will exceed ~~40~~50 feet in height shall submit to Ferguson Township evidence of the need for the tower-based WCF in the proposed location and that the applicant has exhausted all alternatives to locate on an existing tower or structure (co-location). In addition, the applicant must demonstrate via written evidence from a qualified, licensed, and professional engineer that, in terms of location and construction, there are no existing towers, tower-based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a one-mile radius of the chosen location, unless the applicant can demonstrate to the satisfaction of the Township that a different distance is more reasonable. Co-location is not possible if:

Commented [c5]: Again, the 50-foot standard is the defined height for small cell WCFs.

(1) Coverage diagrams and technical reports demonstrate that co-location on an existing tower-based WCF is not technically possible in order to serve the desired need.

(2) Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(3) Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost.

(4) Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned.

(5) Other reasons can be demonstrated to the satisfaction of the Township that make it impractical to place the equipment planned by the applicant on existing and approved towers.

C. Sole Use on a Lot. A tower-based WCF is permitted as the sole use on a lot subject to the minimum lot size and setbacks complying with the requirements of the applicable zoning district.

D. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, or municipal use, subject to the following conditions:

(1) The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the communications facility.

(2) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF, the communications facility building, security fence, and buffer planting.

(3) Minimum Setbacks. The tower-based WCF and accompanying communications facility building and equipment shall comply with the requirements for the applicable zoning district, ~~provided that no tower-based WCF shall be located within 500 feet of the nearest adjoining property line.~~

Commented [c6]: As written, this section is redundant and not needed for towers, as the applicable tower setbacks are set forth above in Section 27-710.A.3. This section was revised to clarify the setbacks applicable to ancillary equipment.

E. Notice. Upon receipt of a letter of a complete application by the Township for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property within 500 radial feet of the parcel or property of the proposed facility. The applicant shall provide the Township with evidence that the notice was mailed out to applicable property owners.

F. Design and Construction.

(1) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(2) To the extent permissible under applicable law, any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.

(3) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Tower-based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

(4) Guy wires are not permitted. The monopole must be self-supporting.

G. Surrounding Environs. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222-G Manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the tower-based WCF.

H. Fence/Screen.

(1) A security fence of approved design, of not less than eight feet in height and no greater than 10 feet in height, shall completely enclose the tower-based WCF. The fencing required in must also have a one-foot barbed arm slanted at a 45° angle which runs along the entire top of the fence, ~~unless the Board of Supervisors waives such requirement.~~

Commented [c7]: While the providers do not mind placing barbed-wire, this is not always the most aesthetic way to enhance the security of the site.

(2) The applicant shall submit a landscaping plan. Sites in which communications towers are located shall be required to comply with the following landscape requirements:

(a) Landscaping, consisting of evergreen plantings which shall reach a height of at least eight feet within five years of planting shall be required at the perimeter of the security fences and WCF. Existing wooded areas, tree lines and hedgerows adjacent to the facility shall be preserved and used to substitute or meet a portion of the buffer yard requirements. When the WCF is located in a developed ~~commercial or industrial~~ area, the Board of Supervisors may waive the buffer yard regulations in exchange for another type of screening which is compatible with the surrounding land use.

Commented [c8]: This provides greater flexibility in any location in which tower-based WCFs are permitted.

(3) Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.

(4) No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign, not to exceed two square feet in gross surface area, which identifies the phone number and contact in the event of an emergency is required. In addition, "No Trespassing" signs may be placed on the security fencing in accordance with the Township's Sign Ordinance (Chapter 19).

I. Accessory Equipment.

(1) Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be underground, if possible. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.

(2) All buildings and structures associated with a tower-based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

J. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the tower-based WCF and communications facility building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

K. Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

4. Tower-Based Wireless Communications Facilities Inside the Rights-of-Way. The following regulations shall apply to tower-based wireless communications facilities located in the rights-of-way (ROW):

A. Permitted Where Above ground Utility Infrastructure Exists. No tower-based wireless communications facilities shall be located in areas where utility infrastructure is installed underground.

(1) In areas not served by above ground utility infrastructure, tower-based WCF may be constructed at intersections of arterial and arterial street classifications and arterial and collector street classifications to provide coverage and capacity.

B. Evidence of Need. It is required that the applicant for the placement of a tower-based WCF shall submit to Ferguson Township evidence of the need for the tower-based WCF in the proposed location and that the applicant has exhausted all alternatives to locate on an existing tower or structure (co-location). In addition, the applicant must demonstrate via written evidence from a qualified, licensed, professional engineer that, in terms of location and construction, there are no existing towers, tower-based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a 1/2-mile radius of the chosen location, unless the applicant can demonstrate to the satisfaction of the Township that a different distance is more reasonable. Co-location is not possible if:

(1) Capacity diagrams and technical reports demonstrate that co-location on an existing tower-based WCF is not technically possible in order to serve the desired need.

(2) Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(3) Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost.

(4) Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned.

(5) Other reasons can be demonstrated to the satisfaction of the Township that make it impractical to place the equipment planned by the applicant on existing and approved towers.

C. Notice. Upon submission of an application for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property within 500 feet of the parcel or property of the proposed facility. The applicant shall provide the Township with evidence that the notice was mailed out to applicable property owners.

D. Co-Location. An application for a new tower-based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a 1/2-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized. Co-location shall not be permitted on ornamental streetlight fixtures.

E. Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower-based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.[2]

[2] Editor's Note: See 66 Pa.C.S.A. § 101 et seq.

F. Equipment Location. Tower-based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township in addition:

(1) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.

(2) Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

(3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

(4) Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.

(5) Any underground vaults related to tower-based WCF shall be reviewed and approved by the Township.

G. Design Regulations.

(1) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize the aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(2) Any height extensions to an existing tower-based WCF shall require prior approval of the Township, and shall not increase the overall height of the tower-based WCF to more than 50 feet. The Township reserves the right to deny such requests based upon aesthetic and land use impact or any other lawful considerations related to the character of the Township.

(3) Guy wires are not permitted. The monopole must be self-supporting.

H. Additional Antennas. As a condition of approval for all tower-based WCF in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCF where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.

I. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and the applicable public utility commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

(1) The construction repair, maintenance, or installation of any Township or other public improvement in the right-of-way.

(2) The operations of the Township or other governmental entity in the right-of-way.

(3) Vacation of a street or road or the release of a utility easement.

(4) An emergency as determined by the Township.

J. Compensation for ROW Use. In addition to the permit fees, every tower-based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each tower-based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for tower-based WCF shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such tower-based WCF.

K. Restoration Deposit. Prior to the issuance of a permit, the owner of each individual tower-based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Director of Public Works, or his designee. The return of the deposit shall be

contingent upon the proper restoration of the ROW and compliance with the terms and conditions of this section. Upon installation of the tower-based WCF, the applicant shall notify the Township that the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within 30 days. The restoration deposit may be forfeited in whole or in part to the Township if any work is found to be incomplete or not in compliance with all applicable standards.

5. General Requirements for All Non-Tower-Based Wireless Communications Facilities.

A. For the purposes of this section, the regulations shall only apply to non-tower-based wireless communications facilities that are not regulated by the Pennsylvania Wireless Broadband Collocation Act,^[3] except where noted or where otherwise permitted by law.
[3]Editor's Note: See 53 P.S. § 11702.1 et seq.

B. The following regulations shall apply to all non-tower-based wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached, as defined above:

(1) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

(2) Standard of Care. Any non-tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(3) Wind. Any non-tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

(4) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

(5) Aviation safety Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.

