

# Ferguson Township

Draft

## Zoning Ordinance

Draft: November 8, 2019



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## PART 1

## General Provisions

**§27-101. Short Title.**

This Chapter shall be known, and may be cited, as the "Ferguson Township Zoning Ordinance".

**§27-102. Authority.**

This Chapter is enacted and ordained under the grant of powers by General Assembly of the Commonwealth of Pennsylvania, the Pennsylvania Municipalities Planning Code, Act of 1968, July 31, P.L. 805, as amended, 53 P.S. §10101 et seq.

**§27-103. Purpose.**

This Chapter is enacted for the following purposes:

- A. To promote, protect and facilitate public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provision of adequate light and air, police protection, transportation, water, sewerage, schools, public grounds and other public requirements.
- B. To prevent the following: overcrowding of land; blight; danger and congestion in travel and transportation; loss of health, life or property from fire, flood, panic or other dangers; and loss of productive farmland.
- C. This Chapter is made in accordance with the Centre Region Comprehensive Plan and with consideration of the character of the Township, its various parts and the suitability of the various parts for particular uses and structures. It maintains the established nature of development in the Township, for consistency with the policy decisions found in the Centre Region Comprehensive Plan. These policies include adherence to the Regional Growth Boundary and Sewer Service Area; protection of prime farmland and the agricultural industry considering topography, soil type and classification, and present use; and preservation of the traditional rural development pattern and lifestyle found in the region.

**§27-104. Community Development Objectives.**

In addition to the general purposes listed in §27-103, the following specific Community Development Objectives of this Chapter include the relevant objectives and recommendations from the Centre Region Comprehensive Plan, as amended, applicable to the purposes of this Chapter. These objectives are the basis upon which the regulations of this Chapter are established and are as follows:

- A. Land Use and Character.
  1. Maintain a Regional Growth Boundary within which development is encouraged and urban sprawl is minimized.
  2. Encourage enrollment in Agricultural Security Areas and participation in the Agricultural Conservation Easement Program in the Township's rural and semi-rural areas.
  3. Establish municipal regulations that support agriculture as the principal use on property outside the Regional Growth Boundary that has prime agricultural soils.

**General Provision**

4. Minimize conflicts between productive agricultural areas and urban land uses and discourage the "parcelization" and conversion of large agricultural holdings into rural residential parcels or urban uses.
5. Use rural preservation techniques for developments outside the Regional Growth Boundary.
6. Designate rural centers planned for a mix of residential and commercial uses to meet the needs of rural residents while retaining rural character and lifestyles.

**B. Land Development.**

1. Designate rural residential lands where low densities can be sustained by infrastructure improvements such as on-lot septic systems, individual wells, and rural roads, without significantly changing the rural character, degrading the environment, or creating the necessity for urban services.
2. Direct new residential development to sites within the Regional Growth Boundary and Sewer Service Area to facilitate convenient access to schools, jobs, medical facilities, community services, shopping, and transportation routes.
3. Consider retrofitting existing development to assure walkable neighborhoods, a mix of residential densities, a strong sense of place, and a mix of land uses, and consider the following points in planning for and developing new projects: ensure compact development plans, discourage sprawl, encourage infill, and provide a range of housing opportunities and choices.
4. Locate higher-density housing in areas zoned for intense mixed-use development where commercial, civic, and recreational opportunities are available.
5. Encourage mixed-use development opportunities in appropriately identified areas.
6. Locate industrial development within the Regional Growth Boundary in accordance with sound land planning principles and the needs of industry.
7. Encourage balancing the amount of commercially zoned property with the needs of the Township and the greater Centre Region.
8. Identify and develop strategies to encourage redevelopment and revitalization of under-utilized commercial properties within the requirements of redevelopment authorities in Pennsylvania.

**C. Transportation.**

1. Recognize the close relationship between land use and transportation impacts in actions related to zoning and land development.
2. Plan and implement transportation improvements and investments in all modes that are appropriate to accommodate future land uses identified.
3. Consider the transportation system's capacity to accommodate changes in travel demand when considering land use, zoning, and proposed land-development activities.

## D. Resources and Sustainability.

1. Encourage the preservation of prime agricultural soils and farmland.
2. Protect the high-quality surface and groundwater resources in the Township.
3. Avoid and mitigate negative impacts to endangered or threatened species, key natural habitats, agricultural lands, water resources, and historic and cultural resources.
4. Support green infrastructure and open space techniques as the principle paths for encouraging development that is responsive to natural resource protection.
5. Encourage future developments that take advantage of existing infrastructure within the Regional Growth Boundary and Sewer Service Area, such as transportation routes, community services and facilities, or land-use patterns while minimizing land disturbance activities.

## E. Economic Development.

1. Preserve agricultural land, support the viability of agriculture, and recognize the importance of agriculture to a healthy and diverse economy.
2. Encourage the continued development of agricultural activities in the Township.
3. Support the retention and expansion of existing businesses and technology-related firms within the commercial, industrial and research-related zoning districts.

**§27-105. Establishment of Controls.**

In their interpretation and application, the regulations set by this Chapter within each district shall be held to be minimum requirements adopted for the promotion of the purposes of this Chapter and shall apply with uniformity to each class of use or structure.

- A. Types of Control. The following regulations shall apply in the respective zoning and overlay districts: use regulations, including primary and accessory uses; lot requirements, including size, width and coverage; setback requirements for front, side and rear yards; maximum height requirements, and supplemental regulations.
- B. New Lots, Uses, and Structures. In all districts, after the effective date of this Chapter, any new lot, use or structure shall be constructed, developed and used only in accordance with the regulations specified for each district.
- C. Existing Lots, Uses, and Structures. In all districts, after the effective date of this Chapter, any existing lot, use or structure which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming, and subject to the regulations of Part 8.
- D. Relationship With Other Restrictions. The provisions of this Chapter are not intended to interfere with, abrogate or annul other rules, regulations or ordinances; provided, that where this Chapter imposes a greater restriction than that imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Chapter shall control.
- E. Exemptions. This Chapter shall not apply to any lot, use or structure exempted from zoning regulations by the Pennsylvania Municipalities Planning Code or other laws of the Commonwealth of Pennsylvania.

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**General Provision**

**§27-106. Severability.**

The provisions of this Chapter are severable, and if any section, sentence, clause, part, or provision hereof shall be held to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Chapter. It is hereby declared to be the intent of the Board of Supervisors that this chapter would have been enacted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

## PART 2

## District Regulations

**§27-201. Establishment and Purposes of Zoning Districts.**

For the purposes of this Chapter, the Township is hereby divided into the following districts:

## A. Rural Districts.

1. Rural Agricultural District (RA) - To encourage the continuation of the Township's commitment to promoting agriculture within established working landscapes and where agricultural activities have historically occurred.
2. Rural Residential District (RR) - To encourage the continuation of the Township's established working landscapes and activities in the context of very low density residential development.
3. Agricultural Research (AR) - To promote and preserve locations within the Township where institution-based agriculture, research, extension, or education, as defined by the USDA (US Dept of Agriculture), PDA (PA Dept of Agriculture) or the Agricultural Research, Extension, and Education Reform Act OF 1998 (and as amended), and associated accessory structures and related activities, can occur.
4. Forest/Gamelands District (FG) - To provide appropriate location for land uses dedicated to resources of State-wide significance supporting hunting and conservation, ecological sanctuaries, nature preserves, public parks and outdoor recreation facilities.

## B. Residential Districts.

1. Single-Family Residential District (R-1) - To provide appropriate location for single-family detached dwellings that may or may not be serviced with on-site sewage infrastructure and neighborhood-scale, civic-oriented land uses.
2. Suburban Single-Family Residential District (R-1B) - To provide appropriate location for single-family detached dwellings that are serviced with off-site sewage infrastructure and neighborhood-scale, civic-oriented land uses.
3. Two Family Residential District (R-2) - To provide appropriate location for single-family and two-family dwellings on lots smaller than those typically associated with single-family residential districts and neighborhood-scale, civic-oriented land uses.
4. Townhouse Residential District (R-3) - To provide appropriate location for a range of dwellings types and densities generally oriented toward smaller lot sizes, zero-lot lines as well as neighborhood-scale, civic-oriented and/or supportive care facilities.
5. Multi-Family Residential District (R-4) - To provide appropriate location for a range of higher-density dwellings and neighborhood-scale, civic-supportive land uses.
6. Mobile Home Park District (MHP) - To provide appropriate location that supports mobile home parks.
7. Village District (V) - To provide an appropriate location for an area that supports a mix of residential and non-residential land uses, ranging from single-family dwellings to professional offices, and encourages pedestrian activity.

**District Regulations**

8. Planned Residential Development District (PRD) - To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
  9. See also §27-303. Traditional Town Development (TTD) and §27-304. Terraced Streetscape (TS) District.
- C. Commercial Districts.
1. General Commercial District (C) - To provide appropriate location for commercial establishments larger in scale and more automobile-oriented than those of the Village District.
  2. Office Commercial District (OC) - To provide for development serving as a transitional buffer in scale and use between commercial development and residential development.
- D. Industrial Districts.
1. General Industrial District (I) - To provide appropriate location for facilities commonly-oriented toward and supporting production, fabrication and/or manufacturing activities.
  2. Light Industrial, Research and Development District (IRD) - To provide appropriate location for less intense industrial land uses such as light manufacturing, assembly, processing, research/testing facilities and supporting offices
- E. Overlay Districts.
1. See §27-401. Corridor Overlay District, §27-402. Ridge Overlay District, §27-403. Riparian Buffer Overlay, §27-404. Airport Overlay District.

**§27-202. Annexed Territory.**

All territory which may hereafter be annexed by the Township shall be automatically included in the district which most nearly corresponds to the zoning classification of the land at the time of annexation, unless otherwise specified in the ordinance of annexation.

**§27-203. The Official Zoning Map.**

The boundaries of the districts in which this Township is divided shall be shown upon a map entitled the "Ferguson Township Zoning Map." The said map and all notations, references and other data shown thereon is hereby incorporated by reference into this Chapter as if it were fully described herein.

- A. Adoption of the Zoning Map. The Zoning Map, as adopted by Ordinance, shall be identified by the signatures of the Board of Supervisors, attested by the Township Secretary, under the following words: "This is to certify that this is the Ferguson Township Zoning Map referred to in §203 of Ordinance No. 27 of the Township of Ferguson, Centre County, Pennsylvania," together with the date of enactment of Ordinance No. \_\_\_\_\_. The map shall be kept on file with the Township Zoning Administrator and shall be the final authority as to the current zoning status of land and water areas in the Township.
- B. Changes in the Zoning Map. If, in accordance with the provisions of this Chapter, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered promptly on said map. All changes shall be certified by initialing of the Board of Supervisors, together with a brief description of the changes and the date of enactment of such changes, under the word "Revised." No amendment to this Chapter which involves matter portrayed



on the Zoning Map shall become effective until after such change and entry has been shown on said map.

C. Replacement of the Zoning Map.

1. In the event that the Zoning Map becomes damaged, lost or difficult to interpret because of the nature or number of changes, the Board of Supervisors may, by resolution, adopt a new Zoning Map which shall supersede the previous map. The new Zoning Map shall be identified by the signatures of the Board of Supervisors, attested by the Township Secretary, under the following words: "This is to certify that this Zoning Map supersedes and replaces the Zoning Map adopted on \_\_\_\_ as parts of Ordinance No. 27 of the Township of Ferguson, Centre County, Pennsylvania," together with the date of adoption of the resolution.

Unless the previous Zoning Map has been lost, or has been totally destroyed, the previous Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

D. District Boundary Lines. The district boundary lines shall be shown on the Zoning Map. Where uncertainty exists as to the boundaries of districts, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines and, in the event the stream or other body of water moves, the boundary shall move with the center line of such.
6. Boundaries indicated as parallel to or extensions of features indicated in §203.D.(1) through D.(5), above, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
7. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by §203.D.(1) through D.(6), above, it shall be the function of the Zoning Administrator to interpret and apply the Map.
8. Where one or more district boundary lines divides a lot held in single ownership, the regulations of one of the districts on either side of any such boundary line may be chosen by the owner to apply to the portion of such lot in the district on the other side of such line for a distance of not more than 50 feet beyond the district boundary line.

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**District Regulations**

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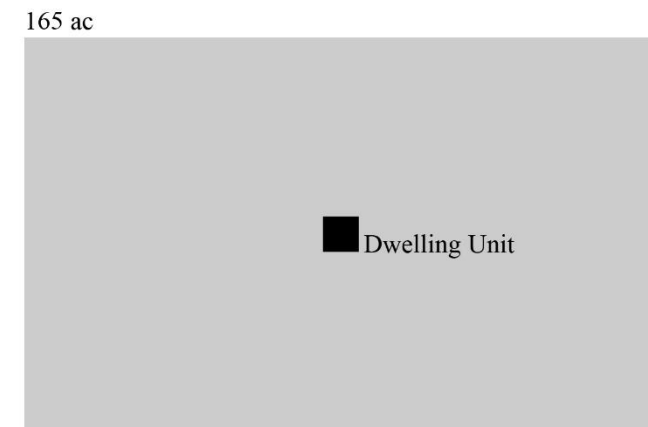
§27-204. Official Zoning Map.

On file at the Ferguson Township Municipal Building.

## Example Lot/Dwelling Relationships: RA District

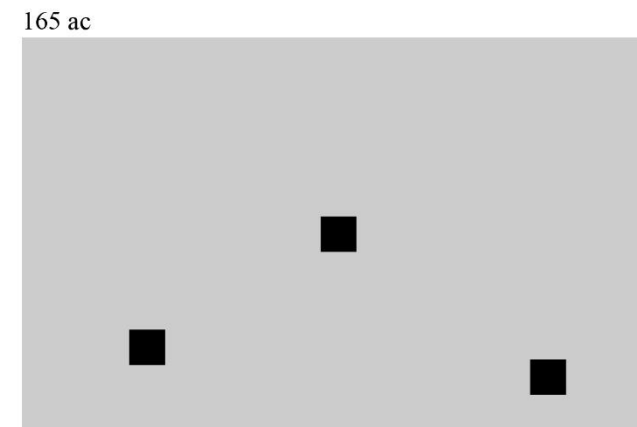
### Baseline

1 lot; 1 dwelling unit, single family



### Scenario A

1 lot; 3 dwelling units, single family  
\* Usual farm structures not exceeding 3 dwelling units on any one parcel



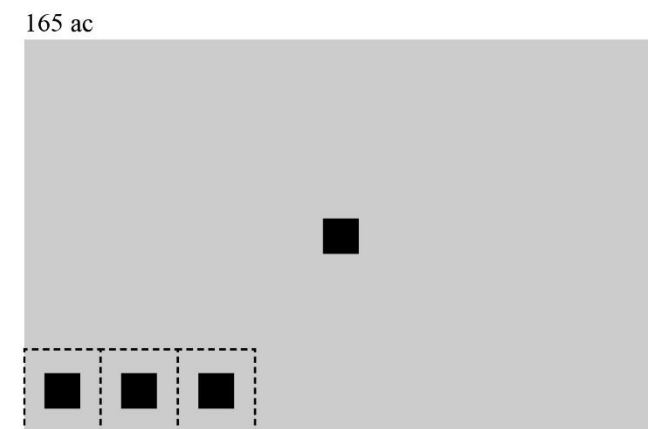
### Scenario B

1 lot; 3 dwelling units, single family and 2 family  
\* Not exceeding 3 dwelling units/usual farm structures on any one parcel



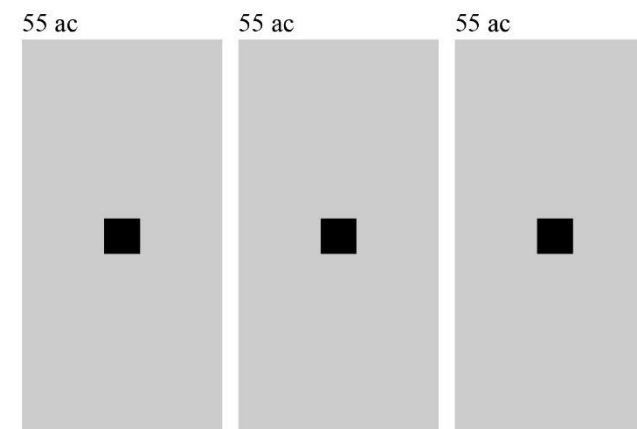
### Scenario C

3 lots; 3 dwelling units, single family  
\* 1 for every 50 ac of primary use  
Min Size=1 ac; Max Size=2 ac



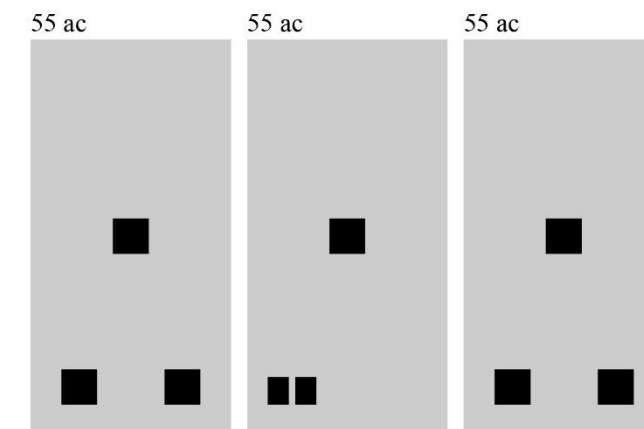
### Scenario D

Subdivision of 165 ac  
3 lots with 1 dwelling unit per 50 ac



### Scenario E

Subdivision of 165 ac  
3 lots with usual farm structures not exceeding 3 dwelling units on any single farm parcel



§27-205. District Quicks.

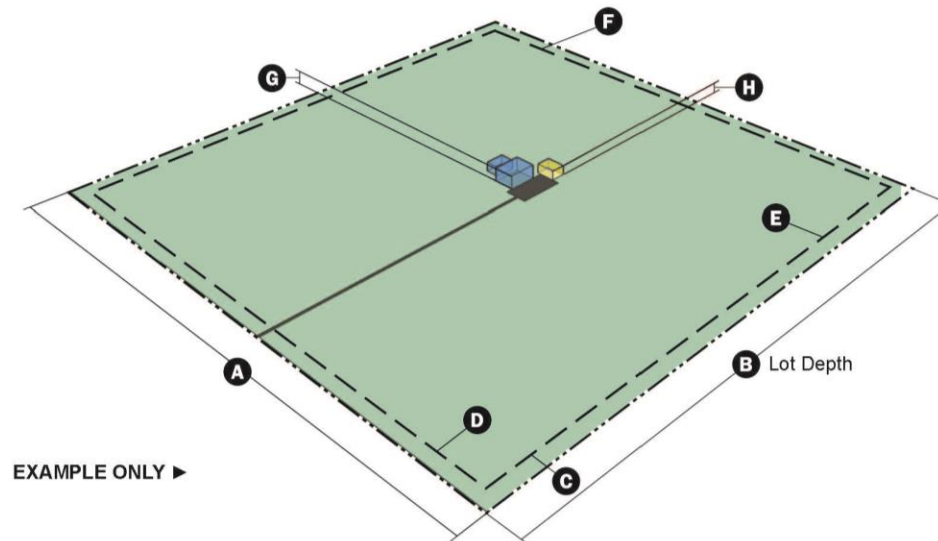
§205.1 District – Rural Agriculture (RA)

AREA AND BULK CATEGORY	PRINCIPAL USES		ACCESSORY USES		
	Use	Area and Bulk Categories	1	2	
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	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 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		
	Raising of Chickens	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 Width	<b>C</b> Lot Size	50 ac	1 ac min. 2 ac max.
		at Building Setback Line	60 ft	60 ft
	Setback	<b>A</b> at Street Line	60 ft	60 ft
		<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 ft	20 ft
		<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft
		<b>E</b> Side Yard, for Principal Use	50 ft	30 ft
Maximum	Height	<b>F</b> Rear Yard, for Principal Use	50 ft	50 ft
		<b>G</b> Principal Structure	50 ft	50 ft
	Coverage	<b>H</b> Accessory Structure	60 ft	40 ft
		Building	n/a	30%
		Impervious Surface	10%	50%

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





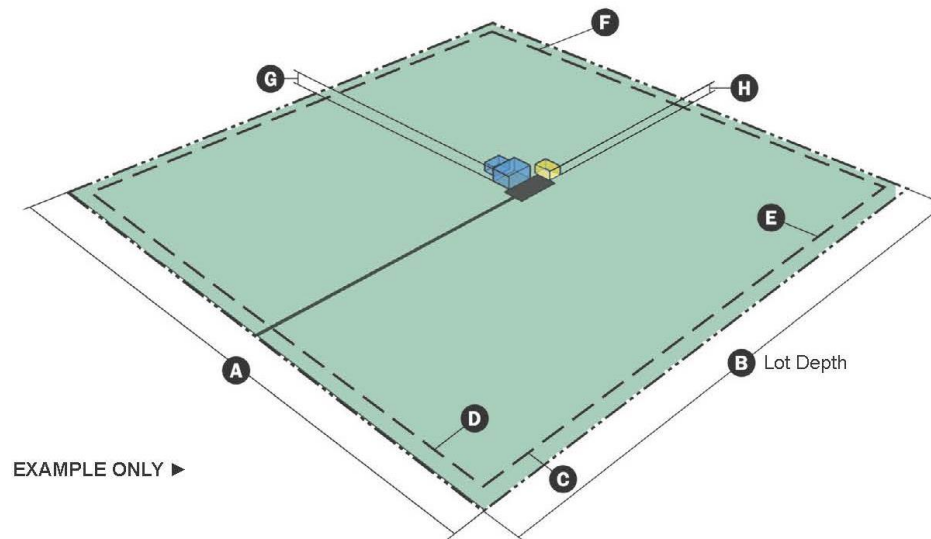
§27-205. District Quicks.

§205.3 District – Agricultural Research (AR)

AREA AND BULK CATEGORY	PRINCIPAL USES		ACCESSORY USES				
			Area and Bulk Categories				
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 Owned or Managed by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) or 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 and Students	P					
2	Farm Markets	C					
2	Tasting Facilities	P					
3	Archery and Shooting Ranges, Indoor	P					
3	Community Gardens	P					
3	Emergency Services	P					
3	Essential Services – Type 1	P					
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, 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					
			<b>Use</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
			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	<b>C</b> Lot Size	10 ac	2 ac	5 ac	n/a	n/a
		<b>A</b> at Building Setback Line	300 ft	150 ft	150 ft	150 ft	n/a
	<b>A</b> at Street Line		300 ft	150 ft	150 ft	150 ft	n/a
	Setback	<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	500 ft	n/a
			<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft
		<b>E</b> Side Yard, for Principal Use	100 ft	100 ft	100 ft	500 ft	n/a
<b>F</b> Rear Yard, for Principal Use		75 ft	75 ft	75 ft	500 ft	n/a	
Maximum	Height	<b>G</b> Principal Structure	40 ft	40 ft	40 ft	200 ft	n/a
		<b>H</b> 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



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







§27-205. District Quicks.