(6) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards

and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(7) Removal. In the event that the use of a non-tower-based WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

(a) All abandoned or unused WCF and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.

(b) If the WCF and/or accessory facilities are not removed within three months of the cessation of operations, or within any longer period of time approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(8) Timing of Approval. Within 30 calendar days of the date that an application for a non-tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's sixty-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.[4] [4] Editor's Note: See 53 P.S. § 11702.1 et seq.

(9) Application Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs. Such fees may be assessed by applicable federal or state statute for relevant co-located facilities and other non-tower-based WCF.

C. The following regulations shall apply to all non-tower-based wireless communications facilities that substantially change the wireless support structure to which they are attached:

(1) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

(2) Standard of Care. Any non-tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most

recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(3) Wind. Any non-tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

(4) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

(5) Historic Buildings. Non-tower WCF may not be located on a building or structure that is on an historic register or a building or structure listed for inclusion on a historic register.

(6) Aviation Safety. Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.

(7) Maintenance. The following maintenance requirements shall apply:

(a) The non-tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

(c) All maintenance activities shall utilize nothing less than the best available technologies for preventing failures and accidents.

(8) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(9) Removal. In the event that the use of a non-tower-based WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

(a) All abandoned or unused WCF and necessary facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.

(b) If the WCF or accessory facility is not removed within three months of the cessation of operations, or within any longer period of time approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(c) Timing of Approval. Within 30 calendar days of the date that an application for a non-tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's sixty-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.[5]

[5] Editor's Note: See 53 P.S. § 11702.1 et seq.

(d) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the non-tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

(e) Restoration Deposit. Prior to the issuance of a permit, the owner of each individual tower-based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Director of Public Works, or his designee. The return of the deposit shall be contingent upon, where applicable, the proper restoration of the ROW and compliance with the terms and conditions of this section. Upon installation of the tower-based WCF, the applicant shall notify the Township that the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within 30 days. The restoration deposit may be forfeited in whole or in part to the Township if any work is found to be incomplete or not in compliance with all applicable standards.

(f) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs.

6. Non-Tower-Based Wireless Communications Facilities Outside the Rights-of-Way. The following additional regulations shall apply to non-tower-based wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

A. Development Regulations. Non-tower-based WCF shall be co-located on existing structures such as existing building or tower-based WCF subject to the following conditions:

(1) Such WCF does not exceed a maximum height of 10 feet above the permitted height of any structure in the applicable zoning district.

(2) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

(3) A six-foot-high security fence with evergreen screening shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

B. Design Regulations.

(1) Non-tower-based WCF shall employ stealth technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

(2) Non-tower-based WCF which are mounted to a building or similar structure may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use approval.

(3) All non-tower-based WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in context of such justification on an individual basis.

(4) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.

(5) Noncommercial Usage Exemption. The design regulations enumerated in § 27-710, Subsection 6A(2), shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

C. Removal, Replacement, and Modification.

(1) The removal and replacement of non-tower-based WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.

(2) Any material modification to a WCF shall require prior amendment to the original permit or authorization.

D. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

7. Non-Tower-Based Wireless Communications Facilities in the Rights-of-Way. The following additional regulations shall apply to all non-tower-based wireless communications facilities located in the rights-of-way:

A. Location. Non-tower-based WCF in the ROW shall be co-located on existing poles, such as utility poles. Co-location shall not be permitted on ornamental streetlight fixtures.

B. Design Requirements.

(1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

(2) Antennas and all support equipment shall be treated to match the supporting structure. WCF and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

C. Compensation for ROW Use. In addition to the permit fees as described in § 27-710, Subsection 5B(9), and otherwise herein, every non-tower-based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each non-tower-based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for non-tower-based WCF shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such non-tower-based WCF.

D. Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all non-tower-based WCF in the ROW based

on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.[6]
[6]Editor's Note: See 66 Pa.C.S.A. § 101 et seq.

E. Equipment Location. Non-tower-based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

(1) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.

(2) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

(3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

(4) Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.

(5) Any underground vaults related to tower-based WCF shall be reviewed and approved by the Township.

F. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is seasonably necessary, or such other period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

(1) The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way.

(2) The operations of the Township or other governmental entity in the right-of-way.

(3) Vacation of a street or road or the release of a utility easement.

(4) An emergency as determined by the Township.

G. Visual and/or Land Use Impact. The Township retains the right to deny an application for the construction or placement of a non-tower-based WCF based upon visual and/or land use impact.

8. Violations Applicable to All Wireless Communications Facilities.

A. Penalties. Any person violating any provision of this section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Township may apply to a federal district court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this section.

B. Determination of Violation. In the event a determination is made that a person has violated any provision of this section, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided that person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this section and/or federal and/or Pennsylvania law and regulations.

9. Miscellaneous.

A. Police Powers. The Township, by granting any permit or taking any other action pursuant to this section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, and local laws and regulations.

B. Severability. If any section, subsection, sentence, clause, phrase, or word of this section is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this section invalid.

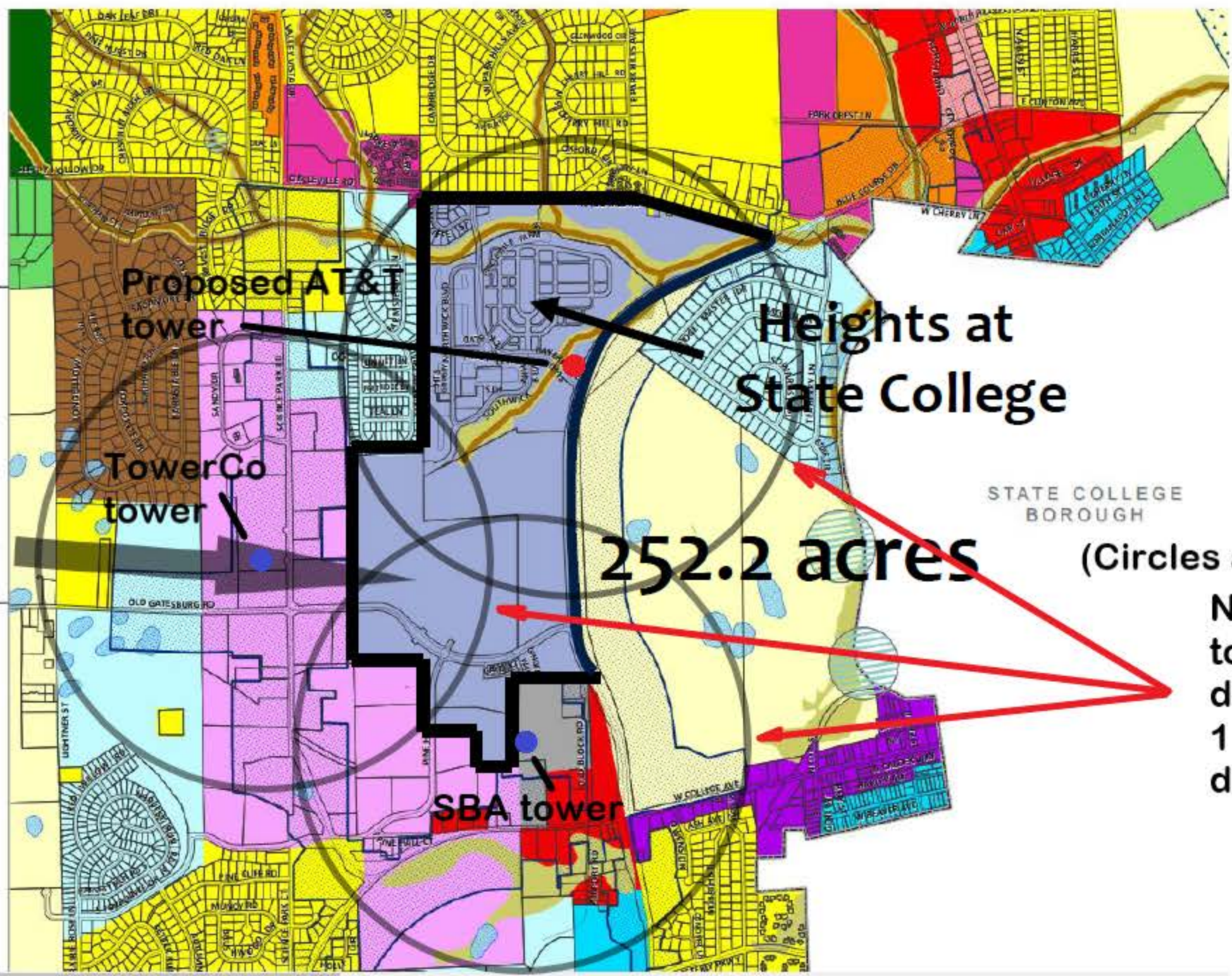


Zoning Districts

✓ Agricultural Research (AR)	Suburban Single Family Residential (R1B)
✓ General Commercial (C)	Two Family Residential (R2)
✓ Forest/Gamelands (FG)	Townhouse Residential (R3)
✓ General Industrial (I)	Multi-Family Residential (R4)
✓ Light Industry, Research & Development (IRD)	Rural Agricultural (RA)
Mobile Home Park (MHP)	Rural Residential (RR)
Office Commercial (OC)	Terraced Streetscape District (TSD)
Planned Residential Development (PRD)	Traditional Town Development (TTD)
Single Family Residential (R1)	Village (V)

Legend

Overlay Districts	Municipal Features
Airport Overlay District (AOD)	Streets
Corridor Overlay District (COD)	Parcel Boundaries
Ridge Overlay District (ROD)	Municipal Boundaries
Riparian Buffer Overlay Districts (RBOD)	
35' Buffer	
65' Buffer or Extent of Floodplain	
	Source Water Protection Areas



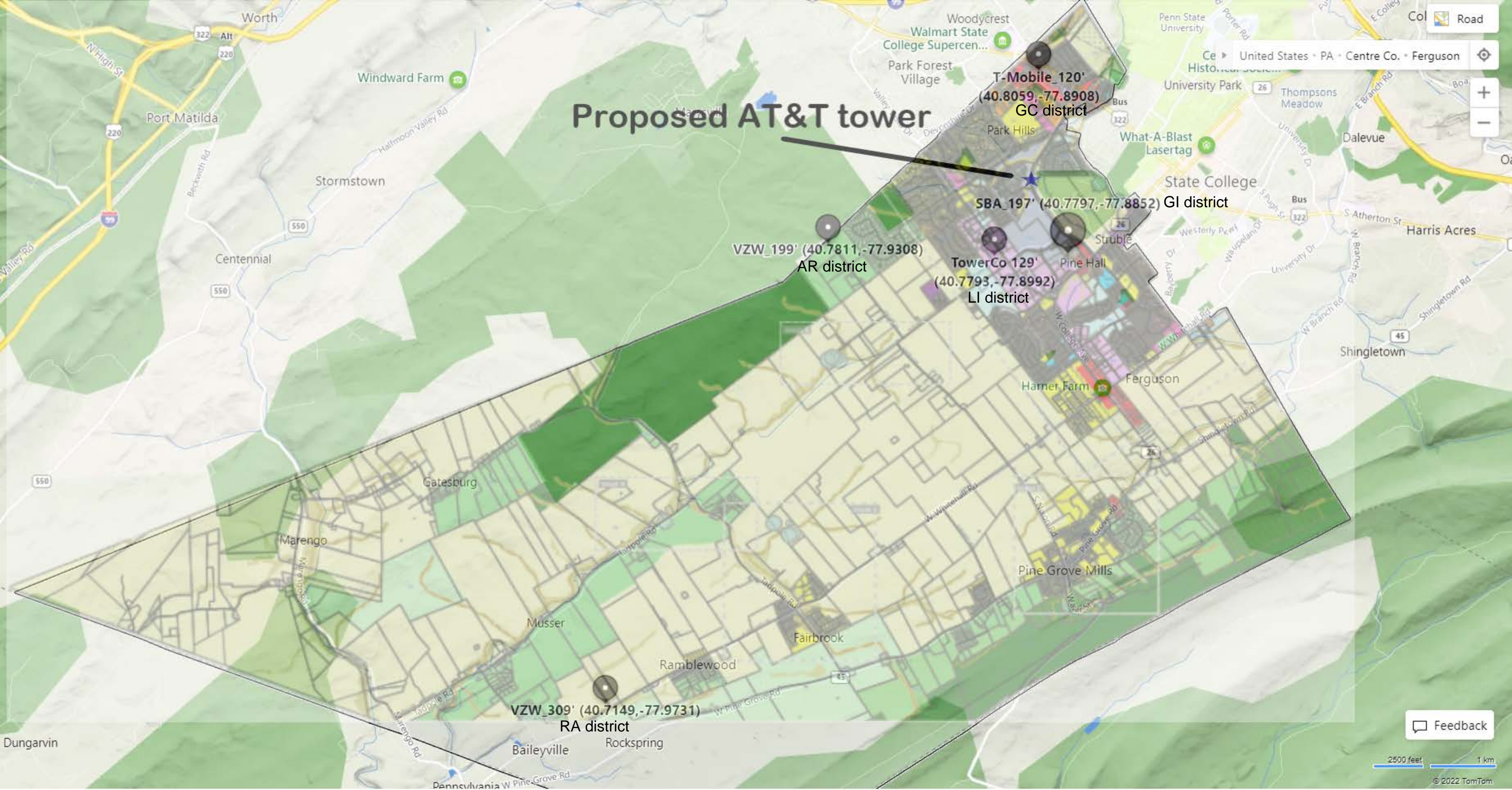


EXHIBIT: Existing Towers located in Ferguson Township



American Planning Association

Planning Advisory Service

Creating Great Communities for All

No. 110

PAS MEMO

Three Essential Questions for Better Planning

By Kyle Ezell, EDD, FAICP CUD

Planning for and with people is a complex and challenging undertaking.

Planning practice spans the social and physical sciences, requiring planners to gain a comprehensive understanding of the many aspects of a proposed topic and offer recommendations for objectively making decisions. The high expectations placed upon our profession for finding and communicating multidisciplinary answers to complicated human questions means that as planners, we must develop savvy political acumen, extensive research and analysis proficiencies, clear and concise writing styles, and advanced facilitation and presentation skills.

We prove ourselves as reliable, valuable professionals. And while the widely used term “the planning process” can mean different things to different planners, the essence of planning for and with people is simple: we want our work to benefit as many people as possible, to negatively impact as few people as possible, and to include as many people as possible.

What if we as planners addressed these intentions directly across all our work by asking three essential, explicit questions?

- Who is helped?
- Who is harmed?
- Who is missing?