§205.5 District – Single Family Residential (R1)

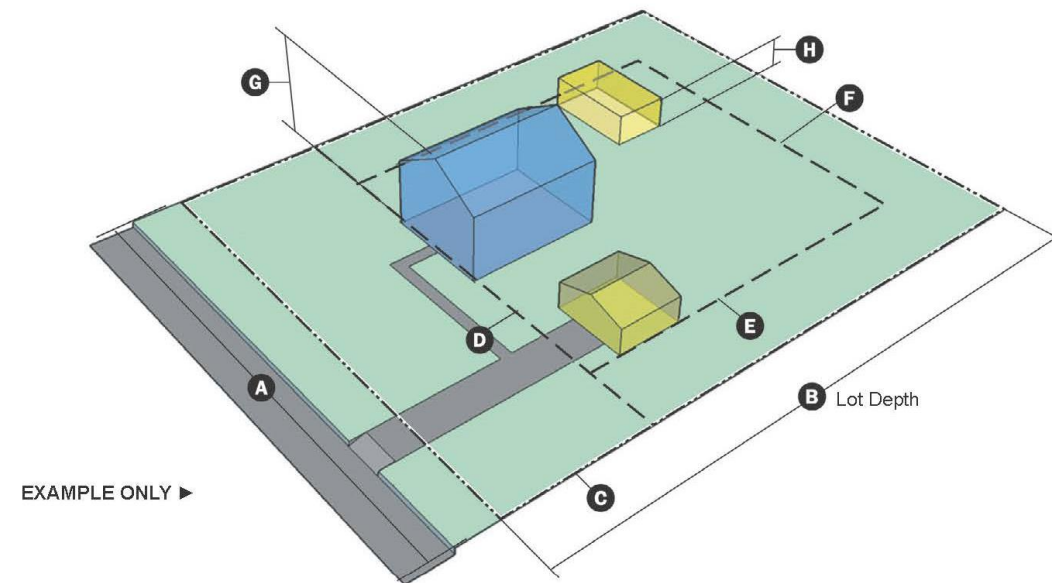
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
2	Single-Family Detached Dwellings	P
3	Group Homes	P
3	Model Homes	C
4	Community Garden	P
4	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
4	Park and Outdoor Recreational Facilities, Community, Public	P
4	Places of Assembly, Community	P
4	Schools, Public or Private	C
5	Emergency Services	P
5	Essential Services – Type 1	P

Use	Area and Bulk Categories				
	1	2	3	4	5
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P	P
Bed and Breakfast (1-3 rooms)		P			
Building- and Ground-Mounted Solar Systems	P	P	P	P	P
Building- and Ground-Mounted Wind Systems	C	C	C	C	C
Community Garden	P	P	P	P	P
Family Child-Care Homes		C			
Farm Markets	P			P	
Group Child-Care Homes		C			
Home-Based Business, No-Impact (including Farm-Based Business, No Impact)		P			
Home Occupation – Type 1		P			
Short-Term Rentals		P			
Raising of Chickens		P			
Tutoring		P		P	

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Width	<b>C</b> Lot Size	10 ac	10,000 sf	1 ac	2 ac	n/a
		at Building Setback Line	300 ft	80 ft	100 ft	100 ft	100 ft
	Setback	<b>A</b> at Street Line	300 ft	50 ft	75 ft	100 ft	75 ft
		<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 ft	25 ft	25 ft	50 ft	50 ft
		<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	50 ft
		<b>E</b> Side Yard, for Principal Use	100 ft	10 ft	10 ft	30 ft	30 ft
Maximum	Height	<b>G</b> Principal Structure	40 ft	40 ft	40 ft	40 ft	40 ft
		<b>H</b> Accessory Structure	n/a	24 ft	24 ft	24 ft	24 ft
	Coverage	Building	n/a	30%	30%	30%	n/a
		Impervious Surface	5%	50%	50%	50%	n/a

AREA AND BULK CATEGORIES:

- 1 – conservation activities
- 2 – dwellings (off-site sewage)
- 3 – other residential uses (on-lot sewage)
- 4 – non-residential uses
- 5 – essential and emergency services



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



§27-205. District Quicks.

§205.7 District – Two Family Residential (R2)

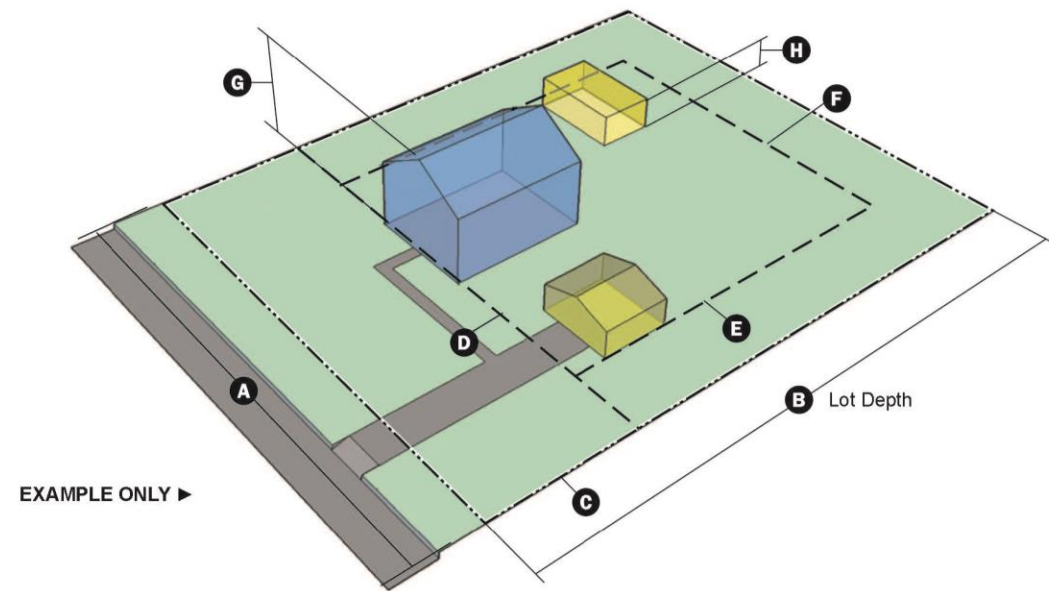
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Assisted Living Facilities	P
1	Emergency Services	P
1	Essential Services – Type 1	C
1	Forestry	P
1	Nursing Homes and/or Other Convalescent Homes	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Places of Assembly, Neighborhood	P
1	Retirement Communities	P
1	Schools, Public or Private	P
2	Single-Family Detached Dwellings	P
3	Single-Family Semi-Detached Dwellings	P
3	Two-Family Dwellings	P
4	Community Garden	P
4	Group Homes	P
4	Model Homes	C
4	Personal Care Homes, Small	P

ACCESSORY USES	Area and Bulk Categories			
	1	2	3	4
<i>Use</i>				
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Garden	P	P	P	
Family Child-Care Homes		C	C	
Home-Based Business, No-Impact		P	P	
Home Occupation – Type 1		P	P	
Raising of Chickens		P		
Short-Term Rentals		P	P	

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	<b>C</b> Lot Size	3 ac	7,500 sf	4,250 sf per unit	1 ac	n/a
		Lot Width	at Building Setback Line	150 ft	90 ft	90 ft	75 ft
	at Street Line		150 ft	60 ft	60 ft	75 ft	n/a
	Setback	<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 ft	25 ft	20 ft	50 ft	n/a
			<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft
		<b>E</b> Side Yard, for Principal Use	100 ft	10 ft	10 ft	30 ft	n/a
			<b>F</b> Rear Yard, for Principal Use	100 ft	30 ft	30 ft	50 ft
		Height	<b>G</b> Principal Structure	40 ft	40 ft	40 ft	40 ft
<b>H</b> Accessory Structure			24 ft	24 ft	24 ft	24 ft	n/a
Maximum	Coverage	Building	n/a	30%	30%	n/a	n/a
		Impervious Surface	10%	50%	50%	30%	n/a

AREA AND BULK CATEGORIES:

- 1 – non-residential uses
- 2 – single-family detached dwellings
- 3 – attached dwellings
- 4 – other residential uses



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



District Regulations

§27-205. District Quicks.

§205.8 District – Townhouse Residential (R3)

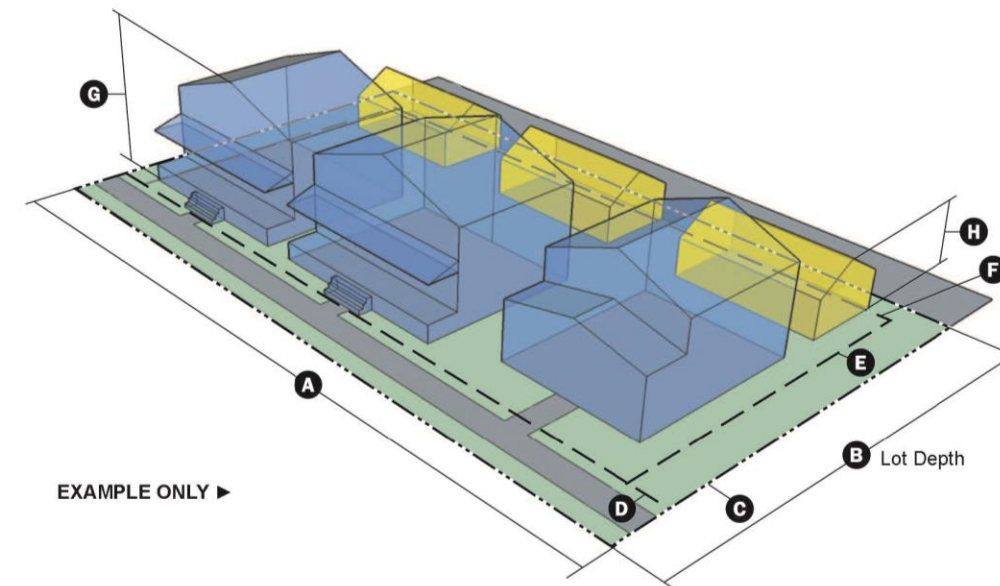
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Child/Day Care Centers	P
1	Emergency Services	P
1	Essential Services – Type 1	P
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Places of Assembly, Neighborhood	P
1	Places of Assembly, Community	P
1	Schools, Public or Private	P
2	Single-Family Detached Dwellings	P
3	Single-Family Attached Dwellings	P
3	Single-Family Semi-Detached Dwellings	P
3	Two-Family Dwellings	P
4	Community Gardens	P
4	Group Homes	P
4	Model Homes	P

ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Garden	P	P	P	
Family Child-Care Homes		C	C	
Home-Based Business, No-Impact		P	P	
Home Occupation – Type 1		P	P	
Raising of Chickens		P		
Short-Term Rentals		P	P	

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Width	<b>C</b> Lot Size	3 ac	7,500 sf	4,250 sf per unit	1 ac	n/a
		at Building Setback Line	150 ft	90 ft	90 ft	75 ft	n/a
	Setback	<b>A</b> at Street Line	150 ft	60 ft	60 ft	75 ft	n/a
		<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 ft	25 ft	20 ft	50 ft	n/a
		<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	n/a
		<b>E</b> Side Yard, for Principal Use	100 ft	10 ft	10 ft	30 ft	n/a
Maximum	Height	<b>F</b> Rear Yard, for Principal Use	100 ft	30 ft	30 ft	25 ft	n/a
		<b>G</b> Principal Structure	40 ft	40 ft	40 ft	40 ft	n/a
	Coverage	<b>H</b> Accessory Structure	24 ft	24 ft	24 ft	24 ft	n/a
		Building	n/a	30%	30%	30%	n/a
		Impervious Surface	10%	60%	60%	60%	n/a

AREA AND BULK CATEGORIES:

- 1 – non-residential uses
- 2 – single-family detached dwellings
- 3 – attached dwellings
- 4 – other residential uses



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

§27-205. District Quicks.

§205.9 District – Multi-Family Residential (R4)

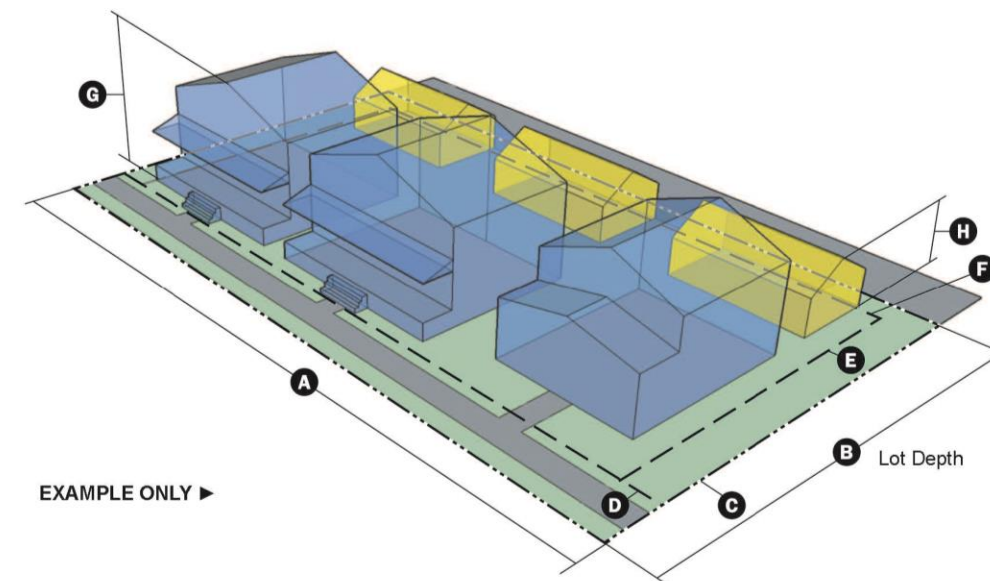
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Single-Family Detached Dwellings	P
2	Single-Family Attached Dwellings	P
2	Single-Family Semi-Detached Dwellings	P
2	Two-Family Dwellings	P
3	Multi-Family Dwellings	P
4	Assisted Living Facilities	P
4	Nursing Homes and/or Other Convalescent Homes	P
4	Retirement Communities	P
4	Community Garden	P
4	Group Homes	P
4	Model Homes	C
4	Child/Day Care Centers	P
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Forestry	P
4	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
4	Park and Outdoor Recreational Facilities, Community, Public	P
4	Schools, Public or Private	C

ACCESSORY USES	Area and Bulk Categories				
	1	2	3	4	5
<i>Use</i>					
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P	P
Commissary within Multi-Family Dwelling			P		
Community Garden	P	P	P	P	P
Family Child-Care Homes	C	C	C		
Home-Based Business, No-Impact	P	P	P		
Home Occupation – Type 1	P	P	P		
Raising of Chickens	P				
Short-Term Rentals	P	P			

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	<b>G</b> Lot Size	5,400 sf	4,250 sf per unit	2,500 sf per unit	1 ac	n/a	
	Lot Width	at Building Setback Line	90 ft	90 ft	90 ft	75 ft	60 ft
		<b>A</b> at Street Line	60 ft	60 ft	60 ft	75 ft	60 ft
	Setback	<b>D</b> Front Yard, for Principal Use on Local/Collector Street	25 ft	25 ft	25 ft	50 ft	50 ft
		<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	50 ft
		<b>E</b> Side Yard, for Principal Use	15 ft	15 ft	20 ft	75 ft	75 ft
<b>F</b> Rear Yard, for Principal Use		30 ft	30 ft	40 ft	50 ft	50 ft	
Maximum	Height	<b>G</b> Principal Structure	40 ft	40 ft	40 ft	40 ft	40 ft
		<b>H</b> Accessory Structure	24 ft	24 ft	24 ft	24 ft	24 ft
	Coverage	Building	30%	30%	30%	30%	30%
Impervious Surface		65%	65%	65%	50%	50%	

AREA AND BULK CATEGORIES:

- 1 – single-family detached dwellings
- 2 – attached dwellings
- 3 – multi-family dwellings
- 4 – other residential uses
- 5 – non-residential uses



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

District Regulations

§27-205. District Quicks.

§205.10 District – Mobile Home Park (MHP)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
2	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
2	Park and Outdoor Recreational Facilities, Community, Public	P
3	Mobile Home Parks	P
4	Community Garden	P
4	Essential Services – Type 1	P

ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Garden	P	P	P	
Home-Based Business, No-Impact			P	

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	1 ac	20,000 sf	1 ac	n/a	n/a	
	Lot Width	at Building Setback Line	75 ft	100 ft	100 ft	60 ft	n/a
		at Street Line	75 ft	100 ft	100 ft	60 ft	n/a
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	n/a
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	n/a
		Side Yard, for Principal Use	25 ft	25 ft	25 ft	50 ft	n/a
Rear Yard, for Principal Use		50 ft	50 ft	50 ft	50 ft	n/a	
Maximum	Height	Principal Structure	40 ft	45 ft	45 ft	200 ft	n/a
		Accessory Structure	40 ft	40 ft	40 ft	40 ft	n/a
	Coverage	Building	n/a	30%	30%	30%	n/a
Impervious Surface		30%	60%	60%	60%	n/a	

AREA AND BULK CATEGORIES:

- 1 – conservation uses
- 2 – recreational uses
- 3 – mobile home parks
- 4 – non-residential uses

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



§27-205. District Quicks.

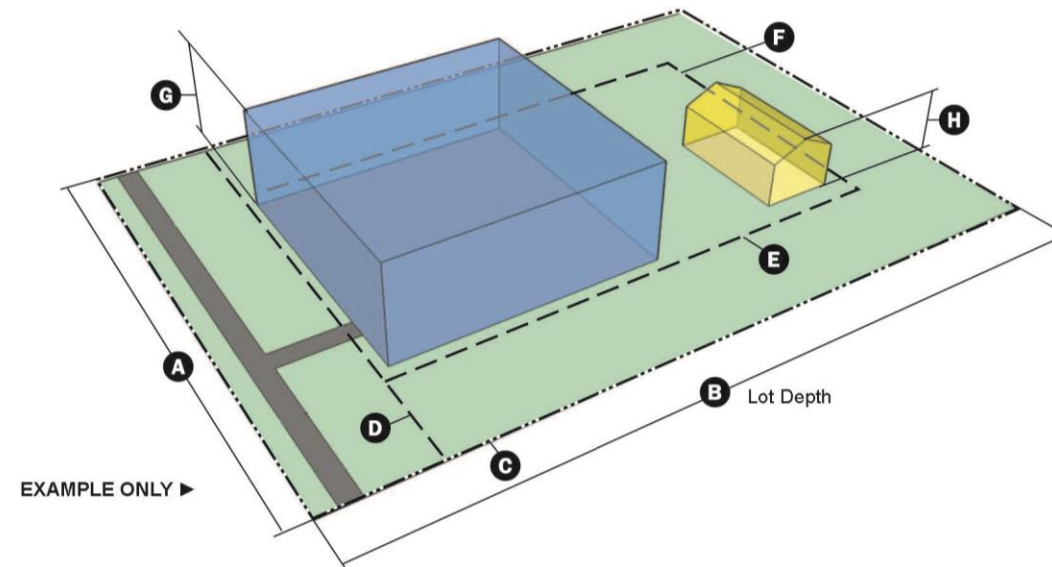
§205.11 District – Village (V)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Community Gardens	P
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
2	Single-Family Detached Dwellings	P
3	Single-Family Attached Dwellings	P
3	Single-Family Semi-Detached Dwellings	P
3	Two-Family Dwellings	P
3	Personal Care Homes, Small	P
3	Group Homes	P
4	Automobile Service Stations and Garages	P
4	Business, Professional and Financial Offices	P
4	Child/Day Care Centers	P
4	Cideries	P
4	Clinics and Medical and Dental Offices	P
4	Convenience Food Stores	C
4	Eating and Drinking Establishments, Sit-Down	P
4	Eating and Drinking Establishments, Takeout	P
4	Grocery Stores	P
4	Health and Athletic Clubs	P
4	Laundromats	P
4	Micro-Distillery/Brewery (Beverage Production Facilities)	P
4	Personal Service Establishments	P
4	Retail Establishments, General	P
4	Studios for Instruction in Music, Performing Arts and Visual Media	P
4	Wineries	P
5	Emergency Services	P
5	Essential Services – Type 1	P
5	Places of Assembly, Neighborhood	P
5	Places of Assembly, Community	P

Use	ACCESSORY USES				
	Area and Bulk Categories				
	1	2	3	4	5
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P	P
Bed and Breakfast (1-3 rooms)		P			
Bed and Breakfasts (10 rooms max.)		C			
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P	P
Community Garden	P	P	P	P	P
Family Child-Care Homes		C	C		
Food Trucks	P	P	P	P	P
General Storage to include Boat and RVs					P
Home-Based Business, No-Impact		P	P		
Home Occupation – Type 1		P	P		
Raising of Chickens		P			

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	<b>C</b> Lot Size	1 acre	7,500 sf	4,250 sf per unit	7,500 sf	n/a
		Lot Width	at Building Setback Line	75 feet	50 feet	50 feet	25 feet
	<b>A</b> at Street Line		75 feet	50 feet	50 feet	25 feet	60 feet
	Setback	<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 feet	0 feet	0 feet	0 feet	50 feet
		<b>D</b> Front Yard, for Principal Use on Arterial Street	50 feet	0 feet	0 feet	0 feet	50 feet
		<b>E</b> Side Yard, for Principal Use	30 feet	3 feet	3 feet	3 feet	75 feet
		<b>F</b> Rear Yard, for Principal Use	50 feet	20 feet	20 feet	20 feet	50 feet
		<b>G</b> Accessory Structure (All Sides)	20 feet	5 feet	5 feet	5 feet	20 feet
Maximum	Height	<b>H</b> Principal Structure	40 feet	40 feet	40 feet	40 feet	40 feet
		Accessory Structure	24 feet	24 feet	24 feet	24 feet	24 feet
	Coverage	Building	n/a	45%	45%	45%	30%
Impervious Surface		30%	75%	75%	75%	50%	

**AREA AND BULK CATEGORIES:**  
 1 – conservation and recreation activities  
 2 – single-family detached dwellings  
 3 – other residential uses  
 4 – commercial uses  
 5 – institutional and governmental uses



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

District Regulations

§27-205. District Quicks.

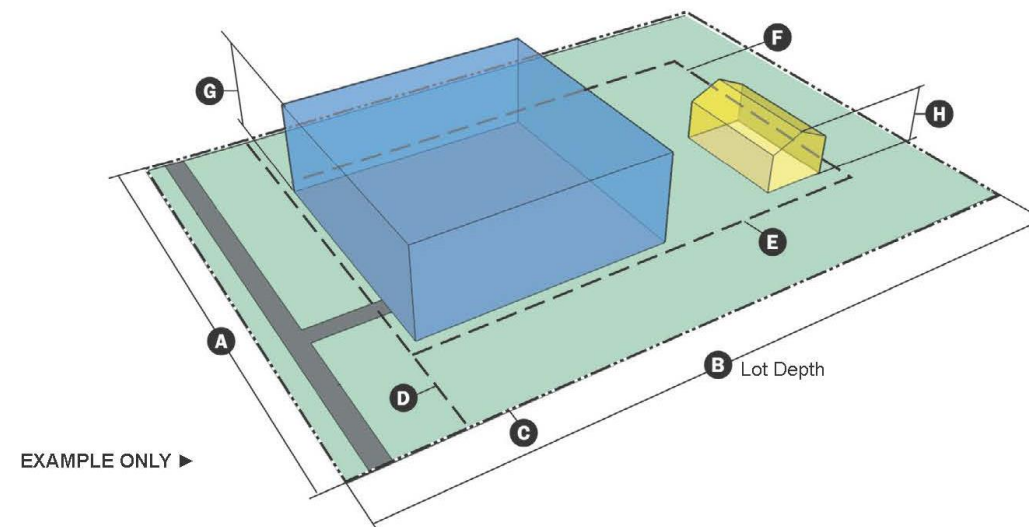
§205.12 District – Office Commercial (OC)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Community Gardens	P
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
2	Banks and Financial Establishments	P
2	Business, Professional and Financial Offices	P
2	Clinics and Medical and Dental Offices	P
2	Health and Athletic Clubs	P
2	Printing Establishments	P
2	Studios for Instruction in Music, Performing Arts and Visual Media	P
2	Tutoring and Study Centers	P
3	Child/Day Care Centers	P
3	Mortuaries	P
3	Places of Assembly, Community	C
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Potable Water Pump Station Facilities	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
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Garden	P	P	P	P
Food Trucks	P	P	P	P
Research, Development, Engineering or Testing Laboratory		P	P	P

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	1 ac	7,500 sf	7,500 sf	1 ac	n/a	
	Lot Width	at Building Setback Line	75 ft	25 ft	50 ft	60 ft	n/a
		at Street Line	75 ft	25 ft	50 ft	60 ft	n/a
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	n/a
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	n/a
		Side Yard, for Principal Use	30 ft	15 ft	15 ft	15 ft	n/a
Rear Yard, for Principal Use		50 ft	50 ft	50 ft	50 ft	n/a	
Maximum	Height	Principal Structure	40 ft	40 ft	40 ft	40 ft	n/a
		Accessory Structure	24 ft	24 ft	24 ft	24 ft	n/a
	Coverage	Building	n/a	45%	45%	30%	n/a
Impervious Surface		30%	75%	75%	50%	n/a	

**AREA AND BULK CATEGORIES:**  
 1 – conservation and recreation activities  
 2 – small-scale commercial uses  
 3 – additional commercial and institutional uses  
 4 – governmental, utility, and communication facilities



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



§27-205. District Quicks.

§205.13 District – General Commercial (C)

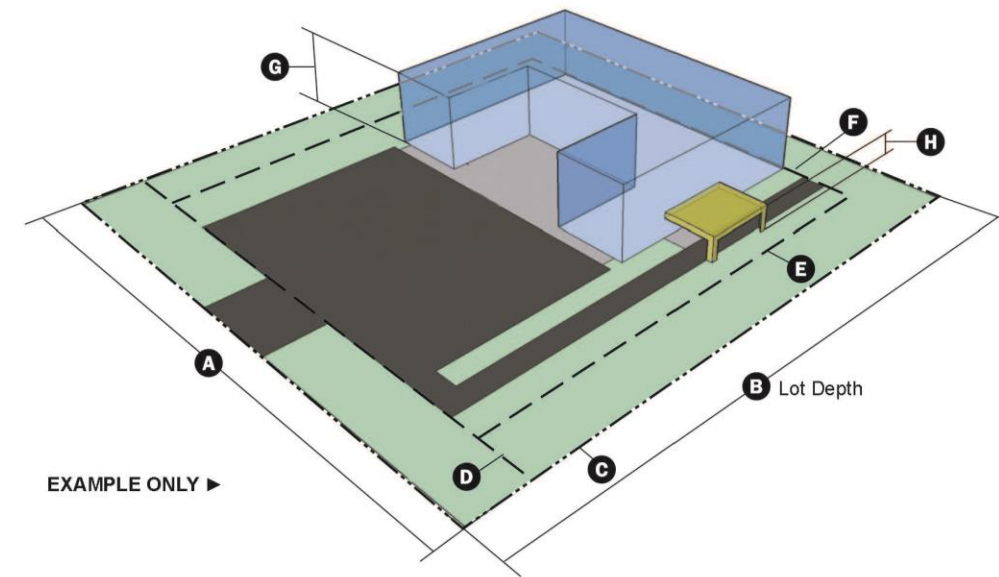
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Sport and Field Complexes	P
2	Group Homes	P
2	Personal Care Homes, Small	P
3	Automobile Service Stations and Garages	P
3	Banks and Financial Establishments	P
3	Business, Professional and Financial Offices	P
3	Car Washes	P
3	Child/Day Care Centers	P
3	Cideries	P
3	Cigar, Hookah, and/or Vapor Lounge	C
3	Clinics and Medical and Dental Offices	P
3	Convenience Food Stores	P
3	Eating and Drinking Establishments, Sit-Down	P
3	Eating and Drinking Establishments, Takeout	P
3	Essential Services	P
3	Food Catering	P
3	Health and Athletic Clubs	P
3	Laundromats	P
3	Medical Marijuana Dispensary	P
3	Mortuaries	P
3	Personal Service Establishments	P
3	Pet Care Services Facility	C
3	Pet Stores	P
3	Printing Establishments	P
3	Retail Establishments, General	P
3	Schools, Commercial	P
3	Studios for Instruction in Music, Performing Arts and Visual Media	P
3	Tasting Room	P
3	Treatment Centers	C
3	Tutoring and Study Centers	P
3	Veterinary Offices/Clinics	P
4	Adult Business Uses	C
4	Amusement Arcades	P
4	Bowling Alleys	P
4	Exercise and Fitness Centers	P
4	Grocery Stores	P
4	Health and Athletic Clubs	P
4	Hotels and Motels	P
4	Micro-Distillery/Brewery (Beverage Production Facilities)	P

AREA AND BULK CATEGORY	PRINCIPAL USES, continued	
4	Miniature Golf	P
4	Public or Private Parking Garages	P
4	Theater	P
4	Wineries	P
4	All Other Commercial Uses	C
5	Bus Passenger Stations	P
5	Emergency Services	P
5	Places of Assembly, Neighborhood	C
5	Places of Assembly, Community	C
5	Places of Assembly, Regional	C
5	Potable Water Pump Station Facilities	C
5	Radio and Television Studios, Excluding Towers in Excess of District Max. Height	P
5	Taxi and Limousine Services	P
6	Communication Towers	P

ACCESSORY USES					
Use	Area and Bulk Categories				
	1	2	3	4	5
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P	P
Food Truck	P	P	P	P	P
General Storage to include Boats and RVs					P

DIMENSIONS		AREA AND BULK CATEGORIES							
		1	2	3	4	5	6		
Minimum	Lot Width	<b>C</b> Lot Size	1 acre	10,000 sf	5,000 sf	20,000 sf	n/a	n/a	
		<b>A</b>	at Building Setback Line	75 ft	50 ft	25 ft	100 ft	60 ft	60 ft
	at Street Line		75 ft	50 ft	50 ft	100 ft	60 ft	60 ft	
	Setback	<b>D</b>	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	50 ft	500 ft
			Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	50 ft	500 ft
		<b>E</b>	Side Yard, for Principal Use	30 ft	15 ft	15 ft	25 ft	75 ft	500 ft
<b>F</b>		Rear Yard, for Principal Use	50 ft	50 ft	20 ft	50 ft	50 ft	500 ft	
Maximum	Height	<b>G</b> Principal Structure	40 ft	40 ft	40 ft	45 ft	40 ft	200 ft	
		<b>H</b> Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	
	Coverage	Building	n/a	45%	45%	45%	30%	30%	
Impervious Surface		30%	80%	80%	80%	50%	50%		

- AREA AND BULK CATEGORIES:**
- 1 – conservation and recreation activities
  - 2 – residential uses
  - 3 – local commercial uses
  - 4 – regional commercial uses
  - 5 – institutional, governmental, and utility
  - 6 – communication towers



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

District Regulations

§27-205. District Quicks.

§205.14 District – Industrial (I)

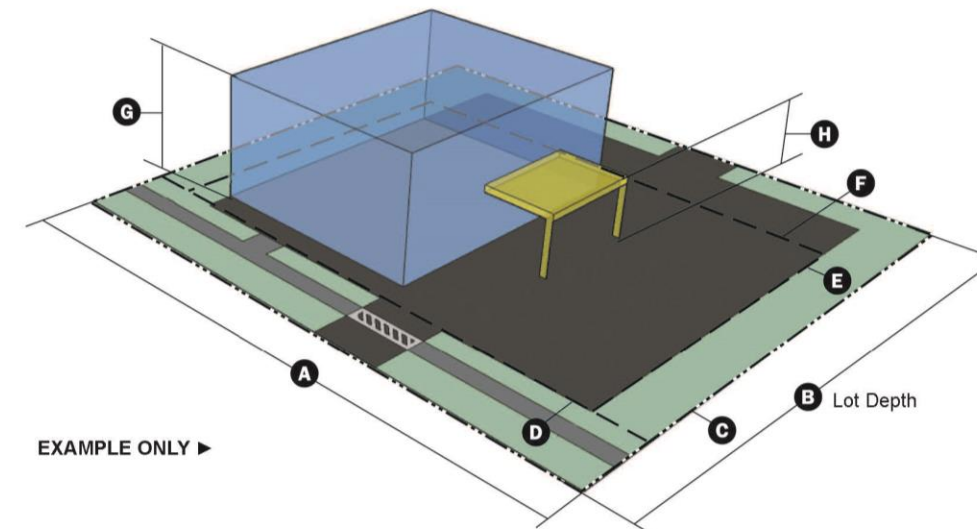
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Recreation Facilities for Employees, Faculty & Students	P
2	Distribution Facilities	P
2	Landscape and Garden Center- Retail	P
2	Light Manufacturing, Assembly, Processing, Production and Fabrication	P
2	Moving and Storage Parcel Delivery and Express Transfer Stations	P
2	Research, Development, Engineering or Testing Laboratory	P
2	Storage of Passenger Vehicles and Light Trucks	C
2	Wholesale Distribution, Warehouse	P
3	Auto Wrecking, Junk, and Scrap Establishments	P
3	Freight and trucking terminals	P
3	Incinerators, non-agricultural	C
3	Manufacturing, Processing or Bulk Storage of Natural Gas	C
3	All Other Commercial and Industrial Uses	C
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Potable Water Well Pump Station Facilities	C
4	Public or Private Parking Garages	P
5	Communication Towers	P

ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
General Storage to include Boats and RVs		P		
Food Truck	P	P	P	
Research, Development, Engineering or Testing Laboratory		P	P	P

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	1 ac	1 ac	4 acs	n/a	n/a	
	Lot Width	at Building Setback Line	75 ft	100 ft	150 ft	60 ft	60 ft
		at Street Line	75 ft	100 ft	150 ft	60 ft	60 ft
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Side Yard, for Principal Use	25 ft	25 ft	25 ft	75 ft	500 ft
Rear Yard, for Principal Use		50 ft	50 ft	50 ft	50 ft	500 ft	
Maximum	Height	Principal Structure	40 ft	45 ft	45 ft	200 ft	200 ft
		Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft
	Coverage	Building	n/a	45%	45%	30%	30%
Impervious Surface		30%	75%	75%	60%	60%	

AREA AND BULK CATEGORIES:

- 1 – conservation and recreation activities
- 2 – light industrial uses
- 3 – other uses
- 4 – institutional, governmental, utility, and communication facilities
- 5 – communications tower



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



§27-205. District Quicks.

§205.15 District – Light, Industry, Research & Development (IRD)

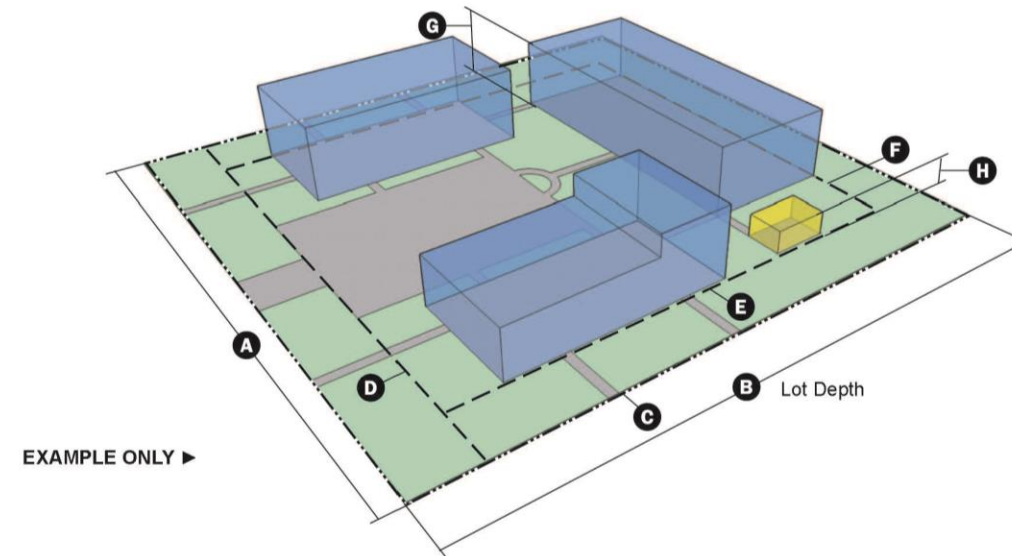
AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Recreation Facilities for Employees, Faculty & Students	P
2	Administrative Office Buildings (associated with the Uses in this Area and Bulk Category)	P
2	Food Catering	P
2	Micro-Distillery/Brewery (Beverage Production Facilities)	P
2	Light Manufacturing, Assembly, Processing, Production and Fabrication	P
2	Research, Development, Engineering or Testing Laboratory	P
2	Self-Service Storage Facility	P
2	Archival Libraries	P
3	Amusement Arcades	P
3	Archery and Shooting Ranges, Indoor	P
3	Bowling Alleys	P
3	Business, Professional and Financial Offices	P
3	Child/Day Care Centers	P
3	Clinics and Medical and Dental Offices	P
3	Eating and Drinking Establishments, Sit-Down	P
3	Eating and Drinking Establishments, Takeout	P
3	Health and Athletic Clubs	P
3	Pet Care Services Facility	C
3	Schools, Commercial	P
3	Sport and Field Complexes	P
3	Sporting and Entertainment Arenas and Stadiums	P
3	Studios for Instruction in Music, Performing Arts and Visual Media	P
3	Tutoring and Study Centers	P
4	Community Gardens	P
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Potable Water Pump Station Facilities	C
4	Radio and Television Studios, Excluding Towers in Excess of District Max. Height	P
4	Telecommunications Switching Facility	P
5	Communications Towers	P

ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Food Truck	P	P	P	P
General Storage to include Boat and RVs	P	P	P	P

DIMENSIONS		AREA AND BULK CATEGORIES						
		1	2	3	4	5		
Minimum	Lot Size	<b>C</b>	1 ac	20,000 sf	1 ac	n/a	n/a	
	Lot Width	at Building Setback Line	75 ft	100 ft	100 ft	60 ft	60 ft	
		<b>A</b> at Street Line	75 ft	100 ft	100 ft	60 ft	60 ft	
	Setback	<b>D</b>	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	500 ft
			Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	500 ft
<b>E</b>		Side Yard, for Principal Use	25 ft	25 ft	25 ft	50 ft	500 ft	
<b>F</b>		Rear Yard, for Principal Use	50 ft	50 ft	50 ft	50 ft	500 ft	
Maximum	Height	<b>G</b> Principal Structure	40 ft	45 ft	45 ft	200 ft	200 ft	
		<b>H</b> Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft	
	Coverage	Building	n/a	30%	30%	30%	30%	
Impervious Surface		30%	60%	60%	60%	60%		

AREA AND BULK CATEGORIES:

- 1 – conservation and recreation activities
- 2 – light industrial uses
- 3 – other uses
- 4 – institutional, governmental, utility, and communication facilities
- 5 – communications tower



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

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**§27-206. Zero Lot Line Homes.**

- A. Zero lot line homes, pursuant to the definition found in §27-1102 of this Chapter, shall be permitted, provided that the following requirements are satisfied:
- B. The side yard shall be either 0 feet for only one side or the minimum distance as provided for in other relevant district and yard requirement regulations.
- C. Where a zero lot line home is located on a lot line, a 10-foot wide easement shall be required for permanent access by the adjacent property owner or homeowners association to maintain the exterior portion of the dwelling unit wall along the zero lot line. Overhang of roof eaves shall be permitted, provided that no more than 2 feet of overhang encroaches into the easement on the zero lot line side of the structure and that the bottom of such eave is not less than 8 feet above the yard surface.
- D. No doors or windows of any kind shall be permitted on the zero lot line sidewall of the dwelling/structure.
- E. Exhaust/intake vents of any kind, i.e. for kitchen, laundry, bathrooms, HVAC on slab, etc., are prohibited on the designated zero lot line sidewall of the dwelling/structure.
- F. The above design criteria shall be applicable to multiple single-family detached dwellings on a single lot as permitted in the R-3 and R-4 districts, where reference to lot lines is replaced with side walls facing each other.

**§27-207. Accessory and Structures Uses.**

- A. Accessory Uses. Except where otherwise permitted by this Chapter, all structures that include accessory uses shall comply with the lot, yard setback and maximum height requirements for the primary use to which it is accessory. Residential uses may be accessory to nonresidential uses only as provided for in subparagraphs (1) and (2) below:
  1. All commercial buildings permitted in the V District may include one dwelling unit.
  2. All commercial buildings permitted in the OC and C Districts may include dwelling units as permitted, subject to the following:
    - a. No dwelling unit shall be permitted on the lowest level on grade.
    - b. The floor area of the dwelling units permitted pursuant to this subsection as an accessory use shall not exceed 67% of the total floor area of the structure of which the dwelling units are a part.
    - c. Accessory uses permitted pursuant to this paragraph may not exist on a floor or level of the structure on which a primary use exists.
  3. Industrial uses may include a retail factory outlet for the sale of those products produced on the premises; provided, that the floor area of such outlet does not exceed 25% of the total floor area of the primary structure.
  4. Uses in the IRD zoning district may include on-site warehousing materials not used on site with the following restrictions:
    - a. The square footage of the warehouse may not exceed 25% of the square footage of the primary use on the site.

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- b. The materials stored may not be sold on site.
  - c. A land development plan must be filed to establish the location and limits of the warehouse space. No lighting and/or signage associated with identifying the location of the use will be permitted. In addition, the site must be designed to ensure the ability to accommodate the size and type of truck performing pick-up and delivery to the warehouse space.
  - d. No outdoor storage is permitted.
  - e. Truck access is limited to the hours between 7:00 a.m. and 7:00 p.m.
- B. Accessory Structures.
1. On any residential lot less than 5 acres within the RA or the RR district, accessory structures shall be regulated by the calculation of maximum building coverage for the zoning district in which the lot exists.
  2. On a residential lot 5 acres and greater within the RA or the RR district, no limit to building coverage associated with accessory structures shall exist.
  3. For all residential lots (excluding RA and RR zoned lots) of 2 acres or less, the combined square footage of all accessory structures may not exceed 25% of the gross useable floor area of the principal building. There shall be a maximum of two accessory structures on any one lot.
  4. On nonresidential lots or those residential lots (excluding RA and RR zoned lots) greater than 2 acres, the combined square footage of all accessory structures may not exceed 50% of the area of the principal building on the same lot. There shall be a maximum of two accessory structures in any one lot.
  5. Swimming pools are permitted as accessory structures in any district; provided, that outdoor pools, as defined by the applicable building code, shall meet the following requirements:
    - a. No swimming pool may be located in any front or side yard setback area, but it may be located in the rear yard setback area provided that no part of the pool, including paved areas or accessory structures, excluding fencing, shall be located within 10 feet of the rear property line.
    - b. All outdoor swimming pools shall meet the requirements as set forth in the applicable building code.
  6. Small accessory buildings of not more than 144 square feet in ground floor area and 10 feet in height are permitted in the rear yard setback areas provided they are not placed closer than 3 feet from any lot line. All structures larger than 144 square feet, or higher than 10 feet, must comply with the setback requirements for primary structures.
- C. Accessory use(s) associated with the primary use of a lot as a place of assembly. Such uses might include but are not limited to: child care, kindergarten/elementary/secondary or nursery school; indoor/outdoor sports or recreation facilities; camp or retreat area; banquet hall/conference center; community center; art gallery; performance space; nursing/convalescent home; retail sales; eating and drinking establishment; parking structure or any combination of such.
1. Any structure that includes such a use shall follow the same setback criteria as the primary uses associated with the zoning district in which the structure is located.
  2. Landscaping and parking requirements will be applicable in accordance with the primary use of the site.

3. Such facilities may be rented on a temporary basis for fund raising or charitable events but may not function full-time in a manner that would qualify as a business-based place of assembly.

### §27-208. Lot Requirements.

The lot requirements for any use or structure shall not include any part of a lot that is required by any other use or structure to comply with the requirements of this Chapter.