This *PAS Memo* introduces these essential questions and explains how they can create a foundation for good planning practice by better defining and strengthening the “why” for any planning idea. It stresses that we should always have these questions in mind for all our work and offers ways to best ask them throughout a wide range of planning work routines.

Effectively integrating these questions throughout planning practice can enhance the breadth and depth of our developed professional skills. It can also create opportunities for us to take stronger leadership positions in community conversations around more inclusive decision-making, empowering planners to have even more valuable professional roles.



The Essential Questions Explained

We ask versions of these questions all the time, but perhaps not explicitly, intentionally, and often as we might.

Answers arise from seeing and understanding the people we serve more meaningfully. Planners already consider the people who become the end users of our processes, plans, policies, programs, and projects, but asking the essential questions for any planning idea allows us to better recognize the potential impacts of planning outcomes on the people in our communities.

Who Is Helped?

Asking who is helped—identifying the readily apparent users or beneficiaries of a planning proposal—commences the essential question-asking process.

At its core, the field of planning is about helping people. We become planners because we want to help people, and our purpose is to help make great communities a reality for everyone. Knowing who we help when we practice plan-

Figure 1. The three essential planning questions.



Figure 2. Answering the essential question “Who is helped?” justifies a planning proposal.

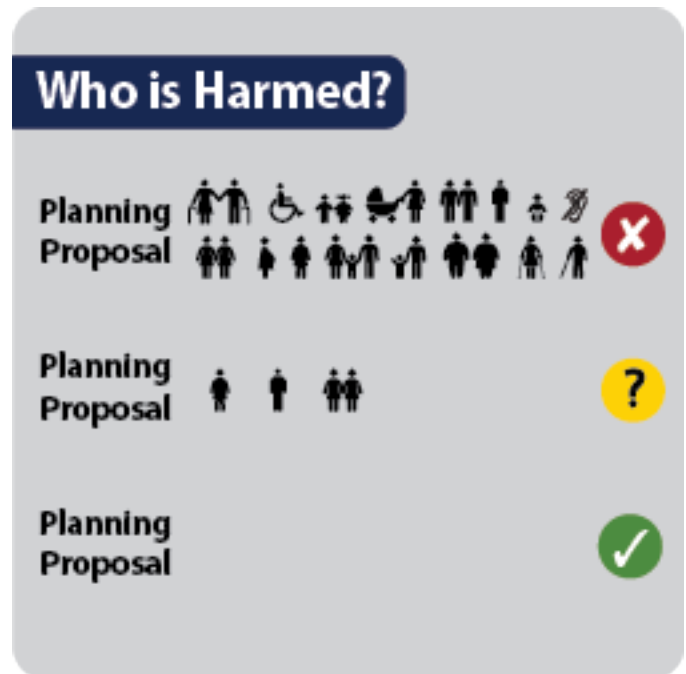


Figure 3. Answering the essential question “Who is harmed?” spotlights potential negative outcomes planning proposals have on people.

ning is a tenet of our profession, so we must begin with this question.

Figure 2 illuminates the simple test of asking “Who is helped?” that we can use to double-check the “why” of a planning idea to establish that the idea is good—that is, it helps more than it harms.

If we cannot answer this straightforward question quickly and easily for any proposed planning intervention, the intervention should not be necessary. We can use this information to justify and to build support for a good idea.

Who Is Harmed?

Part of helping the communities we serve means doing our best within the sphere of our influence to prevent them from harm. We can build on our planning profession’s ethical expectations in deliberately and actively asking for any planning proposal, “Who is harmed?”

Doing so can lead to building trust among people we work for and with. Purposefully asking who is harmed by a planning idea—directly or indirectly, intentionally or unintentionally—forces a proactive assessment of its potential negative impacts on real people.

Figure 3 shows how identifying who will be harmed by planning work provides reasons for not implementing that work. If an idea negatively impacts people, it lessens the idea’s value; the “why” becomes less clear. If we can answer this question quickly and easily, that idea would likely not be worth considering. We can also use the answers to this question to improve a planning idea by mitigating any negative impacts to people we identify when considering who may be harmed by that idea.

To assess the potential negative impacts to as many people as possible to create great communities for all, when answering “Who is harmed?” by a planning proposal, planners should consider people who may be:

- **Financially harmed.** Will someone’s livelihood be affected by an incompatible land-use decision, or will an infrastructure proposal negatively impact someone’s property?
- **Physically harmed.** Will someone suffer from unsafe or unhealthy physical or environmental conditions caused by the outcomes of a planning proposal?
- **Culturally harmed.** Will someone’s ties to the built environment such as important buildings, sites, or landmarks, be negatively impacted?
- **Psychologically harmed.** Will someone’s state of mind be impacted, such as having one’s home demolished against one’s will? Or will someone be subjected to potentially overwhelming new sensory inputs (e.g., blinking lights, loud noises) caused by changes in land uses?
- **Harmed by neglect.** Will groups containing many loud voices be harmed by being ignored? Will people with quieter voices suffer by not being loud enough?

Answers in any of these “harmed” categories should prompt reflection and a reset in our planning strategy. Figure 4 summarizes these categories in a checklist for planners.

Planners can modify our scans by coming up with additional categories to represent specific circumstances for different contexts, always being frank about the potential for harm. Doing so invites authentic and caring engage-



Figure 4. A general checklist planners can use when scanning for people who may be harmed.

ment during the conception of a planning idea, its evolution towards fairer and more equitable outcomes, and its implementation.

Intentionally showing a willingness to acknowledge and understand the potential for harm—including legacies of past planning-related harms both direct and indirect—manifests in the simple, deliberate question, “Who is harmed?” This should be asked of everything we as planners do.

Who Is Missing?

People opposed to or negatively impacted by a planning idea may not be present at a decision-making meeting. They may not be aware of the public hearing—or if they are aware, they may not show up because they do not think they will be allowed to speak, are afraid to speak up, or may not have time or access to attend a meeting. Any variety of barriers can keep someone from participating, and people without connections or power may not be seen or heard.

Asking and answering the final essential question “Who is missing?” brings challenges. Though we know not everyone can or should participate in every planning situation (depending on the context and location of planning proposals), people who can and should be there may be missing from the conversation. But identifying people who want to lend their voice to a planning process or decision can be difficult because we might not think of them, know they are there, or understand the context for why they aren’t there.

The following set of scan questions offers a framework to help identify who is missing from the table. Planners should look for people who:

- **Are interested in the subject matter.** We should identify people who could enhance knowledge around topics associated with any planning situation. Updated lists of agencies, organizations, clubs, and other groups associated with planning topics can help. For instance, we should inform and invite local hikers and fishing clubs to provide input on a proposed new park with hiking trails and a large fishing pond.
- **Live in the greater area.** We should work within legal requirements for public notification with an awareness of those farther away who have a right to be informed and engaged. Groups out of the jurisdiction of the range of work may be interested in and have a stake in the proposed idea. For instance, annual vacationers to a beloved beach town, alumni of a college considering a campus reconfiguration, and property owners near to but outside of the required notification area for a transformational land-use development proposal will likely bring valuable input.
- **Have different abilities and needs.** We should continuously scan for people with different physical and mental abilities and health needs who should be at the decision-making table, keeping continuously updated contact lists for reaching out across the spectrum of community members’ abilities and special needs and building notification partnerships with agencies that serve various populations.
- **Are diverse in a variety of ways.** We should insist on representation for as many people as possible who represent the demographic makeup of the people we serve. Notification partnerships can include service providers, places of worship, schools, and as many organizations as possible to bring representative voices into planning conversations.