- A. **Minimum Lot Size and Width.** All lots created after the effective date of this Chapter shall be no less than the minimum lot size and width requirements stipulated for each use in the district regulations, except for uses otherwise regulated under the cluster option for rural districts or “Planned Residential Development District.”
- B. **Maximum Lot Coverage.** The total ground floor area of all primary and accessory buildings shall not exceed the percent of coverage of the lot specified for the use in the district regulations.
- C. **Maximum Impervious Landscaped Surface Coverage.** The total of all surfaces shall not exceed the percent of coverage of the lot specified for the use in the district regulations.
- D. **One Dwelling Unit per Lot in Single-Family Residential District and Suburban Single-Family Residential District.** In the Single-Family Residential District (R-1) and the Suburban Single-Family Residential District (R-1B), only one dwelling unit may be constructed upon each lot.
- E. **Cluster Option for Rural Residential District.** The following cluster option is available for residential development land in the Rural Residential District for the purpose of preserving large tracts of farm and forest land and other open spaces for future generations.
  1. **Provisions.** All land included in any Rural Residential District may be developed for dwellings with lot and yard setback requirements for each lot reduced to those applicable to single-family detached dwellings with off-site sewer service in the Single-Family Residential District; provided, that the overall density of the tract does not exceed what would have otherwise been possible under the Rural Residential District regulations applicable to single-family detached dwellings and, provided that:
    - a. The total size of the tract shall be at least five (5) acres.
    - b. No more than 35% of the total tract be developed for single-family detached dwelling, single-family semidetached dwelling, single-family attached dwelling, two family detached dwelling or two-family semidetached dwelling lots, including streets and accessory uses.
    - c. The remaining portion of the tract, which shall be at least 65% of the tract, shall be used for only one or more of the following uses:
      - 1) The tilling of the land, the raising of crops, fruits and vegetables, and the raising and keeping of livestock and poultry.
      - 2) Horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers and other plant materials.
      - 3) Usual farm structures, including barns and greenhouses.
      - 4) Commercial establishments for the processing, storage and sale of farm products produced and raised on the premises.
      - 5) The conservation of open space, water, soil and wildlife resources.
      - 6) Park and recreational uses for use by the general public and/or the homeowners of the

**District Regulations**

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- developed portion of the tract.
- 7) All such uses shall meet the lot, yard setback and height requirements specified for such use in the Rural Agricultural District.
- d. The undeveloped portion of the tract shall be contiguous.
  - e. Where the developed portion of the tract abuts a Rural Agricultural District, then the 200 foot buffer yard as provided in this Chapter shall apply and the ratio of developed to undeveloped portion of the tract shall change from 35% to 65% to 40% to 60%.
2. Procedure for Approval. All land to be subdivided under the zoning provisions of this subsection shall follow the procedures for the subdivision of land contained in the Ferguson Township Subdivision and Land Development Regulations [Chapter 22], with the following additional requirements:
    - a. That at the time an application is made to the Township for preliminary plan approval, the applicant enter into a written agreement with the Township, in a manner and form acceptable for recording by the office for the recording of deeds, Centre County, Pennsylvania, stipulating the means by which said open space shall be preserved for the uses permitted by this subsection. Such means shall be either of the following:
      - 1) Dedication of the open space to the Township.
      - 2) Establishment of a corporate ownership of the open space by the homeowners of the developed portion of the tract, incorporating into the deeds of the homeowners an interest in such open space, indicating the uses, as permitted above, to be made of such open space.
      - 3) Disposition of such open space to a private or nonprofit corporation chartered under the laws of Pennsylvania to administer and maintain the facilities subject to an acceptable deed restriction limiting eventual disposition of said open space for one or more of the uses permitted above and stated in the articles of incorporation.
      - 4) Retention of ownership by the present landowner, his heirs and assigns for any and all of the uses permitted above.
    - b. Such means may include an arrangement, upon the agreement of all parties to the arrangement, whereby the present landowner and his heirs and assigns may continue to use the land labeled "Open Space" after subdivision has been accomplished for any or all of the uses permitted above. Such arrangement shall specify the responsibilities of all parties to the agreement for the payment of taxes, provision of liability insurance and care and maintenance of the open space.
  3. Nothing in this subsection shall be construed to mean denial of the right of the landowner to otherwise develop in accordance with the regulations applicable to the Rural Residential District, nor shall it exempt any development from complying with other applicable requirements of this Chapter.



**§27-209. Yard Requirements.**

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.

- A. Where two or more primary structures for nonresidential use are proposed to be placed upon a lot in single ownership, the front, side and rear yard setback areas are required only at lot lines abutting other property.
- B. Where two or more primary structures for residential use are proposed to be built upon a lot in single ownership, the front, side and rear yard setback areas are required as though each structure were on an individual lot. Within the lot, the minimum horizontal distance between facing walls of any buildings on the lot shall be as follows:
  1. Twenty feet between facing walls for single-family detached and semidetached dwellings, except that a distance of not less than 10 feet between zero lot line homes shall be permitted. A zero lot line home is a type of single-family detached dwelling.
  2. Thirty feet between facing walls (which are not party walls) for townhouse dwellings, single-family attached dwellings and two family semidetached dwellings.
  3. Forty feet between facing walls (which are not party walls) for two family attached dwellings, multifamily semidetached dwellings and attached dwellings, i.e. apartments, garden apartments.
  4. In instances when two types of principal buildings are located on one lot, then the distance between buildings shall be the larger distance based on the building of higher intensity.
- C. Where a lot abuts upon a collector or arterial street with a right-of-way of less than 50 feet in width, the front yard setback shall be measured from a line parallel to, and 25 feet from, the center line of the street cartway.
- D. Fences, walls and signs are permitted in any yard setback area unless otherwise restricted or prohibited by other provisions of this Chapter.
- E. Balconies, bay windows, chimneys and flues, columns, cornices and eaves, fire escapes, gutters and downspouts, sills, decks, patios, HVAC unit and pad and unenclosed porches may project into the specified yard setback areas of a lot, but not more than 3 feet.
- F. On corner lots, nothing, including structures, fences, walls and vegetation, shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of 2½ feet and 10 feet above the centerline grades of the intersecting streets and within an area bounded by the street right-of-way lines of such corner lots and a line joining points on these street right-of-way lines 25 feet from their intersection.
- G. On a corner lot, the side yard abutting the street shall have a setback area equal to the depth of the front yard setback area required for the use and shall be governed by all front yard setback requirements of this Chapter.
- H. On a through lot, the rear yard setback width shall be either the rear or front yard setback width designated for the use, whichever is greater.
- I. Where a tract of land zoned Rural Agricultural on the effective date of this Part, or thereafter, is changed to a different zoning classification, then a buffer yard of not less than 50 feet in width shall

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be provided on the property which has been rezoned when the rezoned land adjoins land in the RA Rural Agricultural zone.

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 development plan is approved after the effective date of this Part.
  - 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.
  - 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 50-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 3 feet from the property line. Swimming pools shall be prohibited from being located within the 50-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 non-agricultural 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 50-foot buffer.
  - a. Where a landscaped buffer is required by the Board, such landscaping will be required to meet the requirements of either the 15-foot Buffer Yard “B” or the 30-foot Buffer Yard “D”. Once installed, this landscaping may not be removed at any time by the present or future owner(s) of the non-farm 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 6-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 non-farm lots. In addition, unless a homeowners association is established, the individual lot owners will be responsible in perpetuity for the continued maintenance and if necessary, the replacement of that portion of the fence on their property.
- J. Where a tract of land zoned Rural Agricultural on the effective date of this Part, or thereafter, is changed to a different zoning classification, then a buffer yard of not less than 200 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.
- K. In all zoning districts the lot width may vary as long as the minimum lot width at the street line and the building setback line are in compliance.

**§27-210. Maximum Height Requirements.**

No structure shall exceed the height limitations specified for the use, except as allowed below:

- A. Exceptions. In Rural, Agricultural Research, Commercial and Industrial Districts, the maximum height requirement shall not apply to the following: barns and silos, belfries, bulkheads, chimneys, church spires, domes, flag poles, grain elevators, masts and aerials, monuments, observation

towers, skylights, smokestacks, utility poles and towers, ventilators, water tanks, windmills and solar collectors: provided:

1. They are erected only to such height as is necessary to accomplish the purpose they are to serve.
  2. If over 40 feet in height they shall not exceed a height equal to their setback distance from any property line.
  3. They are not intended for human occupancy as dwellings.
- B. Computation. The height of a structure shall be computed as the vertical distance measured from the mean level of the ground surrounding the structure to its highest point.
- C. Single-Family Residential Structures in RA District. In the Rural Agricultural District, the maximum height requirement shall not apply to a single-family residential structure provided the following conditions are satisfied:
1. The structure in question shall be located on a lot having a minimum size of ten acres.
  2. The minimum front yard setback of the lot in question shall be 100 feet.
  3. The maximum height as measured from the finished grade at the front elevation shall not exceed 40 feet in height.
  4. The overall maximum height of a single-family residential structure in the Rural Agricultural zoning district shall be measured by calculating the mean height of the structure. This calculation will subtract the final grade elevation of the front of the structure from the final grade elevation of the rear of the structure and divide the sum by 2. This sum will be added to the height of the structure at the front elevation of the structure to determine the maximum height of the structure. This mean height shall not exceed 115% of the height of the single-family residential structure at the front elevation.
  5. For the purposes of determining the height under this exception, the “front elevation” shall be the side of the structure that faces a road or street.
  6. A Rural Agricultural lot containing the aforesaid single-family structure shall not be further subdivided.

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**District Regulations**

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PART 3

Residential Planned Development and Mixed Use

§27-301. Mobile Home Park (MHP) District.

A. Site Requirements.

1. Site Location. The location of all mobile home parks shall comply with the following minimum requirements:
  - a. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
  - b. Not subject to flooding.
  - c. Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
2. Site Drainage Requirements. Stormwater management controls as set forth in the Ferguson Township Stormwater Management Ordinance.
3. Soil and Ground Cover Requirements.
  - a. Exposed surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
4. Areas for Nonresidential Uses.
  - a. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

B. Design Standards.

1. Required Setbacks, Buffer Strips and Screening.
  - a. All mobile homes shall be located at least 30 feet from any park property boundary line abutting upon a public street or highway right-of-way and at least 15 feet from other park property boundary lines, except mobile home space boundaries, which shall be minimum 6 feet.
  - b. There shall be a minimum distance of 15 feet between an individual mobile home, including accessory structures attached thereto and adjoining pavement of a park street, or common parking area or other common areas.
  - c. All mobile home parks may be required, at the discretion of the Board of Supervisors, to provide a planted visual screen.
2. Required Separation Between Mobile Homes.
  - a. Mobile homes shall be separated from each other and from service buildings and other structures by at least 30 feet and shall be located not less than 6 feet from the mobile home lot boundary. Mobile home lots shall have minimum width of 50 feet and minimum length of 100 feet.

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- b. An accessory structure which has a horizontal area exceeding 25 square feet, is attached to a mobile home and/or located within 10 feet of its window and has an opaque or translucent top or roof that is higher than such window shall, for purposes of this separation requirement, be considered to be part of the mobile home.
3. Street System.
    - a. All streets to be offered for public dedication will conform to the Ferguson Township Subdivision and Land Development Ordinance regulations.
    - b. All streets not to be offered for public dedication shall conform to the following standards:
      - 1) General Requirements. A safe and convenient vehicular access shall be provided from abutting public streets or roads.
      - 2) Access. The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of 20 feet with 6 foot crushed stone shoulders.
      - 3) Internal Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
        - (a) Internal streets shall have a minimum cartway width of 20 feet with 6 foot crushed stone shoulders, except one-way streets, which shall have a minimum cartway width of 10 feet with 6 foot crushed stone shoulders.
        - (b) Dead-end streets shall be provided at the closed end with a turnaround having an outside cartway diameter of at least 40 feet.
      - 4) Street Construction and Design Standards.
        - (a) Streets. All streets intended to be dedicated for public use shall conform to the Ferguson Township Subdivision Regulations [Chapter 22].
        - (b) Streets. All streets not to be dedicated for public use shall be provided with a smooth, hard and dust-free surface which shall be durable and well drained under normal use and weather conditions.
        - (c) Grades. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than 8%. Short runs, not exceeding 500 feet, with a maximum grade of 10% may be permitted; provided, traffic safety is assured by appropriate surfacing, adequate leveling areas and avoidance of lateral curves.
        - (d) Intersections. Within of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.
  4. Parking Areas.
    - a. Areas shall be provided for the parking of motor vehicles. Such areas shall accommodate at least two parking spaces for each mobile home lot provided.
    - b. Off-street parking areas may be provided in all mobile home parks for the use of park occupants and guests.
    - c. Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of 100 feet from the mobile home that it is

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intended to serve. Said parking and related drives, when located within the confines of the mobile home lot, shall not occupy more than 20% of the area of the mobile home lot.

5. Mobile Home Stands; Construction. The area of the mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home lot shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration or other forces acting on the superstructure.
6. Open Space Requirements.
  - a. All mobile home parks shall provide and so indicate on the plan of the mobile home park suitable areas for recreation and open space uses by using the standard of 20% of the total area of the mobile home park of which one-half of the area shall be in one piece. The remainder may be used to provide pedestrian connecting links to the recreation areas.
  - b. The recreation and open space shall be located as centrally as possible within the mobile home park in order to be easily accessible to the residents of the mobile home park.
    - 1) The open space shall be landscaped with a water absorbent surface except for recreational facilities and walkways utilizing a hard surface.
    - 2) The open space must be maintained by the mobile home park operator or the open space can be dedicated to the Township provided the Township is willing to accept and maintain the open space.
  - c. The maximum impervious surface coverage shall be 60%.
- C. Plan Requirements. In addition to the land development plan requirements of this Chapter, the plan of proposed development shall show:
  1. Location and width of all streets and rights-of-way, with a statement of any conditions governing their use.
  2. Suggested street names and utility easement locations.
  3. Proposed building setback lines along each street.
  4. Lot lines with dimensions.
  5. A statement of the intended use of all nonresidential lots and parcels.
  6. Lot numbers and a statement of the total number of lots and parcels.
  7. Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
  8. Parks, playgrounds, streets and other areas dedicated or reserved for public use, with any conditions governing such use.
- D. Water Supply.
  1. General Requirements. An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities as required by this Chapter. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively. Where a satisfactory public water

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- supply system is not available, the development of a private water supply system shall be approved by the Pennsylvania Department of Environmental Protection or other authorities having jurisdiction. [Ord. 820]
2. Fire Hydrants. Where a public supply of water is provided, fire hydrants shall be installed as agreed upon by the Board of Supervisors and the agency responsible for supplying water.
  3. Individual Water-Riser Pipes and Connections.
    - a. Individual water-riser pipes shall be located within the confined area of the mobile home stand a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
    - b. The water-riser pipe shall have a minimum inside diameter of 3/4 inches and terminate at least 4 inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
    - c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and shoving actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
    - d. A shut-off valve below the frost line shall be provided near the water- riser pipe in each mobile home lot. Underground stop-and-waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Board of Supervisors.
- E. Sewage Disposal.
1. General Requirements. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the Pennsylvania Department of Environmental Protection and Township ordinances.
  2. Individual Sewer Connections.
    - a. Each mobile home stand shall be provided with at least a 4 inch diameter sewer riser pipe. This sewer riser pipe shall be imbedded in poured concrete, minimum 12 inch diameter and a minimum eighteen 18 inch depth. The rim of the riser pipe shall extend at least 1/2 inch above ground elevation. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
    - b. The sewer connection shall have a nominal inside diameter of not less than 3 inches and the slope of any portion thereof shall be at least 1/4 inch per foot. All joints shall be water-tight.
    - c. All materials used for sewer connection shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
    - d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser.
- F. Electrical Distribution System.
1. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with Township ordinances regulating such systems.



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2. Power Distribution Lines. Main power lines not located underground shall be suspended at least 18 feet above the ground, and shall have a minimum vertical clearance of 8 feet above any mobile home, service building or other structure.
- G. Service Buildings and Other Community Service Facilities.
1. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities when constructed, such as management offices, repair shops and storage areas; laundry facilities; indoor recreation areas.
  2. Structural Requirements for Building. All structural requirements shall be in accordance with the Township Building Code [Chapter 5, Part 1].
- H. Refuse Disposal. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards or air pollution and shall be in accordance with Township ordinances.
- I. Fire Protection. Fire protection provisions shall be in accordance with the Township Fire Prevention Code [Chapter 7, Part 3].
- J. Fuel. All piping from outside storage tanks or cylinders to mobile homes shall be copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place and shall not be located inside or beneath the mobile home or less than 5 feet from any mobile home exit. Secondary containment shall be provided as necessary.
- K. Supervision.
1. Responsibilities of the Park Management.
    - a. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.
    - b. The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
    - c. The park management shall give the Board of Supervisors or their representative free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.
    - d. The management shall maintain a register containing the names and addresses of all park occupants. Such register shall be available to any authorized person inspecting the park (Ord. 820 and Ord. 278).
    - e. The management shall notify the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the park.

**§27-302. Planned Residential Development (PRD) District.**

- A. Procedure for Establishing a Planned Residential Development. An applicant wishing to receive approval of a planned residential development within the Township of Ferguson shall submit plans in accordance with procedures provided for under this subsection.
1. Pre-Application Conference. Before submitting an application for a planned residential development, an applicant is encouraged to confer with the Planning Commission, Township staff and Centre Regional Planning Agency to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys

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and other data.

2. Application for Tentative Approval of a Planned Residential Development.
  - a. An applicant desiring to establish a planned residential development shall provide the Planning Commission with ten (10) full size format and ten (10) 11”x 17” formatted copies of a development plan indicating the following:
    - 1) A key map at a scale of 1 inch equal 400 feet showing the location of the site in relation to adjacent properties and the larger neighborhood, adjacent zoning and road system connections with existing and proposed roads within 1,000 feet.
    - 2) Existing manmade features, including utilities, adjacent roadways and adjacent land uses and owners.
    - 3) Existing natural features including, but not limited to, soil types, unique vegetation, all tree masses greater than ten (10) feet in height, all other trees in excess of 4 inches in caliper, rock out-croppings, closed depressions, sinkholes, watercourses, floodplains, steep slopes, wetlands and topography of the site.
    - 4) A conceptual landscaping plan showing the treatment of materials and design concepts used for private and common open space.
    - 5) A plan showing the proposed general lot layout; the location of the various types of land uses; the approximate location, use, height and bulk of building(s); the proposed density of population and housing in each distinct residential area; the location and size of recreational spaces, parks, schools and other facilities which are intended for public use with off-street parking; the provisions for automobile parking and the size and floor space of commercial or industrial uses.
    - 6) A public utility plan for sanitary sewer, water and stormwater management controls and their easements, and a general grading plan showing any major alterations that affect the tract topography by five (5) vertical feet or more.
    - 7) A plan showing the width and location of proposed streets and public ways.
    - 8) The approximate locations of public transit amenities, bicycle paths, sidewalks and relevant recreational amenities including adjacent bikeways, sidewalks, parkland and open space.
    - 9) Signature block for Township Planning Commission and Board of Supervisors.
  - b. The applicant shall also submit ten copies of a written statement containing the following information:
    - 1) An explanation of the character of the planned residential development and the reasons why a planned residential development would be in the public interest and would be consistent with the Centre Region Comprehensive Plan and the Township's Parks, Recreation and Open Space Plan, when adopted. Discussion of other criteria used in site planning; such as natural features, consideration of adjacent land uses, circulation and community facilities is required with the explanation.
    - 2) Covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements or grants for public utilities.

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- 3) A statement of the present ownership of all the land included within the planned residential development and the applicant's interest in the land proposed for development. By definition, the PRD is required to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses. Therefore, if multiple owners wish to form a partnership in order to pursue tentative approval of a PRD, a lot consolidation plan will be required as a condition of approval and must be completed prior to submission of the pre-final design.
  - 4) The form of organization proposed to own and maintain the common open space and whether public or private ownership is proposed.
  - 5) A statement describing the proposed surface drainage of the tract, proposed erosion and sediment control plan and proposed sanitary sewage treatment system and water service. Documentation shall be provided to support the feasibility of the proposal for water supply, control of stormwater, erosion and sediment control and for the sanitary sewage treatment, including sewer authority and public water authority ability and capacity to serve the PRD.
  - 6) A traffic impact study as per the adopted Township standards.
- c. For the purpose of reviewing the proposed development plan at the Planning Commission and Board of Supervisors meetings, the applicant shall provide a digital version (.pdf or Township-approved equivalent) of the submission.
- d. A phasing plan indicating:
- 1) The date when construction of the project can be expected to begin.
  - 2) The phases in which the project will be built and the date when construction of each phase can be expected to begin and end. The number and type of units to be developed in each phase shall also be included. This schedule will be updated every January.
  - 3) The development plan shall illustrate all items described in §27-302.A.1-9 above and include the phasing of all sections. In addition, the phasing of all on-site and off-site improvements such as roadways, storm drains and stormwater management shall be illustrated.
  - 4) The area and location of common open space that will be provided in each phase.
  - 5) The type and location of both active and passive recreation areas that will be provided in each phase.
- e. Public Hearings.
- 1) Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Part, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors for the enactment of an amendment to the Zoning Ordinance. The Chairman, or in his/her absence the Vice-Chairman, of the Board of Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

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- 2) Prior to the public hearing by the Board of Supervisors, the Planning Commission shall consider the application without the requirement of public notice and shall make its recommendation to the Board of Supervisors. In the event that the Planning Commission shall not have a complete recommendation prior to the public hearing of the Board of Supervisors referred to herein, the Board of Supervisors may continue the public hearing as provided in this Chapter.
  - 3) A verbatim record of the public hearing shall be caused to be made by the Board of Supervisors whenever such a record is requested by any party to the proceedings; but the cost of making and transcribing such a record and the expense of the copies shall be borne by the party requesting it. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for exclusion clearly noted in the record.
  - 4) The Board of Supervisors may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
  - 5) Owners of all adjacent and adjoining properties including any properties on the opposite side of any public right-of-way which is adjacent to the property in question shall individually receive written notice of the public hearing at least 2 weeks prior to the date of the meeting.
- f. Findings of Fact.
- 1) The Board of Supervisors, within 60 days following the conclusion of the public hearing(s) provided for in this Section, shall by official written communication to the landowner, either:
    - (a) Grant tentative approval of the development plan as submitted.
    - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted.
    - (c) Deny tentative approval of the development plan. Failure to do so within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner shall, within 30 days after receiving a copy of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his/her intent to accept or reject all said conditions. In the event the landowner refuses to accept the conditions, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan.
  - 2) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial and said communication shall set forth with particular emphasis in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:
    - (a) In those respects in which the development plan is or is not consistent with the

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Centre Region Comprehensive Plan for the development of the Township and the Township's Park, Recreation and Open Space Plan, when adopted.