Figure 5. Planners should carefully consider who is missing from the conversation for all planning ideas.

- **Live in communities that are underrepresented or are otherwise disproportionately left out of the conversation.** Every community will have groups who seem to be always left out and are therefore not represented in local decision-making processes. Planners must look back on how previous planning implementations negatively affected people, identify who was missing from those processes and thus unable to ask questions or raise concerns, and work forward to ensure current conversations include all individuals and groups who should have a chance to weigh in.

In addition to finding additional individuals or groups who may be harmed by a planning idea, answers to the question “Who is missing?” can also uncover more people who are helped. We can invite newly discovered beneficiaries to participate in supporting and improving an idea.

Who is Missing Scan

- Tied to Subject Matter
- With a Stake but Outside
- Differing Abilities or Needs
- Demographically Diverse
- Underrepresented

Figure 6. A general checklist planners can use when scanning for missing people.

Answers, Action, and Leadership

As planners, keeping the essential questions front of mind complements our professional skillsets and our leadership potential. As efficient researchers nimbly learning and making sense of knowns and unknowns, we now can include previously unrecognized people who are helped, harmed, and missing. With this information, we can lead richer community conversations about planning ideas in ways that help applicants, community members, and decision makers better understand the potential impacts of those proposals, and we can help ensure to the best of our abilities that our work benefits as many as possible, harms as few as possible, and includes everyone possible.

Here, being a leader does not mean being the boss: it means taking agency in activating knowledge and skills gained from studying and practicing planning, stepping up with confidence, and bringing fairer solutions to problems that we as planners were trained to solve. Leading by answering the three essential questions can expand planners’ curiosity and comprehensive ways of thinking, making it easier to see both the big picture and the small details necessary for taking action.

Actions we decide to take can have many forms depending on each situation’s needs. Different planning organizations or firms will have different methods for taking action; therefore, no one-size-fits-all approach can cover all possibilities in the planning field. Because we want our work to benefit as many people as possible, negatively impact as few people as possible, and include as many people as possible, taking appropriate action (recommending, altering, including, extending, revising, inviting, encouraging, empowering, and every other conceivable possibility) can help make our work fairer, and therefore, better.

Asking the Essential Questions Across Planning Practice

It is implausible (impossible!) to expect that planners will ask all three essential questions out loud, all the time, in all planning situations. And we may not be taken seriously if we ask who is helped, harmed, and missing all day long.

However, as planners, we should always have those questions in mind for everything we do. Keeping those questions front of mind will help us encourage better outcomes. Integrating these questions will take time, and we will have to think carefully about how best to incorporate them into our work routines.

Consider where and when more detailed processes for asking the essential questions make sense and how they can be

Customizing the Essential Questions

Words matter. They mean different things to different people. Since most words and terms do not cleanly translate the same way for all situations, consider modifying the essential questions to fit your organizational and procedural expectations.

For instance, replace “Who is helped?” with “Who benefits?” Perhaps expand “Who is harmed?” to “Who is negatively affected or impacted?” You may want to rephrase “Who is missing?” in a way that more directly represents a particular planning situation, such as “Who is underrepresented in this proposal?” or “Who is absent from this conversation?”

This *PAS Memo* provides an essential question framework you can adjust as you see fit; you can choose how to craft the base questions depending on planning circumstances and preferences for one word or term over another.

integrated more formally into established planning work. The following sections show how asking the essential questions can add value to our planning duties and offer suggestions about when and how we might regularly ask the questions when leading comprehensive and other plan-making processes; developing or reviewing policies, programs, or projects; and having formal or informal discussions about our communities.

Plan Making

Involving detailed process design and covering all topics, ranges, and scales, making plans presents many opportunities for asking and answering the essential questions. Plans create guiding visions and provide specific recommendations for achieving those visions to communities. Therefore, we must strive for our plan-making processes to bring everyone to the table, gather feedback from as many people as possible, and produce well-thought-out recommendations that benefit the entire community.

Generally, for any planning process design, we must do the following:

- Ask and answer the essential questions before we begin.
- Employ the essential questions throughout when creating and confirming the “why” for goals, objectives, policies, and actions.
- Scan for people who are underrepresented or missing from the conversation and invite and include them in our process.

The essential questions should be integrated into all steps of the plan-making process, as described below. As part of our published plans, we should document asking and answering the questions and any subsequent actions taken for all plan-making stages.

Preparing to launch the plan-making process. Planning processes offer value only if they accurately represent people. One of the critical times for asking the essential questions happens well before the visioning and other public input sessions begin. Answering the questions is performing “fairness due diligence” in helping ensure we have carefully considered people whose voices enhance visioning and goal setting and who should be encouraged to participate.

To reach the most people in creating great communities for all, “Who is helped?” becomes a fundamental question to set the plan-making process’s vision and mission. Answers to who is harmed and missing can help us understand people left out of the plan’s benefits, without resources or access to education and representation. We can find, invite, and welcome them well before the date of the first public meeting.

Visioning and values. Visioning sessions are meetings setting long-range visions and goals. Charettes (high-intensity, in-depth sessions centered around a longer-range vision or goal-setting topic or problem) often launch plan-making processes by establishing a community vision and goals to guide subsequent plan development. Creating a vision for specific

(and sometimes existential) planning issues requires community members to define their agreed-upon values from which a plan’s visions and missions take root and grow. Asking and answering the essential questions can improve representation.

We can also ensure a more representative vision throughout the plan-making process by continuously asking “Who is missing?” Identifying and including community members whose ideas and concerns have been missing from previous conversations about community visions and goals will strengthen the process and result in the creation of more inclusive and representative community values.

Public engagement data strategy. Once we find answers for who should be invited to a plan-making process, we can also ask and answer the essential questions to discover how different approaches to collecting data might help, harm, and leave people out, helping us strategize better public engagement and input processes. Doing so can positively impact our plan-making process’ visions, goals, and recommendations.

We can closely look at our data-gathering methods and sources in focus groups, surveys, and public engagement technology. For instance, who is helped by posting a survey online might be people on a particular social media platform, potentially skewing results. Who is harmed or missed by posting a survey online might be people without access to technology, so choose data collection methods that help increase participation.

Also, think about who may be helped, harmed, and missing when selecting data and tools from external sources. Make sure those providers collect their data from fact-based, relevant, unbiased, and reputable methods and sources. Integrating the essential questions into data-driven processes can increase the chances for high-quality, relevant, and reputable data that leaves no one out and avoids building bias into an analysis.

Public meetings. Encouraging planning decision makers (such as board members and commissioners) to ask the essential questions can help us continuously monitor our plan-making process’ level of success. Making sure to ask the questions out loud during the many public meetings required in plan making supports the following outcomes:

- Gaining clarity on a plan’s impacts
- Providing answers to make well-informed, justifiable decisions
- Bringing human impacts of decisions to light
- Keeping the conversation focused on what is important
- Improving outcomes for all involved
- Providing depth to deliberations
- Generating viable alternatives
- Exposing potentially unethical motives
- Increasing comprehensiveness in decision-making
- Uncovering or identifying unintended outcomes of decision-making
- Providing opportunities for greater consensus

We can use the essential questions to accomplish the following elements of successful public meeting outcomes:

Lifting missing voices in public meetings during plan making. When organizing and facilitating meetings, we can ask who is harmed and missing to interpret whether people feel comfortable speaking. In the context of an active meeting, this can look like making sure no one person or group is dominating the conversation (scanning for missing voices and those harmed by neglect).