- (b) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
  - (c) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
  - (d) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, vehicular traffic control, and for amenities including light and air, recreation and visual enjoyment.
  - (e) The relationship, beneficial or adverse, of the proposed planned residential development to the larger neighborhood in which it is proposed to be established.
  - (f) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
  - (g) Whether the PRD removes from the former zoning district an amount of area that would result in the reduction in inventory of that district, thereby decreasing the Township's ability to provide its "fair share" in relation to the Zoning Map.
- 3) In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication, the time within which an application for final approval of the development plan shall be filed; or, in case a development plan provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than 3 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.
- g. Status of Plan After Tentative Approval.
- 1) The official written communication provided for in this Section shall be certified by the Township Secretary and shall be filed in his/her office and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the Zoning Map.
  - 2) Tentative approval of a development plan shall not qualify the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions of the tentative approval as submitted or which has been given tentative approval with

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conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed, or in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

- 3) Revisions to a Development Plan After Tentative Approval. Any changes to the tentatively approved development plan which are proposed prior to the pre-final or final plan submittal shall be submitted to the Board of Supervisors for consideration and determination as to whether or not the changes are substantial enough to require a public hearing prior to approval. If the Board of Supervisors determines a public hearing is not required, the plan may move to the final approval stage. If the Board of Supervisors determines a public hearing is necessary, the process outlined in §302.A.2.(e.) and (f.) (“Public Hearings” and “Findings of Fact”) shall be followed. If a public hearing is required to review the revised plan, the applicant shall be responsible for payment of the fee for the legal advertising notice. Upon tentative approval, the applicant shall provide the Township with three copies of the revised master plan.
- h. Pre-Final Design Submission. A development plan which has been given tentative approval shall submit street, sanitary, water and stormwater management site plans for the entire development to be approved by the Township Engineer. The plans shall include information sufficient for review and approval of a pre-final design as required by the Township ordinances for a preliminary subdivision plan. Approval of this submission is required prior to any final plan submissions for separate section(s) or the complete development. Review shall be within 90 days of the submission or resubmission date. Pre-final design submission must be reviewed and approved by the Planner, Zoning Administrator, Fire Chief, water and sewer provider and Township Engineer. The applicant must submit evidence of approval from all other entities to the Township prior to approval of this submission.
  - i. Application for Final Design Approval.
    - 1) An application for final design approval may be for all of the land included in the development plan or, for a specific phase as set forth in the tentative development plan. Application shall be made to the Board of Supervisors within the time or times specified by the official written communication granting tentative approval but not until after the pre- final design submission has been approved. Application for final design approval shall be accompanied by:
      - (a) Ten (10) copies of the final plan, prepared or certified by a registered engineer or surveyor in accordance with the Township’s Subdivision [Chapter 22] and Zoning Ordinance [this Chapter], showing the final location and widths of all streets, the location of all buildings, parking areas, pedestrian ways, utilities, utility easements, lot lines, the location and size of all open space not devoted to parking lots, streets or driveways, the proposed use of all lands and buildings and the metes and bounds of all proposed dedicated areas and lots.
      - (b) Restrictive covenants executed by all owners of the premises within the section

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covered by the final plan which, if approved, shall be recorded with the Recorder of Deeds of Centre County. The restrictive covenants shall be effective for a period of at least 35 years, except that covenants relating to stormwater management facilities, parks, recreation and other open space areas shall provide that the same remain as such perpetually.

- (c) Any additional conditions set forth at the time of tentative approval.
- 2) A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided that the development, or part thereof, submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.
- 3) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof and as required by this Section and the official written communication of tentative approval, the Board of Supervisors shall, within 45 days of such filing, grant such development plan final approval. At the time of approval, the Board of Supervisors shall pass a resolution to change the zoning of the final plan portion of the property from its underlying zoning district to planned residential development (PRD).
- 4) In the event the final development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more said variations are not in the public interest. In the event of such refusal, the landowner may either:
  - (a) Refile his/her application for final approval without the variations objected to.
  - (b) File a written request with the Board of Supervisors that it hold a public hearing on his/her application for final approval.
- 5) If the landowner wishes to take either such alternate action he/she may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he/she shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Section for public hearings on applications for tentative approval. The applicant shall be responsible for payment of the fee for placement of the legal notice to advertise the public hearing. Within 30 days after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final approval of the development plan or deny final approval. The granting or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Section.
- 6) Once all of the final plan approval conditions are met, with the exception of posting financial surety, construction may commence in accordance with Township road standards. However, no lots or parcels may be transferred or sold until financial surety

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is posted and the plan is recorded.

- 7) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed on record forthwith in the office of the Recorder of Deeds of Centre County, in accordance with the provisions of §509 and §513(a) of the Pennsylvania Municipalities Planning Code, together with any restrictive covenants and agreements or other provisions which govern the use, maintenance and continued protection of the planned residential development and its common open space. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, §508 of the Pennsylvania Municipalities Planning Code and the Township final subdivision regulations shall apply to said planned residential development or that part thereof, as the case may be, that has been finally approved. No modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.
- 8) Approval of a final plan may be subject to posting a performance bond covering up to 110% of the cost of developing common open spaces, planting plans, public improvements and other improvements deemed appropriate by the Board of Supervisors.

**B. Use Regulations.**

- 1. The following residential uses may be permitted in a planned residential development: single family, two-family, multi-family detached, semi-detached and attached dwellings, nursing homes, personal care boarding homes, assisted living facilities, retirement communities, other convalescent homes, community gardens, as well as mixed use buildings as defined herein. The appropriate integration of these uses, throughout the PRD will be considered in determining the acceptable type and amount of units as well as the maximum square footage of units and/or development with a healthcare element. Mixed-use structures are subject to the square footage restrictions as provided below for all nonresidential uses. They may include employment opportunities such as professional office(s) or those related to the service industry as well as civic uses in addition to a residential component.
- 2. The additional uses set forth in the following subsections may be permitted where the Board of Supervisors deems that one or more of them is appropriate to the neighborhood in which the planned residential development is located. The definition of neighborhood shall be agreed upon by the applicant and the Board of Supervisors prior to the Board of Supervisors' action and shall be voted upon considering planning principles based upon, but not limited to, the following: (1) the proposed PRD area, (2) any adjacent, existing, proposed, potential or tentatively approved PRD area(s), (3) utilities, (4) building complexes, (5) topographic and natural features, (6) population projections, (7) infrastructure capacity and planned improvements, and (8) existing and proposed elements of connectivity.
  - a. Building gross floor areas (square feet) for nonresidential uses shall not exceed 2% of the total acreage of the PRD. This includes the total gross floor area of a neighborhood shopping center and the gross floor area for the other nonresidential uses within the proposed PRD combined. The nonresidential square footage of a mixed-use building shall be calculated by using the ground floor footprint only. Residential uses in such structures shall not count toward the permitted density of the PRD.



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## b. Neighborhood Shopping Center.

- 1) A neighborhood shopping center shall not exceed the total gross floor area for the market area population of the neighborhood as defined above. The market area population is determined to be the day-time employment and residential population of the neighborhood as defined above. The neighborhood shopping center shall be planned and operated as a single unit, in the context of the PRD.
- 2) For every 500 square feet of nonresidential floor area proposed, 20 square feet of public space (not including standard sidewalk dimensions) shall be provided. This public space shall serve as a focal point and shall be comprised of areas such as plazas, courtyards, walkways, market squares, civic spaces and other such gathering spaces. Although expected to be landscaped, these areas may contain a substantial hardscape design element.
- 3) Ground floor commercial uses shall provide the opportunity for upper story housing or office space over a minimum of 30% of the square footage. Mixed-use buildings shall not exceed three stories except through conditional use approval which would permit up to five stories in appropriate locations.
- 4) The following uses are permitted within the aforementioned neighborhood shopping center: greenways; trails; arts and artisan studios; music, dance, martial arts, or exercise studios; health clubs; fire/police/emergency services facilities; transit facilities; eating and licensed drinking establishments; bakery, butcher shop; café; catering; coffee shop; delicatessen; neighborhood grocer; neighborhood convenience store; ice cream and confections; eating and drinking establishment (not including drive-through service); diner; neighborhood market/farm market; sale, service or rental of a limited range of goods such as book store; florist; antique or gift shop; apothecary/pharmacy (not including drive-through service); jewelry; hardware; dry goods; clothing, toy, or home accessories store; lighting; music store including instruments and recordings; bikes; skateboards; skis; exercise equipment; personal service shops; business and professional offices such as barber; beautician; day care; hair/nails salon or spa; home occupations and no-impact home based business; dry cleaning services; administrative or financial offices (not including drive-through service); medical/dental offices; frame shop; laundromat; shoe repair; tailor; phone store; accountant; architect; attorney; or place of assembly.
- 5) None of these uses shall, by reason of their location, construction, manner or timing of operation, signs, lighting, parking arrangements or other characteristics, be permitted to have adverse effects on residential uses within or adjoining the district or create traffic congestion or hazards to vehicular or pedestrian traffic. Mixed-use buildings, which contain any combination of the above permitted uses, shall also be permitted within a neighborhood shopping center. However, mixing of uses is desired between and among individual lots within the PRD as well as within structures. Mixed-use buildings that are located in a predominantly residential context may be setback in a manner that maintains general alignment with the facades of other structures in the block.
- 6) The sale of aircraft, boats, cars, heavy equipment, lumber yard, maintenance equipment, and vehicles, together with the servicing of vehicles is prohibited. Retail operations that rely on a market area exceeding the larger neighborhood of which the PRD is a part are prohibited as is any form of drive-through service.

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- 7) Buildings which are designed for nonresidential or mixed-use purposes shall have a minimum front setback of 0 feet and a maximum front setback of 20 feet. However, such structures shall maintain a minimum of 65% of their frontage along the sidewalk's edge (zero setback) and the main pedestrian entrance shall be from this facade.
- 8) The setback of these structures may be increased where plazas, courts, or outdoor seating areas are proposed, as long as sufficient pedestrian walkway width is retained. Setbacks which provide for public space shall be useable and shall include special amenities such as benches, fountains, or sitting areas. Fabric awnings on commercial or mixed use structures may encroach within the setback or into the pedestrian way in instances where such feature enhances the human scale of the pedestrian environment or public space. All such extensions shall however, be set back a minimum of 2 feet from the face of curb. In no instance shall the setback be extended to accommodate parking.
- 9) For all nonresidential structures, a minimum of 50% of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior. Blank walls along pedestrian routes are discouraged. Where blank walls are established, a landscaped border shall be provided between the wall and the walkway. This border shall be between 6 and 8 feet in width and shall be designed to provide visual interest and to screen the blank wall.
- 10) In nonresidential, mixed-use, or multi-family areas, well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Walkways shall be a minimum of 5 feet in width. Lighting shall be pedestrian oriented and provided at a level between 0.5 and 2.0 footcandles—dependent on the volume of both pedestrian and vehicular traffic and the location of the walkway in relation to intersections.
- 11) Year-round screening of any utility apparatus appearing above the surface of the ground shall be required unless such apparatus is placed in a lane or alley. As a result, the placement of aboveground utility structures should be coordinated with the proposed landscape plans, to ensure that they are positioned away from key focal areas. The visual impact of all rooftop mechanical equipment such as vents, exhaust hoods, and antennas (including satellite dishes and telecommunication facilities) shall be minimized by integrating or screening such appurtenances with the building design.
- 12) Multiple nonresidential structures may be provided on a single parcel provided that each structure is separated by a minimum of 20 feet and site amenities such as plazas, courtyards, park space, greens, or other such facility are incorporated to break up the massing of the structures. Such amenities shall also feature benches, plantings, fountains, or other element(s) that typically define a public space.
- 13) All dwelling units located within mixed-use buildings shall be situated within 1,000 feet of a commons, square, greenway, park or playground.
- 14) All neighborhood shopping centers shall accommodate transit service through provision of a stop or pull-off area convenient to the pedestrian access for the stores or offices or a universally accessible route to transit service if located adjacent to the neighborhood shopping center. If said service facility is on the lot, a shelter and seating with lighting shall be provided.

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15) Bicycle parking is required to be provided for all nonresidential, mixed-use, or multi-family land uses. Bicycle parking spaces are to be located so as to be convenient to the structure or use for which they are provided, and to be visible from at least one entrance. Lighting shall be provided for all such bicycle parking areas.

c. Any area devoted to an industrial use shall not exceed 1% of the total land area within the proposed PRD. Only the following uses in this industrial context shall be permitted: research and development, bakery, assembly of electrical appliances, scientific and technical equipment, office buildings, limited warehousing and storage. All storage of parts, equipment, etc., shall be located entirely within the main or accessory structures. Industrial uses in a PRD shall be located adjacent to an arterial or collector street. The range of uses listed above are permitted only when:

1) The underlying zone was nonresidential (C, I, IRD).

2) The PRD is adjacent to a commercial, industrial or similar nonresidential use that relates to the adjacent area. Where applicable, the proposed location of the nonresidential use shall be adjacent to neighboring nonresidential uses.

d. The Board of Supervisors may also permit community civic- and faith- based or community business-based places of assembly to be developed within the PRD but outside of a neighborhood shopping center; provided, they are designed to serve primarily the residents of the PRD and the larger neighborhood and are compatibly and harmoniously incorporated into the design of the planned residential development. Such additional nonresidential uses shall not, by reason of their location, construction, manner or timing of operation, signs, lighting, parking arrangements or other characteristics, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

C. Area and Bulk Regulations.

1. In this Part, where the word “former” is used, said word shall refer to the zoning classification of a parcel of land prior to its having been zoned PRD (planned residential development) under the provisions of this Section.

2. The Board of Supervisors may permit reductions in the setback requirements if it finds that through the use of topography, siting on the lot, or design such building or buildings do not infringe upon the privacy of adjacent, existing or potential structures; provided, that:

a. Spacing shall be provided between buildings to ensure privacy and sufficient light and air. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers and landscaping shall be used as appropriate, for protection and aesthetic enhancement of property, the privacy of its occupants, the screening of objectionable views or uses and the reduction of noise within the PRD tract, PRD sections and offsite.

3. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.

4. Utilities.

a. Sanitary Sewage Disposal. PRDs. shall only be permitted in areas designated for sewer service as identified in the Centre Region Act 537 Plan, as amended. All requirements of

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the Pennsylvania Department of Environmental Protection (PA DEP) shall be complied with.

- b. Water Supply. All PRDs shall connect to public water authority/company mains. All water mains and laterals shall meet the design and installation specifications of said water authority/company.
- 5. Impervious surface information shall be provided per section/phase such that the total ground floor area of all buildings and structures shall not exceed 30% of the total area of the PRD. Maximum impervious surfaces shall not exceed 50% of the total area of the PRD.

**D. Residential Density.**

- 1. In this Section, where the word “former” is used, said word shall refer to the zoning classification of a parcel of land prior to its having been re-zoned PRD (planned residential development) under the provisions of this Part.
- 2. The Board of Supervisors may permit up to and including the densities listed below, provided that the development exhibits continuity of land use and transportation connectivity in overall site design, provides maximum open space and encourages safe and connected pedestrian movement throughout. Each PRD shall consist of an appropriate mix of dwelling types.

<u>District</u>	<u>PRD Density</u>
R1B	5 units per acre
R-1	5 units per acre
R-2	10 units per acre
R-3	15 units per acre
R-4	20 units per acre
Commercial Districts	20 units per acre
Light Industrial	20 units per acre
Research and Development	20 units per acre

- 3. The minimum common open space to be provided within the PRD shall be in accordance with the following chart. Common open space (COS) is the portion of the gross tract area of the PRD which is specifically dedicated to passive and/or active recreational activities, and is freely accessible to residents, property owners and tenants of the PRD. Up to 75% of the onsite stormwater management facilities may be included in the common open space calculation.

<u>Residential Dwelling Units Per Acre</u>	<u>Required Common Open Space Percentage</u>
1 - 4.9	10
5 - 9.9	12
10 - 14.9	15
15 - 19.9	20

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>20	20
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4. The computation of overall residential dwelling units per acre of land of a planned residential development shall be rounded to the nearest tenth (0.1) and shall not include the area of lands intended for commercial or industrial purposes, churches or other public or nonresidential uses within the planned residential district. Common open space shall be included in the computation.
5. The total acreage and percentage of acreage to remain as common open space throughout the entire development and in each phase shall be provided on the plan.

E. Common Open Space.

1. The Board of Supervisors may not approve a planned residential development unless the common open space meets the following standards:
  - a. The location, size, shape and character of the common open space shall be provided in a manner to meet the needs of the planned residential development and the criteria of the Subdivision and Land Development Ordinance.
  - b. Common open space shall be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.
  - c. Adequate access shall be provided to the open space from all dwelling units in the PRD. This includes providing connections to existing and proposed sidewalks and bikeway systems as well as greenways, trails or other pedestrian access facilities.
  - d. A minimum of 50% of the required open space shall be contiguous land.
  - e. A minimum of 50% of the required open space shall be suitable for recreation purposes (i.e., no floodplain, wetlands, steep slopes, sinkholes).
  - f. Common open space must be suitably improved for its intended use, but common open space containing natural features, existing trees and ground cover worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space having regard to its topography and unimproved condition.
  - g. The development schedule which is part of the development plan must coordinate the improvement of the common open space, the construction of buildings, structures and improvements in the common open space, and the construction of residential dwellings in the planned residential development.
  - h. The use and improvement of the common open space shall be planned in relation to any existing or proposed public or semipublic open space which adjoins or which is within 1,500 feet of the perimeter of the planned residential development.
2. All land shown on the final development plan as common open space shall be conveyed in either of the following ways, at the discretion of the Board of Supervisors:
  - a. To the Township of Ferguson. The Township may accept or reject all or part of the common open space in dedication.

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- b. To an organization for the ownership and maintenance of the common open space, which organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise, without first offering to dedicate same to the Township of Ferguson
- c. In any event, the common open space, after being approved on the final land development plan shall be used thereafter for no other purpose than as specified on the final development plan.

**F. Perimeter Requirements.**

- 1. 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:
  - a. 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.
  - b. Structures located on the perimeter of the planned residential development must be permanently screened if required by the Board of Supervisors.
- 2. The above subsections are intended to provide adequate privacy to the proposed structures and uses of the PRD from adjacent incompatible structures or uses.

**G. Post Final.**

- 1. 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 (5) 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.
- 2. 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.
  - a. Minor changes in the locating, siting and height of buildings, structures and re-arrangement 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.
  - b. All other changes in use, any re-arrangement of lots, blocks and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final development plan must be made by the Board of Supervisors, under the procedures authorized for final plan approval. No amendments may be made to the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Township.

**H. Additional Applicable Ordinances and Laws.**

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1. The plans required under this Section shall be submitted in a form which will satisfy the requirements of the Subdivision Regulations [Chapter 22] for the preliminary and final plans required under those regulations, and land development plans under this Chapter. [Ord. 820]
  2. The plans required under this Section shall be submitted in compliance with the Township’s Stormwater Management Ordinance [Chapter 26, Part 1].
  3. This Part is enacted pursuant to Article VII of the Pennsylvania Municipalities Planning Code, which provisions shall apply whether or not specifically set forth herein.
  4. Any other ordinance of the Township governing construction of buildings.
- I. Appeals Procedure. Any decision of the Board of Supervisors granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitations as provided for appeals under this Chapter.

**§27-303. Traditional Town Development (TTD).**

A. Overall Intent.

1. The intent of the adoption of these development regulations is to sanction, promote, and facilitate the development of fully integrated, mixed use, pedestrian- oriented neighborhoods in areas of the Township that are most appropriate for this type or style of development. The basis for such design influence is the desire to minimize traffic congestion, suburban sprawl, and environmental degradation. These regulations, administered jointly with the associated Design Manual found in Chapter 22, are designed to diversify and integrate land uses within close proximity to each other and to provide for the daily recreational and shopping needs of residents and those who work within the Township. The combined application of these standards is anticipated to produce sustainable, long-term development which enhances the quality of life, and to ensure the highest possible economic and social benefits for all residents.
2. Further, it is the intent of these standards, in conjunction with the Design Manual (See Chapter 22), to encourage innovation and promote flexibility, economy, and ingenuity in development and to be consistent with the goals and objectives enumerated by the provisions of Article VII-A of the Municipalities Planning Code (MPC). All such development within the Township is intended to be designed as an outgrowth or extension of existing development or urban infill. As a result, the establishment of the TTD Zoning District is consistent with the provisions of §702- A(1)(ii) of the MPC. The application of flexible design standards and increases in the permissible density of development which are specified below, are dependent on the extent to which each proposal identifies the ability to successfully achieve the goals enumerated herein.
3. An applicant wishing to receive approval of a Traditional Town Development within the Township shall submit plans in accordance with procedures provided under §27-904.

B. Relationship to Other Township Requirements. The following criteria of the Township Code, as amended, remain applicable to development within the TTD District, whether the design is for a Traditional Town Development:

1. Chapter 19, Signs and Billboards.

<b>Section No.</b>	<b>Section Title</b>
§19-105	Construction Specifications
§19-106	Prohibited Signs

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§19-107	Exempt Signs
§19-108	Temporary Signs
<b>Section No.</b>	<b>Section Title</b>
§19-110	Residential Use
§19-113	Permits
§19-114	Review of Existing Permanent Signs
§19-117	Administration and Enforcement
§19-118	Violations and Penalties

2. Chapter 21, Streets and Sidewalks in its entirety.
3. Chapter 22, Subdivision and Land Development in its entirety, except Section 503 Blocks.
4. Chapter 25, Trees.
5. Chapter 26, Stormwater Management in its entirety.
6. Chapter 27, Zoning.

<b>Section No.</b>	<b>Section Title</b>
§27-101	Short Title
§27-102	Authority
§27-103	Purpose
§27-104	Community Development Objectives
§27-105	Establishment of Controls
§27-201	Establishment and Purposes of Zoning Districts
§27-401	Corridor Overlay District Requirements
§27-701	Floodplain Conservation
§27-702	Slope Controls
§27-703	Nuisance Standards

Chapter 27, Zoning continued.

<b>Section No.</b>	<b>Section Title</b>
§27-704	Outdoor Storage
§27-705	Sewage Disposal
§27-707	Landscaping
§27-905	Occupancy Permits
§27-906	Violations and Penalties
§27-907	Appeals
§27-908	Amendments



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§27-1101 Language Interpretations

§27-1102 Definitions

Where specific reference is made to one or more provisions of other Chapters of the Code of Ordinances, only those regulations so referenced will be applicable where they are not in conflict with standards found herein. Further, where requirements of the ordinance reference standards for off-street parking, only 60% of such spaces may be accommodated off-street in the TTD. The remainder of the required parking will be provided with on-street spaces, or nearby shared parking facilities. No spill-over parking is required.

With regard to landscaping, the applicable provisions of Part 7 shall include only § 27-707.A - M and O.1 - 4. However the Township's official plant list shall be applicable in all instances.

All portions of Part 10, Zoning Hearing Board, Part 11, Definitions, and §27-101 to (but not including) §27-205, are also applicable to development under the provisions herein.

The Board of Supervisors may allow for modification of the design standards applicable to a Traditional Town Development provided for in this Section, including but not limited to compactness, pedestrian orientation, street geometry or other related design features, in accordance with the standards applicable to the grant of modifications under Chapter 22, Subdivision and Land Development, §22-105.