Reducing adverse effects by considering accessibility. If our data collection strategies in a public meeting involve movement, we can ask who may be harmed and missing. Planning process activities such as “gallery walks” or poster pin-ups and reviews, sticky dot voting, post-it note commenting, stretching over base maps, and other movement-related activities offer excellent ways to gather input. Still, they will likely hinder some participants with ambulatory issues, eliminating critical voices—and therefore harming by neglect or leaving people out. Consider people with vision, hearing, sensory, social anxiety, and technology access issues. We know how hard it is to provide fully accessible meetings, but asking the essential questions and making necessary changes can support our aspirations.

Decreasing the number of people who may be harmed or missing through diversity assessment. Facilitating meetings offers assessment opportunities for inclusiveness. Take time to determine if the diversity in the room generally represents the community’s representative census data. Also, we can account for underrepresented people and groups that were identified when preparing to launch the plan-making process. After each public meeting, we should ask and answer the questions again to evaluate the success of our attempt in attracting people we hoped would attend. Did those who showed up represent one group more than others? Did we notice people and groups who weren’t there? If so, consider how the resulting lack of diverse ideas from public input might harm the plan.

Readjusting between public meetings. We can ask and answer the essential questions to guide adjustments between public meetings to potentially increase chances for people to participate and build a sense of ownership in the plan, which is crucial for implementation.

Drafting plan policies, objectives, and actions. As noted above, we can keep the essential questions in mind and ask them throughout the plan-making process, actively seeking to achieve continuous improvement.

Public review and feedback. When seeking public input on the draft plan, we can focus on who is harmed (by neglect) and missing. When preparing for widespread publication across all media platforms, we must consider the accessibility and inclusion checks provided above for public engagement strategy development and public meetings. Is the draft plan conspicuous and accessible for everyone? Did we consider people with different abilities and needs who will want to see the draft? Did we ensure media outlets reach people in the community and did we consider how people find, read, and provide feedback on draft plans? We can check on the beneficiaries, the negatively affected, and people who may be

underrepresented throughout the review and feedback period and shift outreach strategies accordingly.

Finalizing the plan document. We can make sure to publish documented steps in asking and answering the essential questions. Published steps become a record of monitoring answers and actions taken to improve the community’s process over the plan’s lifespan. When launching new plans and updating old ones, we can examine the success of employing the questions by scrutinizing current conditions, making adjustments, and improving as we advance.

Implementation. Using the essential questions to gauge and manage shared, equitable implementation, we can select those accountable for plans’ implementation as we continue improving wider stakeholder participation.

Policies

Plans are collections of policies and recommendations, but local governments may develop and adopt standalone policies independent of their plans. Policy development also offers opportunities for planners to ask and answer the essential questions.

The essential questions are critical in policy making because policies are widespread community directives that typically apply to many people and form the basis for creating and implementing rules. Answering the questions “Who is helped?” and “Who is harmed?” can mitigate unintended negative consequences.

Problem identification. Asking the essential questions helps us establish the “why” for our policy-making processes, providing a more thoughtful justification for why and how we should solve an identified problem.

Policy making. The essential questions and their answers can help policies take positive directions as they make their way through decision-making bodies and bureaucracies to be adopted and implemented.

Policy adoption and implementation. If we answer the essential questions and take appropriate actions in developing a policy and finalizing it for adoption, it will help establish confidence in a policy’s worth. Still, we should take the time to check through the questions again. Has anything changed since the problem identification that might impact the answers? Hopefully not, but last-minute adjustments could be warranted. We can also use the answers to prioritize policies; if a policy helps many people and harms few or none, this justifies funding and implementation.

Evaluation. A fundamental application of answering the essential questions is taking a detailed look at how an implemented policy helped people, harmed people, or missed people. With this knowledge, we can put forward more informed recommendations and make necessary adjustments.

Programs

When we develop programs to solve an issue or meet targeted needs, “Who is helped?” becomes the crucial question. Answers support our confidence in developing and administering programs that are truly helping who they intend to help. And though the goal of creating a new program is never to harm people, we can ask “Who is harmed?” to make sure. Finally, ask-

ing “Who is missing?” could reveal additional people who may be helped by a program or suggest different implementation strategies to maximize program benefits and make the most of program investments.

Program justification and goal setting. Limited resources mean that planners and others require good reasons for proposing and developing programs. How many people will the proposed program help, and are we sure it will not harm anyone? We may not know who is missing when validating why a proposed program should exist, but asking the question will keep this idea on the radar later.

Once the “why” of the program is established, answers to the essential questions can help form proposed program goals: we can target goals to improve the lives of people who are harmed and increase the number of people who are helped. Answering “Who is missing?” at this stage is essential. We may discover opportunities to expand a proposed program’s reach.

Budgeting and implementation. If a proposed program helps many people and keeps them from harm, we can make a stronger argument for allocating funds for its implementation. Building out a program requires action steps (often including physical logistics) and working out the details needed for a program to be successful offers additional opportunities for asking the essential questions.

Evaluation. Asking the essential questions during each annual review can help us identify who a program may have helped beyond the intended participants, understand any unintended negative consequences or impacts to people, and offer opportunities to uncover more people who might be helped by the program. Enhancing formal audits with answers to the essential questions allows us to more clearly identify ways to improve.

Projects

Projects can benefit from the essential questions, as asking them refocuses the conversation from what the project is to who the project’s users are. Often designed and implemented by private entities, projects include residential, commercial, or mixed-use developments. Public agencies may also lead or participate in project design and implementation; examples include a development authority constructing an affordable housing project or managing a brownfields redevelopment, a transit agency leading infrastructure improvements, or a local government forming a public-private partnership for a revitalization project.

Near-term implementation involves current planning actions, such as project conception and design, technical reviews, planner recommendations, public hearings, applicant revisions, approvals, budgeting and scheduling, construction, and project evaluation. Answers to the essential questions can benefit projects throughout all such efforts.

Conception and design. During a project’s conception and design phases, planners will hear from people asking questions or complaining about the project. The essential questions can become part of the dialogue between staff and project applicants, which can help applicants better understand the

potential impacts of—and potential community opposition to—their projects. This can inform adjustments to projects that result in better community benefits, smoother public comment processes, and better development outcomes. Project commentators can use the questions to assess projects that will impact them, potentially resulting in constructive suggestions rather than outright condemnation.

Planners and designers in both the public and private sectors also bring forth project proposals and designs. Public-sector planners working for and with people will be familiar with their communities and how the people they serve could be helped, harmed, or missed by a proposed project. They will immediately or quickly be able to answer the essential questions and can encourage project applicants to concurrently ask and answer the questions themselves.

Private-sector planners and designers contracted by municipalities, land developers, and other entities usually do not directly report to people they plan for and with. Since they may not immediately know the answers to the essential questions when working in nonlocal or otherwise unfamiliar communities, they may need more time to seek answers and ensure they are correct. Private-sector planners can integrate the essential questions and answers as part of requisite due diligence in project proposals and designs to show they care enough to consider the needs of all community members.

Technical reviews. Current planning reviews of design, transportation, and construction projects require specialized expertise and meticulousness. They can also de-emphasize people. Answering the essential questions remind reviewers that people are the end users of a proposed project.

Answers to the questions support our decisions when we analyze engineered drawings or site plans, review the technical data found in digital or blueprint layers, or navigate land-use tables. Technical project reviews pair well with the questions because visuals allow us to point to details we can see and encourage imagination when answering. (“See this curb cut for the parking lot entrance? Who is helped and harmed by the decision to locate it there?”)

When we work as technical reviewers, we cannot realistically (and should not) ask these three questions out loud every time we see something on a site plan. But general awareness of the essential questions reminds us to remember who is helped, harmed, and missing and to take appropriate action as we dig deep into the details.

Recommendations. Since our recommendations as planners influence projects, answering the essential questions when writing reports provides an additional layer of care and thoughtfulness, potentially improving projects under consideration. We can achieve higher levels of trust with our communities when we demonstrate our awareness of the specific ways projects help, harm, or leave people out, and we can create fairer recommendations with that information.

Public hearings. Generally held during an existing meeting such as a planning commission or city council meeting, public hearings offer people a chance to express their opinions on project proposals. The essential questions can help us guide

public dialogue around a proposed project, providing focus, clarity, and community around its impacts on real people.

Applicant revisions and approvals. We and other reviewers can verify that any revisions applicants make to project proposals help more, harm less, and bring more people to the table. And asking the questions one last time before project approval can increase confidence for decision makers.

Implementation schedules and budgeting. We can employ questions and answers in prioritizing which projects should be implemented and when. For instance, when determining the implementation schedule for a community's parks and recreation plan, we can ask, "Who is helped and harmed if we implement Park A's improvements before Park B's?" This can help us guide more informed budget decisions and more transparent public communication about those decisions.

Construction. Project implementation is high profile, and projects under construction directly impact people. The essential questions can improve people's experiences during times of change. Asking and answering the questions across the range of activities required for a project's implementation can potentially create a more tolerable, humane experience. Examples include land clearing, foundation pouring, utility work, framing, installing, operating construction equipment, transportation detours, parking and storing the construction equipment, and many other situations. Who will be helped and harmed by construction during the workday and over the nighttime hours? Who should be part of the conversation on leaving heavy construction equipment on the school parking lot? Construction managers can choose to reduce negative real-time impacts that project implementation often brings.

Evaluation. Were decision makers correct? Did the project help more people than it harmed? Were missing people found? Answering the essential questions as part of an evaluation process can provide clear directions for improving an implemented project and enhancing similar projects through lessons learned.

Planning Deliberations

As planners, we can ask the essential questions any time decision makers and the public consider a planning topic, including in any meeting for any planning proposal at all ranges and scales. Whether in public meetings, professional conversations, or in an individual planner's mind, asking and answering the questions can enhance the value of planning-related discussions and decision-making outcomes.

Regular meetings. For meetings scheduled during specific, expected times (e.g., a monthly planning commission meeting) in which some form of Robert's Rules of Order (or modified Parliamentary procedural meeting rules) is employed, decision makers can ask and begin answering the questions at appropriate times during proceedings.

Staff reports. The essential questions can support us as planners in writing better staff reports and adding more value to our recommendations, providing increased clarity and confidence for decision makers and the trust granted by people we serve.

Visualizing the Essential Questions

New concepts—even three simple questions—can be difficult to visualize when considering how they fit into your planning duties. Imagine yourself in various planning roles and what you might say to gain a better understanding of potential opportunities:

Plan making:

- The planning manager evaluating past plans' impacts before beginning a new plan-making process: *"Let's take a look at the current and prior plans and ask who these plans helped and harmed—and who was missing from the process—to guide our new initiative and help us avoid past mistakes."*
- The lead planner holding internal pre-plan-making meetings with colleagues as a pre-scanning exercise: *"We're here today to define the 'why' for our plan by determining who will enjoy planning's impacts, who may be negatively impacted, and who doesn't know but would want to know about our work. This way, we can get a handle on current conditions before we officially begin the plan-making process."*
- A planner in charge of online content adding an interactive and updatable webpage for the plan's informational website: *"Welcome to this page, where you can offer input to help make our plan as fair as possible by offering your thoughts on who the plan helps, who it potentially harms, and who is currently absent from the conversation."*
- The planning director bringing the plan to official adoption: *"We feel confident that knowing who benefits, may be negatively affected, or left out of the conversation increased our goal of being as fair, transparent, and democratic as possible. I urge you to adopt this plan."*

Policy making and implementation:

- A planning consultant beginning an environmental scan for a proposed policy: *"We have begun identifying and tracking current and future trends associated with your proposed policy. We want to find who is currently helped, harmed, and missing in the assessment of our current condition, then predict how their situations might change if the proposed policy is implemented."*
- The planning policy initiators investigating political will: *"Who in local politics might win, lose, or be absent as a result of our policy idea? Let's consider how what we are proposing might create political winners and losers. Our developed policy will require political buy-in, so let's strive to design our policy for more winners."*
- A planner writing an annual policy review: *"Following is information on the people we serve and how we ask who is helped, harmed, and missing to monitor the reach of our work."*

Program development:

- The planners exploring a need for a program: *"Today we launch a needs assessment to identify who our program will serve, but to also explore possible unintended consequences and human impacts of our proposed program by asking who is helped, who is harmed, and who is missing from the dialogue around our program idea."*
- A private planning consultant holding a focus group: *"Today, we want your thoughts on how to make our program work for everyone possible. Who will likely benefit? Who probably won't? Have we done a good enough job of inviting everyone who needs to be here?"*
- The core planning team developing goals and objectives for a program: *"We've gathered a lot of input from the public and stakeholders about what our policy's goals and objectives should be. Do they help? Do they harm? Do they leave anyone out?"*

Project proposal development and review:

- A current planner with a project applicant: *"We ask that you as the project proposer take time to answer the following three questions as accurately and completely as possible: Who is served by your project? Who is negatively impacted by your project? Who is missing from the table in evaluating your project?"*
- A private-sector planner facilitating a neighborhood input session to discuss a land-development project proposal: *"We know this is where your heart lives, and we hope you can help us figure out how we can be good neighbors today by thinking about how this project will help the neighborhood, whether it might somehow have a negative impact on you or others, and who may be missing from the discussion today."*
- A site planner reviewing a project's site plan: *"How does this location for a new manufacturing plant help or harm residents in both this neighborhood and the greater community, and who might not but should know about this proposal?"*

Planning deliberations:

- A current planner presenting staff recommendations to the board of zoning appeals: *"Based on our assessment of who will benefit, who will be negatively affected, and who we believe is underrepresented, staff recommends not approving the request. We have determined this proposal could possibly harm a significant number of residents, and we believe many people to be unaware of the proposal and its impacts."*
- A city councilor in an emergency budget meeting: *"Who does this budget cut proposal advantage? Who does it disadvantage? And who doesn't know it's coming?"*
- A planner in an internal meeting with colleagues choosing neighborhoods for their next neighborhood planning effort: *"How does spending our time and resources updating an existing plan for a neighborhood not currently in need help or harm the rest of town? There are a lot of people not yet involved in our community's planning process."*
- A planner thinking alone, watching a moving van carry out a family's furniture, wondering about unintentional displacement in a fast-changing neighborhood: *"Did our property tax abatement policy decisions for this neighborhood harm this family, who might be moving because they have to, not because they want to? I sure hope we didn't inadvertently help only those people who needed it the least, and I don't know where to begin to understand who's missing here. I'll bring this up with the other planners as I work on the department's annual plan implementation evaluation report."*

Does one or more of the above opportunities to implement the essential questions apply to your planning practice? These are only a few of the many possibilities.