### C. Site Plans.

#### 1. Land Use Standards.

- a. 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.c.2:

##### 1) Residential.

- (a) Single family attached, detached and semi-detached units.\*\*
- (b) Accessory residential units.
- (c) Zero lot line units.
- (d) Two-family dwellings.
- (e) Multi-family dwelling units.
- (f) Mixed-use buildings.

\*\*When 100 or more dwelling units in a Traditional Town Development are under common management, each such dwelling unit under such common management may be used by one family or up to five unrelated persons, subject to the permitted occupancy of the dwelling as determined by the Centre Region Code Office in accordance with the provisions of the Ferguson Township Housing Code.

- 2) Recreational, Cultural, and Civic or Community Facilities. Parks, playgrounds, greenways, trails, squares, commons, plazas, courtyards and public areas, shared use paths, arts and artisan studios, museums, community theaters, libraries, music; dance; martial arts; or exercise studios, health clubs, lodges, fraternal organizations,

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amphitheaters, community gardens, civic service clubs, private or charter schools, community centers, government buildings such as municipal offices, fire/police/emergency services facilities, community meeting facilities, post offices, places of worship, educational facilities, transit facilities.

3) Commercial.

(a) Food Services. Eating and licensed drinking establishments such as: bakery, butcher shop, café (including outdoor spaces), catering, coffee shop, delicatessen, neighborhood grocer, ice cream and confections, restaurant (not including drive-through service), diner, neighborhood market/farm market.

(b) Entertainment. Studios, galleries, and performance arenas such as: community theater, playhouse, comedy club, art gallery, cinema, photography and handicraft studios and associated sales.

(c) Retail. Sale, service, and rental of a limited range of goods such as: book store, florist, antique or gift shop, apothecary/pharmacy (not including drive-through service), jewelry, hardware, dry goods, clothing, toy, or home accessories store, lighting, music store including instruments and recordings, bikes, skateboards, skis, and exercise equipment, mixed-use buildings.

(d) Services. Personal service shops, businesses and professional offices such as: barber, beautician, day care, hair/nail salon or spa, home occupations and no impact home based businesses, administrative, or financial offices (not including drive-through service), medical/dental offices, frame shop, laundromat, shoe repair, tailor, phone store, accountant, architect, day care center, health club, community center, government buildings, law offices.

(e) Accommodations. Overnight lodging places such as: bed and breakfast, hotel, inn.

4) Prohibited Uses. Uses which are expressly prohibited in a Traditional Town Development or associated Mixed Residential Area shall include:

Heavy or light manufacturing; storage or distribution as a principal use; outdoor advertising or billboards; prisons; detention centers; scrap yards; kennels; sand, gravel, or other mineral extraction; cemetery or crematorium; mobile home park; automobile sales, service or repair; car wash; hospital(s); personal care homes; bulk fuel storage; heavy equipment storage, sales, or rental; warehouse; drive-through or drive-in establishments; food processing and/or packing; fuel generation; landfill; campgrounds; manufactured home sales or storage; automobile storage facilities; shopping centers; free-standing telecommunications towers; truck terminals; waste transfer facilities; adult business uses; convenience food stores that include gas sales; race track, riding stable, self-service storage facilities; dormitory; surface mining operations; motels; and non- municipally owned surface parking lots that constitute the principal use of a property.

b. Height. 35% of the all commercial structures shall have two or more stories, with upper stories occupied by residential or office uses above first floor permitted non-residential uses.

c. New residential structures within a TTD shall be no more than three stories. Multi-family, commercial, or mixed-use structures shall not exceed eight stories.

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- d. Accessory Uses. Garage apartments, elder cottages, or in-law quarters may be made available as accessory uses to single-family dwellings in accordance with the criteria below, when the single-family dwelling is the principal use of the lot.
    - 1) Accessory Unit Criteria.
      - (a) Accessory dwellings may be attached, or separate from the principal dwelling.
      - (b) No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
      - (c) The accessory dwelling shall be owned by the same person as the principal dwelling.
      - (d) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from the street in conformance with Township standards.
      - (e) The maximum first floor area/footprint of a detached accessory dwelling shall not exceed 600 square feet. Space within this structure may combine living quarters with workshop, studio, or other similar use up to a maximum of 800 square feet.
  - e. Workforce Housing. Workforce housing shall comprise an element of each development and will be incorporated at a minimum rate of 1:10 residential units.
    - 1) This housing shall not be segregated or clustered within a neighborhood and, from the exterior, will provide no evidence that distinguishes it from market-rate units.
    - 2) No more than two adjacent lots may contain such units.
    - 3) No more than four lots along any one block width or block length may contain such units.
  - f. Frontage. All buildings shall front on a street or public space and the main pedestrian entrance shall be from this front facade.
2. Diversity.
- a. TTD Standards.

**Permitted Percentages**

	<b>Minimum %</b>	<b>Maximum %</b>
Residential* (of total acreage)	35%	70%
Single family detached	5%	45%
Single family semi-detached	10%	40%
Single family attached	15%	35%

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	<b>Minimum %</b>	<b>Maximum %</b>
Residential*		
Multi-family	5%	50%
Live-work units (of total units)	—	5%
*A minimum of 80% of all residential units must be designed to permit fee simple conveyance		

	<b>Minimum %</b>	<b>Maximum %</b>
Commercial (of total acreage)	15%	40%
Vertical mixed use: including any combination of commercial, office and residential uses. (of total square footage)	15%	—
Recreational, cultural, and community facilities (of total acreage)	50%	—

b. Mixed Residential Area Standards.

- 1) These areas, associated with an existing or proposed TTD, shall follow the above requirements with the exception of the minimum percentage applied to commercial land uses. Commercial uses shall be permitted at appropriate intensities, but not required for such areas.
- 2) Where no commercial development is proposed in a Mixed Residential Area, the 20% land area required to be dedicated for such uses in a TTD shall, instead, be dedicated to some combination of the following: live/work; recreational, cultural, and community facilities; or small lot (4,000 - 8,000 sq.ft.) single family residential uses. This 20% shall not be consumed by any single one of these alternative uses.

In order to qualify for development as a Mixed Residential Area, the availability of a variety of retail, office, and/or business opportunities must be existing or proposed within walking distance (¼ mile) of 90% of any proposed dwelling units. This area must be accessible by a variety of transportation modes and provide safe pedestrian access. Additionally, the acreage of such non-residential area shall constitute a minimum of 20% of the acreage intended to be developed as a Mixed Residential Area, and the composition of the existing non-residential area must contain a mixture of retail, entertainment, service, and business/professional offices.

3. Blocks.

a. Standards.

- 1) Lot Sizes. Lot sizes within the block shall vary to assure housing diversity and to meet the projected housing needs of the community. Additionally, all lots shall conform to

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the provisions of the Subdivision and Land Development Ordinance, §22-504.A.1, .2, and .4.

- 2) Required Mixture. A mix of housing types shall be provided within blocks.
  - (a) Townhouse units must be dispersed among a variety of other residential and/or non-residential uses and may also be segregated in clusters of single residential-type buildings.
    - i. The maximum number of townhouse structures that may be located adjacent to each other when the townhouse dwellings are established on individual lots is six .
  - (b) A maximum of 10% of the single family detached units provided shall be designed to include an accessory dwelling unit. These accessory units may be located within the principal building or an accessory building but shall not exceed 800 total square feet. All properties designed to accommodate such units shall be designated at the time of plan submission.
  - (c) A maximum of 5% of the single family detached units may be designed as cottages, patio homes, or other one-story dwellings. The maximum footprint of such units shall be 1,500 square feet each. Such units shall not be located on or adjacent to the main public square or green (minimum size 20,000 sf).
  - (d) Mixing of uses is desired within structures as well as between and among individual lots.
    - i. Non-residential mixed-use structures are subject to the square footage restrictions as provided below for commercial/retail uses. They may, however, include other employment opportunities such as professional office(s) or those related to the service industry as well as civic uses.
    - ii. In order to count toward the required percentage of commercial development, a mixed use structure must have the entire ground floor dedicated to commercial development. Likewise, to be credited to the required civic element, the entire ground floor must be dedicated to a qualifying civic use. However, in some instances, an auxiliary use that supports and is complementary to the approved civic use may be incorporated. Additionally, in a commercial or civic core proposed as an element of the TTD, structures with multiple dwelling units and no non-residential uses are permitted as long as they do not comprise more than 10% of the total square footage of all nonresidential uses in such core area.
    - iii. Mixed-use structures which are primarily residential may include up to 66% of their floor area in neighborhood commercial uses as long as the available access and parking are shown to be adequate to accommodate the anticipated patrons.

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(e) Lot sizes shall be consistent with the following dimensions:

<b>Type</b>	<b>Lot Size</b>	<b>Width</b>	<b>Depth</b>
Single family detached	Max: 12,000 sf Min: 1,700 sf/unit	Max: 75'	Min: 60'
Single family semi-detached	Max: 10,000 sf /unit Min: 3,000 sf /unit	Max: 60'/unit	Min: 60'
Single family attached	Max: 6,000 sf /unit Min: 1,100 sf /unit	Min: 20'/unit	Min: 50'
Multi-family	Max: 65,000 Min: 35,000	Min:36' Max:144'	-----
Live/work units and other mixed use structures outside of any retail core	Max: 15,000	Min: 36' Max: 108'	
Mixed use in a substantially commercial area	Max: 25,000	Min: 45 Max: 135	
Civic, cultural, and community facilities	-----	-----	-----
Commercial	Max: 200,000 sf	Min:36' Max:250'	

(f) Residential and non-residential unit sizes shall be consistent with the following:

<b>Type</b>	<b>Size</b>
Retail	Maximum non-residential building footprint: 60,000 square feet max: 15,000 sf/unit or leasehold except grocery stores which may consume the entire permitted footprint of 60,000 square feet.
Anchor Retail	Located at prominent intersections or focal points of the civic/commercial core - maximum 60,000 square feet. No more than one such unit for every 50,000 square feet of non-residential development.
Apt/Condo	Min: 600 square feet

(g) Multiple non-residential structures may be provided on a single parcel provided that each structure is separated by a minimum of 20 feet and site amenities such as plazas, courtyards, park space, greens, or other such facility is incorporated to break up the massing of the structures. Such amenities shall also feature benches, plantings, fountains, or other element(s) that typically define a public space.

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(h) The maximum impervious coverage for the overall Traditional Town Development is 85%.

(i) The maximum building footprint permitted on each lot, regardless of use, is 85%.

4. Density and Setbacks.

a. Standards.

- 1) Permitted Density. The density permitted within the Traditional Town Development shall be up to 20 residential units per acre provided that the development exhibits good project design, provides maximum open space, and encourages pedestrian orientation and movement throughout. In areas which are designed for community, mixed use, or commercial development, no density limit will be applied. However, this acreage must be subtracted from the overall acreage of the site when calculating the permitted density.
- 2) Required Density. While some phases of the development may be less intensely developed than others, an average minimum density of seven residential units per acre must be maintained for development of the entire TTD or associated Mixed Residential Area. This calculation must exclude any acreage which accommodates civic, mixed use, or commercial development, as well as any accessory dwelling units associated with such areas.
- 3) Distance from Open Space. All dwelling units shall be situated within 1,000 feet of a commons, square, greenway, park or playground.
- 4) Maximum Setback. The maximum 20 feet setback for residential structures may be increased by up to 10 feet for dwelling units fronting on a collector street.
- 5) 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 6 feet. Piers, fence posts and gateways in the front yard may have a maximum height of 5 feet, and trellises and similar features may have a maximum height of 9 feet. Fence height restrictions on corner lots shall be subject to the preservation of adequate clear sight per §27-206.F.
- 6) Prohibited Fence Types. Chain link, concrete block, unfaced concrete, plastic, fiberglass, plywood, slatted "snow" fences and mesh "construction" fences are prohibited.
- 7) Faux wood-type fencing, manufactured from plastic or fiberglass, may be approved.
- 8) Garage Setback. Front entry garages shall maintain a front yard setback of a minimum of 10 feet.

Garages, whether attached or detached, shall be subordinate to the primary structure on the site. Detached garages shall be located to the side or rear of the principal structure and, where possible, accessed from the side or rear. Residential units which front on mixed-use collector or mixed-use sub-collector streets are required to utilize rear access (e.g. from a lane or alley).

(a) Width. When a garage must be attached, those which have access from the front shall not consume more than 40% of the width of the lot.

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- (b) Access. Garages associated with townhouse or live/work units shall either be integral to the structure or oriented to the rear and accessed by a lane or alley.
  - 9) Privacy. Spacing between structures shall be provided to ensure privacy and sufficient light and air. Although no minimum side yard setbacks are mandated for residential uses, each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used as appropriate, for the protection and aesthetic enhancement of property, the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
  - 10) Side Yard Setback. A minimum side yard setback of 6 feet is suggested for all detached residential buildings, and the end units of residential structures containing multiple units of occupancy.
  - 11) Rear Yard Setback. A minimum rear yard setback of 25 feet is applicable to all primary dwelling units. However, accessory structures and detached garages shown on the approved plan may be set back only 5 feet from the rear lot line. The rear yard setback for primary dwelling units, accessory structures and detached garages from an alley may be reduced to 0 feet.
  - 12) Front Setback. Structures which are designed for commercial, light industrial, or mixed-use purposes, shall have a minimum front setback of 0 feet and a maximum front setback of 25 feet. However, such structures shall maintain a minimum of 65% of their frontage along the sidewalk's edge (zero setback).
    - (a) For all non-residential structures, a minimum of 50% of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
    - (b) Mixed-use structures that are located in a predominantly residential context may be setback in a manner that maintains general alignment with the facades of other structures within the block.
5. Landscaping.
- a. Standards.
    - 1) Street Trees. Street trees shall be provided. At a minimum, they shall be located along each side of all existing or proposed streets as well as within the median of any proposed parkway or boulevard. Medians may also contain shrubs and plant groundcover. Street trees shall be in accordance with Chapter 25, "Trees."
    - 2) Landscape Plan. A landscape plan, as required by §27-904.H.4(a) shall be prepared by a registered landscape architect and shall illustrate the project's conformance with the above requirements.
6. Streetscape Elements.
- a. Amount. For every 1,000 square feet of nonresidential floor area proposed to be developed, 20 square feet of public space (not including standard sidewalk dimensions) shall be provided. As noted previously, public space may comprise up to 10% of the required open space.



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- b. Public space may also be provided to enhance the exterior of multi-family residential structures as noted in the TTD Design Manual.
7. Signage/Lighting.
- a. Standards.
    - 1) Type. Signage designed to serve pedestrians within the community may include directional and informational signage regarding destinations such as parks, museums, shopping districts, transit stops, parking, bikeways, or entertainment locations. Information for pedestrians may also be displayed on kiosks or in other designated areas. A coordinated signage plan should be established in order to provide the appropriate amount of signage with a consistent appearance. A common style, established by size, shape, material, and/or lettering is expected.
    - 2) Appearance. Signs must have a consistent vocabulary of heights, sizes, shapes, materials, colors, and lettering. Signs should not be identical in all respects, just similar in a few.
    - 3) Street/Traffic Signs. All street and/or traffic signage located within the public right-of-way shall comply with the Township standards for such infrastructure.
    - 4) Applicability of Chapter 19. All signs shall be subject to the provisions of Chapter 19, §19-105, "Construction Specifications," §19-106, "Prohibited Signs," §19-107, "Exempt Signs," §19-108, "Temporary Signs," §19-110, "Residential Use," §19-113, "Permits," §19-114, "Review," §19- 117, "Administration and Enforcement," and §19-118, "Penalties."
    - 5) Square Footage. Each non-residential establishment shall be permitted a total of 35 square feet of signage which may be applied among the following four sign types:
      - (a) Projecting Wall Sign. A projecting wall sign may be permitted provided that the lower edge of the sign is a minimum of 10 feet above grade, but does not extend more than 6 feet from the wall of the structure and not higher than the first floor or 15 feet, whichever is less. A projecting wall sign shall not exceed 10 square feet in area.
      - (b) Flat Wall Sign. A flat wall sign that does not exceed 15 square feet in area and that is mounted on either side of a doorway or between the first and second floors of a multi-story structure may be permitted.
      - (c) Awning Sign. An awning sign may be used in lieu of or in combination with a flat wall sign provided that the following standards are met:

Awning signs shall maintain a clear height of at least 10 feet and maximum projection of 6 feet from the face of the structure. Material shall be canvas cloth or an equivalent material, but in no case shall shiny or reflective material, metal, plastic, or fiberglass be permitted. Lettering shall be limited to 12 inches vertically.
      - (d) Free Standing Sign. A free-standing sign may be permitted provided it does not exceed 10 square feet in area and 9 feet in height. Free-standing signs must be located within 12 feet of the structure.

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- 6) Sandwich Board Sign. One sandwich board-type portable sign may be permitted in addition to the above total of 35 square feet of signage permitted per establishment provided it is no more than 6 square feet per side and is displayed only during normal business hours.
  - (a) Placement. The portable signage may be placed on the sidewalk immediately in front of the establishment provided that a 5-foot clear pedestrian passage is maintained.
- 7) Illumination. Backlit and internally illuminated signs are not permitted in the TTD or associated Mixed Residential Area. Illumination shall be from a concealed, indirect source only. If a sign is located on an exterior wall, awning, canopy or marquee, only the section which contains and is defined as the sign may be illuminated to the maximum permitted size of the sign.
- 8) Glare. All signs shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.
- 9) Lighting Plan. A comprehensive lighting plan in accordance with §27-904.H.4(g) must be provided for the TTD and/or Mixed Residential Area. Such plan must include, at a minimum, architectural details and specifications for all proposed fixtures, luminaries, and standards, maintenance and replacement plan for lighting fixtures, and photometric details.
- 10) Lighting Locational Requirements. Lighting shall be provided at Street intersections, entryways to commercial or multifamily uses, and in parking areas as well as for pedestrian safety in areas between parking areas and these uses.
- 11) Lighting Scale and Intensity. All light posts and fixtures shall be pedestrian friendly as measured by scale and harshness of the light source. The style and size of fixtures shall be appropriate for the size and massing of associated structures, the surrounding public space, and the unified concept of the TTD and/or associated Mixed Residential Area (e.g., wall mounted, sidewalk lamps, bollards, landscape up lighting, etc.)
  - (a) The level of lighting provided shall range between 0.5 and 2.0 footcandles dependent on the volume of both pedestrian and vehicular traffic and the location of the intersection or walkway.
  - (b) Fixture pole heights shall not exceed 14 feet except where necessary to provide effective lighting for parking areas and high volume intersections. In such cases, a maximum height of 25 feet is permitted.
  - (c) Fixtures shall be provided, at no greater than 80-foot intervals, along sidewalks and within parking areas.
  - (d) To impact energy efficiency, the use of LED lamps is required, and solar powered and motion sensitive fixtures is encouraged.
  - (e) All light fixtures that are proposed in the public right of way that will be dedicated to the Township shall be consistent with the requirements of the Township Street Standards.

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- 12) Applicability of Chapter 4. Regulations regarding the placement, shielding, and intensity of lighting found in Chapter 4, Part 1, "Outdoor Lighting Regulations," remain applicable to the extent that they are not in conflict with the above provisions.
8. Storage and Loading Areas.
    - a. Standards.
      - 1) Visibility. Service areas for non-residential structures, including areas for storage and/or loading, shall not be visible from major pedestrian ways or neighboring residential areas.
      - 2) Storage Areas. Storage areas for live/work units, mixed-use buildings, civic uses and multi-family dwellings shall be integrated into overall building design.
      - 3) Screening. Adequate capacity for the storage of trash, recyclables, and compostables shall be provided. Service, loading, and trash disposal areas shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such screening shall consist of a combination of architectural masonry (or fencing) and landscaping with a height of at least 6 feet.
      - 4) Service Entrances. For commercial uses, service entrances shall be separate from those used by customers. When feasible, the location of service areas should be coordinated with adjacent properties so that the size and number of driveways and other paved surfaces can be minimized.
      - 5) Off-Street Loading Areas. Off-street loading shall be accommodated whenever possible. Such spaces shall be a minimum of 12 feet in width, 45 feet in length, and have a vertical clearance of at least 14 feet. Every non-residential use with a floor area of at least 5,000 square feet should provide at least one such off-street space. Curbside deliveries are permitted only so long as they do not occupy on-street parking spaces or block travel lanes.

**§27-304. Terraced Streetscape (TS) District.**

- A. Specific Intent. It is the intent of this district to encourage innovation and to promote flexibility, economy, and ingenuity in development within the TS District for the purpose of allowing for an increase in the permissible density, or intensity of a particular use, based upon the standards, criteria and incentives set forth herein and in Chapter 22. The application of design standards and any permissible increases in density or mix of uses shall be dependent on the extent to which a project is consistent with and achieves the following design objectives and goals:
  1. Establishes a pedestrian-oriented district that accommodates and encourages pedestrian and other multi-modal travel alternatives by including sidewalks, greenways, and/or bike path linkages and does not promote vehicular travel.
  2. Promotes development that creates shared parking facilities through the use of either surface parking lots or structured parking and decreases curb cuts by encouraging a "park once" approach to servicing retail and residential development.
  3. Promotes viable public transit by developing at an appropriate density with attention to transit routes and by providing transit stops or hubs within the proposed district.

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4. Provides opportunities to integrate age and income groups through the provision of a wide range of housing alternatives that are suitably mixed throughout the zoning district.
  5. Promotes development that, through the use of distinctive architectural elements and siting criteria, creates community character.
  6. Utilizes increased building height and mixed uses to achieve a more compact development footprint and efficient pattern of development while utilizing existing infrastructure.
  7. Promotes development that creates and retains a human-scaled context.
  8. Encourages energy efficiency, sustainable development, and green construction.
  9. Allows for small scale retail and entertainment uses that contribute to and enhance evening and weekend activity in the corridor.
- B. Use Regulations. A building may be erected, altered, or used and a lot may be used, or occupied, for any of the following purposes and no other:
1. Permitted principal uses, subject to the lot sizes as set forth, below, as well as the maximum square footage criteria as specified.
    - a. Conversion of an existing single-family detached dwelling unit to include accommodation of a non-residential use such as art studio, gallery, handicraft or photography studio, or professional office(s).
    - b. Conversion of an existing dwelling from apartment units back to a single-family dwelling.
    - c. Reconstruction of a single-family dwelling unit that exists at the time of adoption of this Section and is subsequently destroyed or partially destroyed by any means to an extent of 75% or more of the market valuation of all structures and other improvements on the lot as per the provisions of §27-803.C, herein, only as long as such unit is designed to incorporate the nonresidential uses identified in § 304.B.1.a above. All such properties shall be designed to comply with all provisions of the district when reconstructed.
    - d. Playground, greenway, trail, square, commons, plaza, transit area, courtyard or public area, community gardens.
    - e. Bed and breakfast with no accessory services.
    - f. Farm market (seasonal).
    - g. Retail sale, service or rental of basic convenience commercial goods and services such as, but not limited to, books, flowers, antiques, gifts, jewelry, or music.
    - h. Business or professional office.
    - i. Vertical mixed use building involving a combination of uses authorized uses.
    - j. Hotel.
    - k. Eating establishment.
    - l. Brewery, Cideries and Craft Distilleries (beverage production facilities).
    - m. Community theater or play house.

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- n. Non-profit or civic service agency.
  - o. Pharmacy with no drive-through.
  - p. Health club.
  - q. Bank or financial office with no drive-through.
  - r. Eating and licensed drinking establishments with no drive-through.
  - s. Salon or spa.
  - t. Medical/dental office.
  - u. Structured parking when provided as part of or accessory to a proposed vertical mixed use structure.
  - v. Multi-family dwelling units (other than University Housing) only if part of a vertical mixed use structure; no more than three unrelated individuals may reside in each dwelling unit.
  - w. Gallery, handicraft, art, or photography studio, professional office for accountant, architect, attorney or similar profession.
  - x. Uses associated with private or public institutes of higher education; in this zoning district, these shall be limited to the following principal uses: classrooms, research facilities and labs; administrative and faculty offices, and residence halls for graduate and undergraduate student housing only when staffed, owned and operated by the University which the students attend.
2. Lots up to and Including .39 Acres. The permitted principal uses as set forth in §27-304.B.1(a) through (f) only.
3. 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:
- a. Any structure that will be located on the corner of a lot that is at least 0.40 acres in size and that involves an intersection with West College Avenue must address both frontages (no blank walls) and be a minimum of 55 feet in height. The structure shall be designed in accordance with the applicable provisions of Chapter 22. The facade of buildings on corner lots may be accentuated by towers, corner building entrances or other distinctive elements; however, all structures on such lots shall be designed to architecturally enhance the corner location and all effort shall be made to ensure that such structure is a signature building within the district.
  - b. The entire first floor of all structures located on lots that have frontage on West College Avenue must be devoted to retail or commercial uses permitted in the district.
    - 1) To allow pedestrian access to office, hotel, or residential uses located above street level, lobbies may be allowed within the required retail storefront space; provided, that street frontage of the lobby is limited relative to the property's overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.

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- c. Any vertical mixed use building not fronting on West College Avenue must dedicate a minimum of 50% of the first floor square footage of the building to nonresidential uses as specified.
4. Lots or Combined Lots Totaling 1 Acre or Larger. All permitted principal uses as set forth above subject to the same criteria as identified in §27-304.B.3(a) through (c) above.
5. Conditional Uses. All of the following conditional uses shall be permitted only upon a lot, or combined lots, that total 1 acre or larger upon approval by the Board of Supervisors:
  - a. Any use not specifically permitted within the TS District that is deemed to be an acceptable use due to its consistency with the stated intent of the district, and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.
  - b. Any use not specifically excluded in §27-304.B.6 that would be deemed to be an acceptable use within the TS District and is consistent with the stated intent of the district and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.
  - c. Conference center subject to the following criteria:
    - 1) Maximum building footprint of 30,000 square feet.
    - 2) All parking must be provided in an on- or off-site parking structure.
    - 3) The building must adhere to the design requirements in Chapter 22 and must have lot frontage on West College Avenue.
    - 4) The “center” may include eating and sleeping accommodations if incorporated in a manner that is consistent with the intent of the district.
  - d. Uses accessory to permitted principal uses, subject to the following criteria:
    - 1) The proposed accessory use is associated with a use specifically permitted in the district.
      - (a) The proposed accessory use is complementary to the specific intent of the TS Zoning District and the West College Avenue streetscape.
      - (b) Sufficient parking exists or can be established to support the proposed accessory use under the parking standards specified in this district.
      - (c) Conformance with the criteria found in §27-204.
  - e. Structured parking as a stand alone structure subject to the following criteria:
    - 1) Conformance to the design requirements as stipulated in Chapter 22 as they pertain to architectural scaling elements; building materials and other design considerations that minimize the monotony of repetitive structural elements by varying the facade treatments from bay to bay, integrating planter walls, and/or incorporating landscaping along long undifferentiated expanses of wall.
    - 2) Must be wrapped at ground level with retail or other activity- generating use(s) permitted in the district. Any portion of the ground floor that does not incorporate retail

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- or service-oriented uses must provide additional landscaping to create a separation from pedestrian activity.
- 3) Minimize the dominance of the vehicular entrance and provide a human scale and pedestrian orientation along any street frontage.
  - 4) Must be established through a public-private partnership with the Township and/or developer of a separate site in the district.
  - 5) No access to the structure is permitted from the West College Avenue corridor. Access must be provided from a cartway that parallels the corridor. Vehicles may exit onto West College Avenue; however, depending on the location, may be prohibited from making a left turning movement.
  - 6) Maximum height 60 feet. Fifteen feet may be added through the use of incentives as specified in §27-304.C.1(b)(3) below.
- f. Structures (other than parking structures) above 55 feet subject to the following criteria:
- 1) The structure does not exceed 75 feet in height, including all rooftop appurtenances other than solar panels or rooftop wind energy conversion systems.
  - 2) The appearance of any portion of the facade between 55 feet and 75 feet is distinguished from the facade treatment/material of the portion of the structure between 35 feet and 55 feet per the design requirements in Chapter 22.
  - 3) Any vertical mixed use structure that contains more than two floors devoted to residential units must provide full-time, on-site management.
  - 4) The application of sufficient incentives from §27-304.C.2, below, to reach a height above the permitted 55 feet.
6. Prohibited Uses. Only those uses specifically identified above or found to be consistent with the intent of the district are permitted in the TS District. The following represent some, but not all, of the uses that are specifically prohibited in the TS District:
- a. Convenience stores with fuel pumps.
  - b. Vehicle garages and repair shops.
  - c. Adult entertainment.
  - d. Equipment rental.
  - e. Motor vehicle display, repair, and sales.
  - f. Child daycare/preschool.
  - g. Private and public K-12 schools.
  - h. Private recreation areas, arenas, and stadiums.
  - i. Car wash.
  - j. Motels.
  - k. Drive-through.
  - l. Surface parking lots that are not an accessory use to and required by a permitted principal use or approved conditional use on the same lot.

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7. All development in the TS District is subject to the design standards found in Chapter 22.

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

1. Maximum Height.

- a. Lots up to and including .39 acres and any lot that does not have lot frontage on West College Avenue (an arterial): 35 feet; incentives may not be applied to increase this height.
- b. Lots of .40 acres and up with frontage on an arterial street:
  - 1) By right maximum of 55 feet; 55 feet required on corner lots of this size.
  - 2) Additional height up to 75 feet for lots of at least 1 acre may be obtained through the use of incentives set forth in §27-304.C.2 below; use of any incentive(s) other than paragraph .B(2) retains the requirement to obtain conditional use approval.
  - 3) Maximum height of parking structures is 60 feet, not including any underground parking levels. Additional height of up to 15 feet may be added specifically to this use if a minimum of 50% of the roof is planted as a green roof or roof garden, or if a wind energy conversion system, and/or solar panels are placed on the roof and provide energy for the parking structure and/or adjacent structures.
  - 4) Minimum height of all structures on lots of this size other than corner lots which are subject to subparagraph (B)(1) above: A street wall at least two stories or 30 feet in height (whichever is greater) shall be maintained for a minimum of 65% of the length of the lot frontage through placement of the principal structure or extension of its facade with an appropriate architectural element.

2. Building Height Incentives.

- a. 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.
- b. 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.
- c. If 10% of the total residential units in a vertical mixed use building are established and maintained as owner occupied workforce units, an additional 20 feet may be added to the permitted maximum.
- d. 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.

3. Building Occupancy. The maximum square footage per individual nonresidential use is 10,000 square feet/floor. The maximum achievable through use of the incentives set forth below in subparagraphs (1) through (4) is a maximum of 15,000 square feet/use/floor.

- a. Incorporation of day lighting through clerestories, roof monitors, light shelves, or other technologies throughout 30% of the building allows the maximum square footage/individual use to expand 2,500 square feet/floor.



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- b. If structured parking to meet the parking requirement of the site is provided on- or off-site, the maximum square footage per individual use may expand by 5,000 square feet/use/floor.
  - c. Incorporation of on-site drainage retention, such as bioswales or rain gardens. Into the landscaping design and the use of gray water for site irrigation allows the maximum square footage/individual use to expand 2,500 square feet/floor.
  - d. Use of on-site, non-polluting, renewable technologies (solar, geothermal, wind or biomass) for self-supply energy for a minimum of 5% of the total projected energy use allows the maximum square footage/individual use to expand 2,500 square feet/floor.
4. Yard Regulations.
- a. Front Yard.
    - 1) Buildings shall be located on the sidewalk line of the primary street. Sidewalks shall be 12 feet deep from the back edge of the curb on West College Avenue, and a minimum of 5 feet deep from the back edge of the curb on all side streets and cross streets off of West College Avenue. This area is subject to all sidewalk and streetscape requirements as specified in the design regulations of Chapter 22 or officially adopted Streetscape Plan for the Township. A standard 5-foot sidewalk shall be installed for the length of any portion of a lot that abuts an existing alley.
    - 2) Building frontages along streets shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances, or other articulation so as to provide pedestrian scale to the first floor.
      - (a) The building facade may recede from the street wall by as much as 18 inches to allow for columns or other architectural elements as parts of the street wall.
      - (b) A setback, not to exceed 15 feet measured from the back of the sidewalk is permitted, provided that no less than 65% of the street wall is maintained. Recesses on the ground floor to accommodate entryways, display windows, planters, or similar features shall not be considered as setbacks provided that the directly adjacent upper stories (to a minimum of 30 feet) have been built to the street wall.
    - 3) All structures on a lot must maintain a minimum of 65% of their facade along the sidewalk line and 50% of the length and 50% of the ground level wall height or 15 feet above finished grade, whichever is less, of any building facade facing and/or adjacent to a public street, or facing into a park, plaza or other public outdoor space shall be transparent.
      - (a) Darkly tinted windows and mirrored windows which block two-way visibility are prohibited as ground floor windows required under this provision. Storefront windows may not be completely obscured with display cases or signage that prevents customers and pedestrians from seeing inside.
      - (b) Continuous window walls shall be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals.
  - b. Side Yard.
    - 1) A side yard of 10 feet will be applicable except in the circumstances set forth below.

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- (a) In the event that the side of a building would have frontage on a cross street, this shall be considered as a front yard and will be subject to the setback and design requirements as set forth above. However, the depth of sidewalk from back of curb may be maintained at 5 feet along the cross street.
      - (b) In the event that the side yard is adjacent to another lot that fronts on West College Avenue, there will be no required side yard setback and new buildings may be constructed with a zero lot line.
      - (c) In the event that the side yard is adjacent to a structured parking facility, there will be no side yard setback required and new buildings may be constructed with a zero lot line.
      - (d) In the event that the side yard abuts an alley which coincides with the district boundary, this side yard shall be established as a rear yard consistent with the provisions for a rear yard as indicated below.
    - 2) Pavement to accommodate surface parking may not encroach within the required setbacks.
  - c. Rear Yard.
    - 1) On each lot there shall be a rear yard, the depth of which shall be 5 feet. However, if the rear yard is adjacent to a property with a single family residential dwelling unit, or a property outside of the TS District, a 12-foot landscaped buffer shall be provided at the property line and shall constitute the required setback. Surface parking may not encroach within the required setback.
      - (a) The required buffer shall be composed of one canopy tree or evergreen tree and 15 shrubs per 35 linear feet of the lot line.
    - 2) If the rear yard of a lot abuts an alley, whether in or out of the district, a 5-foot concrete sidewalk shall be provided along the entire length of the property adjacent to the alley. Buildings may directly abut this sidewalk. If the alley coincides with the district boundary, the 12-foot landscaped buffer required above shall be provided in addition to the 5-foot sidewalk; establishing a total 17-foot setback.
  - d. Building Separation.
    - 1) All buildings built on a zero lot line shall be independent and no structural wall may be shared by buildings on adjacent lots. Buildings on the same lot may be connected by enclosed walkways or covered walks.
5. Impervious Lot Coverage.
- a. Lots up to and including .39 acres–50%, up to a maximum of 60% permitted for each lot by way of the incentives set forth at paragraph 6 below.
  - b. Lots from .40 acres up to and including lots of .99 acres–60%, up to a maximum of 75% for each lot by way of the incentives set forth at paragraph 6 below.
  - c. Lots 1 acre or larger–75%, up to a maximum of 95% for each lot by way of the incentives set forth at paragraph 6 below.

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6. Impervious Coverage Incentives. In no event shall the maximum total impervious coverage, with any of the incentives provided for within this Section, exceed 95% of the site as measured within all existing or proposed lot lines:
  - a. If a green roof or roof garden(s) covering a minimum of 60% of the roof is provided on the structure(s) on the lot, an additional 10% coverage is permitted.
  - b. If an approved pervious parking surface is provided for a least 50% of the required on-site parking, an additional 10% coverage is permitted.
  - c. If the proposal is for vertical expansion of an existing use, an additional 10% coverage is permitted.
  - d. If the proposal is to add upper floor office or residential units to create a mixed use structure out of an existing single use building, an additional 10% coverage is permitted.
  - e. If the entire roof is a cool roof that reduces cooling loads, an additional 5% coverage is permitted.
  - f. If the proposal is to undo a previous conversion of a single-family dwelling from apartments back into a single-family dwelling an additional 10% coverage is permitted.
7. Parking Requirements. The regulations set forth herein are intended to apply within the TS District and may differ from the provisions of Chapter 22.
  - a. The required parking may be met through the use of on-site, off-site, and remote or structured parking, or any combination thereof.
  - b. 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.
  - c. 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 4-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.
  - d. 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.
  - e. The maximum number of permitted spaces in an on-site surface parking lot is thirty. However, if acceptable pervious paving is used for the entire parking area, this number may be increased to 45.
  - f. 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.
  - g. To be counted toward the minimum number of required spaces, off-site parking must be located within two blocks or ¼ 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,

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documentation of the reservation of such spaces for each use must be provided in the form of a shared parking agreement.

- h. Residential parking within the TS District shall be provided at the rate of 1.0 space for each studio or one bedroom unit and 1.5 spaces for each unit that is two bedrooms or larger, subject to the following criteria:
    - 1) 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.
    - 2) The use of incentives cannot reduce this required parking ratio.
  - i. Parking for non-residential uses within the TS District shall be provided at the rate of 1/500 square feet, subject to the following criteria:
    - 1) 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).
    - 2) 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.
    - 3) Additional reductions may be considered through the use of incentives as listed elsewhere in this Section.
  - j. Every non-residential 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.
  - k. All uses shall provide bicycle parking accommodations on site. See 22-502C
  - l. 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.
  - m. 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.N.2 and § 27-707.N.3 and shall demonstrate that a minimum of 5% of the internal surface parking area has been devoted to landscaping area.
  - n. Surface parking space dimensions shall be in accordance with the provisions of §27-601.
- D. Plan Processing and Procedure. The following general requirements shall apply to any proposal for development within the TS District:
- 1. Eligibility. The site proposed for development shall be under single ownership and shall be developed according to a single master plan that depicts full build-out of the site with common authority and responsibility.

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- a. The site shall be served by both public sewer and public water and notice of capacity and intent to serve shall be provided prior to approval of any final plan.
  - b. Any subdivision or land development proposal within the TS District that involves multiple phases of development shall follow the procedures outlined below, including each of the following steps:
    - 1) Initial conference.
    - 2) General master plan.
    - 3) Final plan.
2. Initial Conference. An initial conference shall be scheduled to discuss the proposed development. The conference shall include appropriate representative(s) of the developer and the Township. The goal of the conference is to review the development proposal and to establish its consistency with the intent and purpose of the TS District as established by this Section and associated design manual [Chapter 22, Part 5A]. The applicant may submit any information they deem necessary to substantiate conformance with the objectives of the TS District. This step shall be required regardless of whether the development will be phased.
  3. General Master Plan. A master plan shall be required whenever a development is proposed to be phased, or where the developer wishes to obtain a preliminary level of approval prior to preparation of a final plan. Where such circumstances do not exist, the project may be submitted as a final plan. Review of the general master plan shall proceed as outlined in the Subdivision and Land Development Ordinance, Chapter 22, §22-303.C through §22-303.F, including review by the Township Planning Commission, review by the Centre County Planning Commission or its designee, and review by the Board of Supervisors.
    - a. The general master plan shall cover the entire tract, regardless of any intended phasing of the proposed development. The plan shall show the size and location of all access locations, parking facilities, public space, and service areas. Accompanying the master plan shall be rendered architectural elevation and perspective drawings providing a clear representation of the relationship of the proposed development to the site and its visual impact on adjacent properties and a narrative clarifying and illustrating the significance of the applicant's proposed design. In addition, the plan submission must include:
      - 1) A completed application for subdivision or land development approval and payment of all application and escrow fees.
      - 2) Written notice of acceptance of the design proposal by staff as a result of the required initial conference.
      - 3) Five black or blue on white prints of the general master plan and 10 reduced 11x17 copies of all plan sheets prepared in conformance with all provisions of this Part and the associated design guidelines.
      - 4) Such plans shall be drawn at a legible scale and shall include a key map showing the location of the site in relation to adjacent properties and the larger neighborhood, adjacent zoning, and road system connections identifying existing and proposed roads within 500 feet.

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- 5) All dimensions of the site shall be in feet and decimals; bearings shall be in degrees, minutes, and seconds. Lot line descriptions shall read in a clockwise direction. The survey of the site shall not have an error of closure greater than 1 inch in 10,000 feet.
  - 6) This plan shall be legible in every detail and shall identify the proposed project name, the name and address of the owner of the tract, the developer/subdivider and the firm that prepared the plan, as well as the plan date and the date of all plan revisions.
  - 7) The plan shall show the existing tract boundary with bearings and distances and identify the total acreage of the entire existing tract, the zoning district, lot size, and/or density requirements of the applicable zoning regulations, and the location of existing lot line markers along the perimeter of the entire existing tract as well as the general location of all existing man-made features including any historic structures, utilities, adjacent land uses, adjacent roadways, and other existing public infrastructure such as sewer and water mains, fire hydrants and stormwater management facilities.
  - 8) The presence of existing natural features including, but not limited to, soil types, unique vegetation, tree masses, closed depressions, sinkholes, watercourses, floodplains, steep slopes, archaeological sites, burial sites, wetlands, solid waste disposal areas and topography of the site shall be identified on the plan and any necessary approvals for encroachment in these areas shall be obtained.
  - 9) The proposed general lot layout shall be shown on the plan including the location of the various types of land uses and approximate location of lot lines; building setback measurements; the approximate location, use, height, and bulk of buildings; the proposed units of occupancy and resultant density calculation; the approximate location and size of park space or public plazas; the approximate floor space and general configuration of all nonresidential uses and the provisions for access and parking.
  - 10) The general layout of any proposed streets, alleys, and sidewalks, including cartway and right-of-way widths shall be identified by the plan. A typical street cross-section and street centerline profile shall be provided for any proposed street or alleyway.
4. Final Plan.
- a. Review and approval of the final plan shall proceed as outlined in the Subdivision and Land Development Ordinance, Chapter 22, §22-§304.A through 22-304.G, including review by the Township Planning Commission, review by the Centre County Planning Commission or its designee, and review by the Board of Supervisors. Rendered architectural elevation and perspective drawings providing a clear representation of the relationship of the proposed development to the site and its visual impact on adjacent properties and a narrative clarifying and illustrating the significance of the applicant's proposed design must also be submitted with the final plan. Written notice of acceptance of the design proposal by staff as a result of the required initial conference will also be required. For projects that are not phased, this step will follow the initial conference.
  - b. In addition to addressing all of the requirements of Chapter 22, §22- 401 through §22-403, the final plan submission shall address the following criteria. In the event of a conflict between these standards and criteria and those contained in Chapter 22, the standards and criteria set forth in this subsection shall control.

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- 1) TS District development plans shall address all design requirements set forth in the Township's Subdivision and Land Development Ordinance [Chapter 22]. This shall include but not be limited to information on the following, whether or not specific requirements are established in Chapter 22:
  - (a) Exterior building materials.
  - (b) Special building features and design elements.
  - (c) Signage and graphics.
  - (d) Lighting.
  - (e) Open space areas, including commons, plazas and pedestrian spaces.
  - (f) Circulation systems for vehicles and pedestrians, including linkages with adjoining properties and transit stops as well as between parking areas and building entrance(s).
  - (g) Landscape and hardscape design, including paving materials and plant materials to be used for buffering, screening, in parking areas and detention basins and any building related planting.
  - (h) Refuse facilities providing the appropriate containers in accordance with the standards of the Centre Region Refuse and Recycling Program.
- E. Stormwater Management Site Plan. The control of erosion and sediment during construction is subject to approvals of Centre County Conservation District, and the ongoing management of stormwater on the tract, shall be accomplished in accordance with Chapter 26, Part 1, provided that the proposed plan for the control of erosion and sedimentation may be submitted as a component of the final land development plan for the associated phase or stage of construction. Efforts must be made to improve the current systems on the site and to ensure no harm or damage is caused to the existing storm system and adjoining properties.
  1. The final plan shall reflect and be accompanied by supporting documentation identifying the ownership and method of administering and maintaining all permanent stormwater management facilities in accordance with the provisions of Chapter 26, §26-703 and §26-704.
  2. The agreement, declaration of easement(s) or other legally binding documentation shall be submitted to the Township for review. Upon review, the Township may require the agreement to contain provisions for requiring the posting and/or periodic payment of escrow funds by the private entity to guarantee proper maintenance of the facilities.

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## PART 4

## Overlays

**§27-401. Corridor Overlay District Requirements.**

The Corridor Overlay District requirements are intended to provide land use and land development controls along specified corridors in the Township as an overlay that is supplemental to the underlying zoning district regulations. If a conflict exists between the regulations of this Section and the underlying zoning district regulations, the more restrictive Section requirements shall apply. All land designated herein as part of the Corridor Overlay District shall be subject to the requirements of this Section regardless of within which zoning district said land or structure is located.