Public forums and special meetings. Often lengthy and focused on one topic (such as the need for a comprehensive plan or the details and outcomes of a community visioning session), these meetings invite the public to learn about, discuss, and debate an idea in more depth than is typically possible in a regular meeting. Essential questions can bring depth and breadth to these deliberations. We planners, decision makers, and participants can explicitly ask and answer who is helped, harmed, and missing.

Emergency meetings. Answers to the questions can help decision makers think more deeply about the human impacts of their decisions before they take action. Essential questions can also steer emergency meetings deliberating on topics requiring immediate attention.

Conversations with planning colleagues and decision makers. Much of our work involves behind-the-scenes interactions with colleagues, including professional conversations, data preparation, and recommendation development. We can employ the questions in various situations, such as discussing

a topic with applicants, researching in the field, brainstorming with colleagues, and conducting internal meetings with decision makers.

Alone. Though this *PAS Memo* stresses purposeful implementation of the essential questions in everyday work, asking and answering the questions never requires a formal process. As individual planners, we should be asking and answering the questions in our minds as we fulfill our planning duties.

Conclusion

This *PAS Memo* demonstrates how using three essential questions—Who is helped? Who is harmed? Who is missing?—when planning for and with people across planning practice can make communities fairer and better.

Asking and answering these three straightforward questions enhances our ability to cut to the chase to what is real, because our work involves real people. And though we often work in highly complex ambiguity within our multidisciplinary field, starting with these simple questions allows us to more effec-

tively explain the very real human impacts of planning ideas in our visual, verbal, and written communications. The breadth of our developed skills and knowledge exemplifies the qualities of successful leaders: answering the essential questions and taking action provides opportunities for us to have an even more valuable professional role as planners.

But be flexible and realistic. We must understand when and where to take advantage of opportunities to ask the essential questions in our everyday work and expand their use across work ranges and scales—facilitating meetings, writing reports, making recommendations, crafting and implementing plans, in one-on-one conversations or in large group discussions—but we must realize nothing is perfect. Some people will always be helped too much. Others will be unavoidably harmed. And unfortunately, many people will never make it to the table. Life is not fair; being realistic about this can stave off burnout. Though implementing a planning culture that regularly asks and answers these three essential questions doesn't guarantee easy and straightforward decisions, it does allow planners and decision makers to make the most informed, transparent, and therefore best decisions possible in each context and situation.

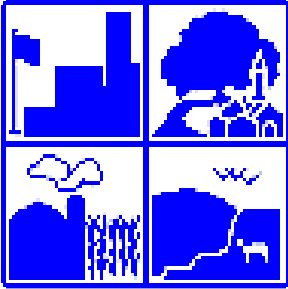
Everywhere possible in our planning practice we should ask who is helped, harmed, and missing. We must always keep these three questions front of mind to help us encourage fairer outcomes in everything we do. When we answer the questions, we can decide the best ways to take action. Because when planning for and with people, knowing “who is” and taking action represents our “why.”

About the Author

Kyle Ezell, EDD, FAICP CUD, is a professor of practice in city and regional planning at The Ohio State University's city and regional planning program in the Knowlton School and a senior affiliate of OSU's Drake Institute of Teaching and Learning. He served in leadership roles as an elected board member and secretary of APA Tennessee in the 1990s and was a member of the APA Ohio Board of Trustees from 2013 to 2018, serving as APA Ohio's professional development officer during the final three years of his tenure.


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Memo

To: Board of Supervisors
From: Centrice Martin, Acting Township Manager 
CC: Department Heads
Date: February 23, 2022
Re: February 15, 2022 Regular Meeting Follow Up

At the February 15th Regular Meeting, the following items were discussed:

- I. Citizen's Input
 - a. Result: A resident addressed the Board about a decision made by the Zoning Hearing Board to suggest the property owner, involved in that matter, build a parking garage to house, and sell new vehicles which would involve a small footprint. Additionally, a resident addressed the Board for an update on the Chapter 10 ordinance for use of residential smokers. Also, a resident, and member of Pine Grove Mills Small Area Plan Advisory Committee, invited residents to share and contribute with stories by uploading to the Pine Grove Mills Facebook page.
 - b. Action: No follow-up at this time.
- II. Authorities, Boards, and Commission Reports
 - a. Result: Schlow Regional Library Report and Centre Region Parks and Recreation Authority Report were received.
 - b. Action: No follow-up is required.
- III. Special Reports – COVID-19 Local Response Report and Township and Fiscal Responsibility.
 - a. Result: COVID-19 report and an update on the Pine Grove Mills Streetlight Improvement Project was received.

- b. Action: A light box that provides lighting samples is available to view at the Ferguson Township building. The Board of Supervisors may coordinate with the Acting Manager and Director of Public Works to visually experience the different lighting options. Public viewing is available upon request and scheduled for Friday, February 25, from 11am to 1pm.

- IV. Strategic Plan Update Discussion
 - a. Result: No formal action was taken. The Board reviewed and discussed the updated draft from the principal consultant.
 - b. Action: Peter Melan will record and include in the next Plan draft the comments provided by the Board and public input provided at the meeting. Mr. Melan will also receive by email public input to add in the appendix. Public comment that comes in by email will be included with the Manager's Report in the March 1 agenda packet. Staff will schedule a drafting of the goals, objectives, and actionable items with the Board and Department Heads for the March worksession. Staff will forward the drafted objectives and actionable items to Mr. Melan for an updated draft. The updated draft will be provided for review and discussion at the Regular Meeting on March 15.

- V. Resolution – Amending Ferguson Township Agricultural Security Area
 - a. Result: Motion to adopt the resolution approving the modification of Ferguson Township Agricultural Security Area to include an additional 50 acres.
 - b. Action: Staff prepared a certificate letter to accompany the resolution that was notarized and recorded in the Recorder of Deeds. Staff will forward a copy to a Pennsylvania Secretary of Agriculture Russel Redding to be filed in his office. Staff will also respond to Mr. Burket's application.

- VI. Authorization for a Public hearing on Chapter 16, Chapter 22, and Chapter 27 for March 15
 - a. Result: Motion to authorize for a Public Hearing to be scheduled on March 15 carried unanimously.
 - b. Action: Staff will update the chart provided in the off-street parking spaces section in Chapter 22 and advertise for a public hearing to be held on March 15.

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

- VIII. Appointment of Interim Ferguson Township Manager and Interim Township Secretary
 - a. Result: Motion to approve the appointment carried unanimously.
 - b. Action: Follow-up action as appropriate.

- IX. Public Hearing to adopt Act 537 Sewage Facilities Plan Update
 - a. Result: Motion to adopt the resolution amending the 537 Sewage Facilities Plan Update.
 - b. Action: Follow-up action as appropriate.

- X. Award of Contract 2022-C14 – Tree Planting
 - a. Result: Motion to award Contract 2022-C14 Street Tree Planting to Green's Landscape, Inc., in accordance with their bid in the amount of \$28,879.00.
 - b. Action: Staff will research and avoid selecting a type of tree that has a distinct order as well follow-up as appropriate to award the contract.

- XI. Discussion on update to Centre Region Bike Plan Bicycle Facilities Map and Tables
 - a. Result: Motion to have staff forward comments on the update to Centre Region Bike Plan Bicycle Facilities Map and Tables.
 - b. Action: Staff forwarded comments to Senior Planner Trish Meek.

- XII. Proclamation To Recognize Black History Month of 2022
 - a. Result: Motion to approve the Proclamation to officially recognize Black History Month of 2022.
 - b. Action: Staff posted on website and social media.