- A. Intent. It is the intent of the requirements of the Corridor Overlay District to promote safe and efficient use of the Township's main corridors as well as to protect the aesthetic and visual character of the lands adjacent to them; and:
1. To encourage and ensure safe ingress and egress from existing and proposed development along main transportation corridors, to maintain adequate roadway capacity and lessen or prevent traffic congestion.
  2. To encourage development consistent with the Centre Region Comprehensive Plan (as amended).
  3. To discourage unlimited commercial "strip development" and curb cuts along streets and highways and encourage land development to occur in nodes and activity centers utilizing shared or controlled access points.
  4. To establish a consistent pattern of setbacks, screening, lighting and signage throughout the corridor.
- B. Delineation of Corridor Overlay District.
1. The Corridor Overlay District requirements shall be applied along West College Avenue from the Blue Course Drive to the intersection with Scott Road.
    - a. From the intersection with Scott Road to the intersection with Blue Course Drive, the Corridor Overlay District area shall be a combination of property lines not to exceed a distance of 660 feet as measured from the centerline of West College Avenue, on each side for a total of 1,320 feet.
    - b. The boundary of this portion of the Corridor Overlay District shall be illustrated on the Officially Adopted Zoning Map of Ferguson Township.
  2. The Corridor Overlay District requirements shall be applied along Blue Course Drive from Westerly Parkway to its intersection with North Atherton Street.
    - a. From the intersection with Westerly Parkway to the intersection with West College Avenue, the Corridor Overlay District shall be a combination of property lines not to exceed a distance of 440 feet as measured from the centerline of Blue Course Drive on each side, for a total of 880 feet. The Corridor Overlay District shall not overlap with the Terraced Streetscape Zoning District at the Blue Course Drive intersection with West College Avenue.

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- b. From the intersection with West College Avenue to the intersection with Circleville Road, the Corridor Overlay District shall be a combination of property lines not to exceed a distance of 660 feet as measured from the centerline of Blue Course Drive on the eastern side of Blue Course Drive not to overlap with the Traditional Town Development Zoning District.
    - c. From the intersection with Circleville Road to the intersection with North Atherton Street, the Corridor Overlay District shall be a combination of property lines not to exceed a distance of 660 feet as measured from the centerline of Clinton Avenue, on each side for a total of 1,320 feet.
  3. The Corridor Overlay District requirements shall be applied along Science Park Road from its intersection with Circleville Road inclusive of the Science Park extension; to its intersection with West College Avenue.
    - a. The Corridor Overlay District shall be a combination of property lines not to exceed a distance of 660 feet as measured from the centerline of Science Park Road, on each side for a total of 1,320 feet.
    - b. The boundary of this portion of the Corridor Overlay District shall be illustrated on the Official Zoning Map.
  4. The Corridor Overlay District Requirements shall be applied along Old Gatesburg Road from Foxpointe Drive to Science Park Road.
    - a. From the intersection with Foxpointe Drive to the intersection with Science Park Road, the Corridor Overlay District shall be a combination of property lines not to exceed a distance of 440 feet as measured from the centerline of Old Gatesburg Road on each side, for a total of 880 feet.
    - b. The boundary of this portion of the Corridor Overlay District shall be illustrated on the Official Zoning Map.
  5. The corridor streets shall be defined as above including; West College Avenue (PA Route 26) from Scott Road to Blue Course Drive, Science Park Road, Old Gatesburg Road from Foxpointe Drive to Science Park Road and Blue Course Drive from Westerly Parkway to Atherton Street not to overlap the Terraced Streetscape District or the Traditional Town Development District.
  6. Lots on which the sole existing use is single-family or two-family residential shall be exempt from all subsections of this Section with the exception of §27-401.D which pertains to vehicular access. Any new development or changes in use, including residential, shall comply with this Chapter.
- C. District Regulations. All uses shall conform to the lot, yard setback and height regulations stipulated herein, as well as other appropriate requirements of this Section and Chapter.
  1. Minimum lot width shall be in accordance with the underlying zoning district.
  2. Minimum Yard Setbacks.
    - a. Setbacks shall be 50 feet measured from the right-of-way line when abutting a corridor street. Corridor street front yard setbacks may be reduced by not more than 10 feet at its corner lots; to become a 40-foot setback, when the only access to the site is provided from

- a collector or subcollector access road. If the property is a corner lot or a double frontage lot, the 50-foot setback shall apply to all sides of the property which abut a corridor street. No parking or buildings are permitted within the 50-foot setback from the corridor street.
- b. If a property is located within the general commercial zoning district the setback may be 40 feet measured from the right-of-way line when abutting a corridor street. No parking or buildings are permitted within the 40-foot setback from the corridor street. Even when the only access to the corridor street is provided from a collector or subcollector access road, the setback abutting the corridor street may not be reduced to less than 40 feet.
  - c. Setbacks for yards which do not abut a corridor street shall be in accordance with the underlying zoning district.
  - d. Rear yard setbacks as designated in the underlying zoning may be reduced up to 10 feet when the designated rear yard does not abut a corridor street.
3. **Maximum Building Height.** Any building may exceed the underlying zoning district maximum height by a ratio of 1 foot or fraction thereof for each additional 2 feet or fraction thereof of building setback which is provided from the Corridor Ratio of 1:2 (Example: an increase of 5 feet in height equals an increase of 10 feet of the setback from the corridor).

D. Vehicular Access.

1. Vehicular access for lot abutting corridor streets shall be provided in the hierarchy as follows:
  - a. First, access to the lot shall be through collector, subcollector or residential access streets with limited access from the corridor street. When the only available access to the lot(s) is from the corridor street then the provisions of this subsection shall not apply.
  - b. Second, if feasible and in the best interest of traffic operations, access shall be provided through an existing shared common driveway which serves the adjacent lot or lots.
  - c. Third, by means of access points directly onto the corridor street which existed prior to the enactment of this Section; provided, that at the time of land development a reduction of multiple access points is to occur with approval of the Township and/or PennDOT when more than one access is not in the best interest of acceptable traffic operations and practices.
  - d. Fourth, when the only available access to a lot is from the corridor street, access shall be limited to not more than one driveway for the first 300 feet of frontage and one driveway for each additional 300 feet of frontage, unless only one access is not in the best interest of acceptable traffic operations.
2. When multiple drive-up window services/businesses are located on one lot, shared access to the corridor street shall be required.
3. **Pedestrian and Bicycle Access.** Pedestrian access between adjacent lots and individual businesses within a development shall be provided. Access to bike path rights-of-way, if adjacent to a lot, shall be provided via a paved connection no less than 10 feet in width and integrated into the land development plan. Interior circulation design shall incorporate safe separation of pedestrian, bicycle and vehicular traffic. Vehicle overhang shall be separated by a minimum of 5 feet of landscaping when off-street parking is located adjacent to pedestrian and bicycle access. In addition, walkways shall be provided to related properties located across a street. Determination of walkway locations shall be made by Township staff.

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4. Transit Amenities. If deemed appropriate by Township staff, a public transit area(s) shall be provided at the site. Each public transit area shall include a bus stop pad area, covered shelter and connecting walkways. The design, location and extent of these facilities shall be based on ADA (American with Disabilities Act) standards along with review comments from CATA (Centre Area Transportation Authority), Township staff and the land developer/consultant.
- 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.
- F. Off-Street Parking. Off-street parking, storage or display of products shall not be permitted in the required 50-foot setback along a corridor street. To the extent feasible, off-street parking shall be shared with adjacent lots through off- street access.
- G. Building Appearance. All buildings located within the Corridor Overlay District that have sides and walls visible from all existing or proposed public right- of-way are to be covered with the same materials as are used on the designated “front” of the building. “Visible” is determined by anyone (as represented by the Township Zoning Administrator) that is either a pedestrian and/or passenger or driver of an average size vehicle on the corridor street or on side assess streets. The elevation requirements of the land development plan section are applicable to the sides of the building facing the corridor street. Rooftop mechanical systems shall be screened by fencing or other means at least three-fourths the height of the system.
- H. Signage. Ground signage in the Corridor Overlay District shall be installed in accordance with §19-111.2 of the Sign Ordinance [Chapter 19] 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 3 feet higher with a landscaped base elevated with each mounding up to 3 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.
- I. Utilities. All new development along the Western Inner Loop and Old Gatesburg Road from Science Park Road to Blue Course Drive (Western Inner Loop) is required to provide underground utility (electric, telephone, cable) service.
- J. Lighting. All lighting shall be in accordance with the Township’s Lighting Ordinance [Chapter 4, Part 1]:
  1. The maximum height of the light fixture shall be 25 feet.
  2. Any outdoor lighting fixture newly installed or replaced shall be shielded so it does not produce a strong, direct light over adjacent property boundaries or produce a glare to motorists along the arterial corridor.

**§27-402. Ridge Overlay District Requirements.**

The Ridge Overlay District requirements are intended to provide land use and land use development controls along specified ridge corridors in the Township as an overlay that is supplemental to the underlying Rural Residential Zoning District regulations. If a conflict exists between the regulations of this Section and the underlying Rural Residential Zoning District regulations, the more restrictive requirements shall apply:

- A. Intent. Many of the soils present in the overlay zone, including some of those identified as Colluvial, are rated by the Soil Survey of Centre County as having severe limitations for uses such as septic tank absorption fields, dwellings with basements, and local roads and streets. The Soil Survey, prepared by the United States Department of Agriculture Soil Conservation Service,

indicates that a rating of severe means “ soil properties are so unfavorable and so difficult to correct or overcome as to require major soil reclamation, special designs, or intensive maintenance.” The limitations associated with the Colluvial soils include a seasonal high water table, fragipan, soil stability, steep slopes, slow permeability, large stones, and frost action. It is the intent of the Ridge Overlay District requirements set forth hereinafter to restrict the intensity of development on areas containing a predominance of Colluvial soils with severe limitations, and; (1) to identify the location of the most severe soil areas where development is not appropriate; (2) to minimize the potential for damage from erosion, sedimentation and flooding; (3) to protect the property of the Township and future homeowners from adverse conditions; and (4) to protect and retain natural resources, especially surface water and ground water resources within the Township.

- B. Delineation of Ridge Overlay District. The Ridge Overlay District requirements shall be applied in the areas depicted on the Officially Adopted Zoning Map of Ferguson Township.
- C. Criteria for Subdivision or Erection of Structures in Ridge Overlay District. The following criteria will determine the ability to, and establish the process for, the subdivision of land or erection of a habitable structure in the Ridge Overlay Zoning District.
1. Soils. No land disturbance which would involve the construction of a habitable structure, the installation of a paved driveway, or construction of roads which are used for access to a dwelling unit or units may occur on Andover, Buchanan, Laidig or other soils defined as Colluvial by the Centre County Soil Survey and/or NRCS digital soil survey, other than in accordance with the provisions (§27-402.C (2) through (10)) below, or through the conditional use process provided for in paragraphs §27-402.D through .G which follow.
    - a. Although the Centre County Soil Survey may be used as a resource, extensive on-site soils investigation and testing will be required to determine the actual soil distribution on each site. Any property or site within the overlay district mapped with or potentially containing severely rated colluvial soils, or inclusions thereof, must be evaluated prior to being permitted for the land disturbance activities noted above. In order to accomplish the soils evaluation work , the developer must meet with the Township's Engineer to determine, at a minimum, the location, number and type of soil test pits that will provide a representative sample of the soils present within the area intended to be disturbed, Consensus on the number of test pits will be reached based on the landowner's development intentions, soil mapping units delineated in the Centre County Soil Survey and/or the NRCS digital soil survey, the location of natural features on the site, and any previous soil test results. This will provide the data necessary to prepare a detailed soils map of the site that will allow the applicant to determine the potential to provide roads, driveways and/or structures in accordance with these regulations. The purpose of requiring testing of each parcel is to allow for consideration of the variety of property sizes, the location of salient natural features, and the full range of permitted development options. For those properties or sites where the above required soils investigation definitively indicates that the proposed land disturbance activities will not be impacted by the location of colluvial soils, the remainder of the requirements of this district shall not be applicable.
  - 1) No excavation or fill that will cause any slope to become unstable; impose loads that may affect the safety of structures or slopes; interfere with adequate drainage for the site area and the drainage area of land tributary to the site; obstruct, damage, or adversely affect existing sewerage or drainage; cause a stagnant pond of water to form; or cause erosion or sedimentation shall be permitted.

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2. Soils Mapping and Report. The actual testing and report preparation must be completed by a qualified soil scientist or registered professional geologist with the appropriate experience in soil science interpretation, subject to approval by the Township Engineer. The results must then be submitted for review and approval by the Township's Engineer. This municipal review will determine the adequacy of the testing as well as the development potential/buildable area of the parcel. It is recommended that the need for any Federal and State permits be investigated, and that such permits be obtained, prior to moving forward with any development plans.
3. Drainage Way/Watercourse. No land disturbance which would involve the construction of a habitable structure or the installation of a paved driveway or construction of a road or roads which are used for access to a dwelling unit or units, may occur within 100 feet of a defined drainage way. Some drainage ways may have the capacity to carry substantially more runoff than others. Therefore, the required separation distance may be reduced as the result of a hydrological analysis of the characteristics of each specific site and/or the issuance of appropriate State or Federal permits associated with the proposed development activity.
4. Floodplain. No land disturbance which would involve the construction of habitable structures or the installation of paved driveways or construction of a road or roads which are used for access to a dwelling unit or units may occur within 100 feet of the edge of a floodplain or the floodplain conservation district as defined by the Flood Hazard Boundary Map for Ferguson Township prepared by the Federal Insurance Administration, Federal Emergency Management Agency. This distance may be reduced for areas where there is a minimum 5% rise between the edge of the floodplain and the area of earth disturbance, Where such reduction in distance is desired, information shall be provided during the conditional use hearing to assure that an adequate separation has been provided.
5. Septic System Approval. As part of the soils testing for the entire site, the testing for septic systems must be accomplished. The septic systems must be approved by the Township's Sewage Enforcement Officer in conformity with the rules, policies, regulations and specifications of the Department of Environmental Protection (DEP).
6. Sinkholes. No land disturbance which would involve the construction of habitable structures or the installation of paved driveways or construction of a road or roads which are used for access to a dwelling unit or units may occur within 50 feet of the edge of a sinkhole. If there is a drainage path leading to the sinkhole, a minimum of 50 feet on all sides of the drainage channel shall be protected.
7. Slope. No land disturbance which would involve the construction of habitable structures or the installation of paved driveways or construction of a road or roads which are used for access to a dwelling unit or units shall occur within 100 feet down grade of any area with a slope of 20% or more that is primarily comprised of colluvial soils.
8. Springs. No land disturbance which involves the construction of habitable structures, the installation of paved driveways and/or construction of a road or roads which are used for access to a dwelling unit or units may occur within 100 feet of a defined spring. This required separation distance may be reduced as the result of a hydrological analysis of the characteristics of each specific site and/or the issuance of appropriate State or Federal permits associated with the proposed development activity.
9. Wetlands. No land disturbance which would involve the construction of habitable structures, the installation of paved driveways and/or construction of a road or roads which are used for access to a dwelling unit or units may occur within 50 feet of the edge of a defined wetland

area as established by this Chapter, DEP, and/or the Army Corps of Engineers. This distance may be reduced, if necessary; when the appropriate permits from these State and Federal agencies are obtained. Where such reduction in separation distance is desired, information shall be submitted during the conditional use hearing that substantiates the need to reduce the separation distance as well as the endorsement of the permitting agencies.

10. Subdivision. No new building lots may be created after the date of enactment of this Section which do not encompass sufficient buildable area to comply with the applicable provisions of §27-402.C(3)-(9). The buildable area shall be considered the same as the area of potential land disturbance and includes the footprint of the structure, the access, and the on-lot disposal system (OLDS) as well as suitable land necessary to accommodate the required OLDS replacement area. The subdivision plan for any lots which are created must identify the location of all colluvial soils within the proposed lot, as well as delineating that portion of the lot which encompasses the buildable area. In addition, a note must be placed on the plan which will alert future homeowners to the potential for sinkholes, flooding and drainage issues, as well as the possibility for development of the lot to require special design or construction considerations to mitigate the limitations imposed by the soils. Where sinkholes are included on acreage designated as part of a newly subdivided lot, it is recommended that such areas be fenced for safety.
  11. Existing wooded areas shall be protected to prevent unnecessary destruction or removal of healthy trees with a minimum trunk caliper of 5 inches at 6 inches above ground. Where development is authorized in accordance with subparagraphs (2) through (10) above, or through the conditional use process provided for in paragraphs .D through .G below, at least 40% of healthy trees on the site shall be maintained or replaced immediately following construction. Replacement trees shall be native species to Pennsylvania and shall have a minimum trunk caliper of 2 inches at a height of 6 inches above finished grade. Where significant removal of trees within an existing wooded area is anticipated, plans shall be required to be provided during the conditional use process so as to demonstrate conformance with these criteria.
- D. Conditional Use Requirements for Land Accessed across Colluvial Soils In many cases, access to an area that is developable may not be possible without crossing colluvial soils. In such cases, the Board of Supervisors may grant a conditional use to cross the colluvial soils if the following conditions can be satisfied:
1. Access is not practical from another direction.
  2. Low impact driveway or roadway design, in accordance with the associated PennDOT or other recognized standards acceptable to the Township Engineer, is used.
  3. The proposed location and design of the access provides the least practicable disturbance to the colluvial soils in the area.
  4. The access is located in conformance with the setback restrictions associated with wetlands, floodplains, sinkholes, springs, drainageways, and watercourses as referenced above or, where such setbacks cannot be met, evidence that the location and design of the access is not adversely impacted by its proximity to such features is provided. The sufficiency of evidence submitted shall be determined by the Board of Supervisors depending on the specifics of each request.
- E. Conditional Use Criteria for Existing Structures. Where existing structures are located either wholly or in part on colluvial soils, the Board of Supervisors may grant a conditional use to modify, expand,

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or otherwise alter the structure (whether or not such construction would also be located on areas of colluvial soils) if the following conditions can be met:

1. Certification as to the stability/structural integrity of the existing structure is provided by a licensed, professional engineer registered in the state of Pennsylvania.
  2. The proposed location and design of the expansion, alteration or modification provides the least practicable disturbance to the colluvial soils in the area.
  3. The design of the proposed structure modification has been engineered to overcome the limiting properties of the soils by a licensed, professional engineer registered in the state of Pennsylvania.
  4. Any increased maintenance required to ensure the longevity of structural integrity of the design is identified and a written maintenance plan is provided. A report from the design engineer shall be provided to establish the necessity of regular or specific maintenance.
  5. The construction is in conformity with the setback restrictions associated with wetlands, floodplains, sinkholes, springs, drainageways, and watercourses as referenced above or, where such setbacks cannot be met, evidence that the location and design of the proposed construction is not adversely impacted by its proximity to such features is provided. The sufficiency of evidence submitted shall be determined by the Board of Supervisors depending on the specifics of each request.
  6. The applicant shall provide a hold-harmless agreement and indemnification in favor of the Township for any damage that may occur to the structure or any other private property as a result of the presence of colluvial soils.
- F. Conditional Use Criteria For Single Family Dwelling. Where a landowner desires to construct a single family dwelling unit on an existing lot that, as a result of these restrictions contains little or no buildable area, the Board of Supervisors may grant a conditional use if the landowner can establish the following:
1. The property existed and was acquired prior to the date of enactment of this Section.
  2. There are no dwelling units currently existing on the site.
  3. Neither the area of land disturbance (which shall include the footprint of the structure, the access, and the primary OLDS) nor the impervious coverage shall exceed 50,000 square feet.
  4. The proposed location and design of the dwelling unit and access provide the least practicable disturbance to the colluvial soils in the area.
  5. The proposal is consistent with the lot size requirement specified for the Rural Residential Zoning District.
  6. The design of the proposed structure has been engineered to overcome the limiting properties of the soils by a licensed, professional engineer registered in the state of Pennsylvania.
  7. Any increased maintenance required to ensure the longevity of the structural integrity of the dwelling unit is identified and a written maintenance plan is provided. A report from the design engineer shall be provided to establish the necessity of regular or specific maintenance.
  8. The proposed construction will occur in conformance with the setback restrictions associated with wetlands, floodplains, sinkholes, springs, drainage ways, and watercourses as referenced



- above or, where such setbacks cannot be met, evidence that the location of such construction is not adversely impacted by its proximity to such features is provided. The sufficiency of evidence submitted shall be determined by the Board of Supervisors depending on the specifics of each request.
9. The applicant shall provide a hold-harmless agreement and indemnification in favor of the Township for any damage that may occur to the structure or any other private property as a result of the presence of colluvial soils.
- G. Conditional Use Criteria Where Restrictions Eliminate All Development Potential on Existing Lots. Where the land disturbance restrictions of this Section result in the elimination of all development potential for lots existing as of the date of the enactment of this Section, the Board of Supervisors may grant a conditional use to allow the following uses as permitted in the underlying Rural Residential Zoning District: (1) forestry uses; (2) private passive park and recreational areas that do not include any habitable structures; (3) horticultural and agricultural uses related to the tilling of the land, the raising and propagation of crops, trees, shrubs, flowers, fruits and vegetables, and other plant materials; or (4) public or private conservation areas for the conservation of open space, water soil, and wildlife resources; subject to the following conditions:
1. The proposal is consistent with the lot size and bulk regulations as specified in the Rural Residential District.
  2. The proposed use provides the least practicable disturbance to the colluvial soils in the area.
  3. All resultant land disturbance conforms to the associated setback restrictions as referenced above or, where such setbacks cannot be met, evidence that the location of such disturbance is not adversely impacted by its proximity to such features is provided. The sufficiency of evidence submitted shall be determined by the Board of Supervisors depending on the specifics of each request.

**§27-403. Riparian Buffer Overlay Zoning District Requirements.**

A. Legislative Intent.

1. Under the Authority of Article I, §27, of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, as amended, other Commonwealth and Federal statutes, and in recognition of the fact that natural features contribute to the welfare of residents, the following riparian buffer regulations are enacted to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian corridors by establishing a designated Riparian Buffer Overlay Zoning District.
2. Ferguson Township adoption of these regulations does not grant public access to private property. Any grant of public access remains the prerogative of each individual property owner.
3. The Riparian Buffer Overlay Zoning District ordinance, upon adoption, shall apply to all subdivisions, land developments or redevelopment of existing properties or any other improvements that require subdivision or land development plan submission if they are within or touch the Riparian Buffer Overlay Zoning District within Ferguson Township.
4. Any required riparian buffer preservation and maintenance shall remain the sole responsibility of each individual property owner or as otherwise stipulated by the Ferguson Township Stormwater Management Ordinance.

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5. In addition, the specific purposes and intent of this Section are to:
  - a. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, prime wildlife habitats).
  - b. Work with floodplain, steep slope, and other municipal ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and important riparian features.
  - c. Conserve natural, scenic and recreation areas within and adjacent to riparian areas for the Centre Region's benefit.
  - d. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically-proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by stabilizing. Further, to minimize concentrated flows through the use of level spreaders and/or similar stormwater management devices used to disburse concentrated flow uniformly over the ground as sheet flow.
  - e. Improve and maintain the safety, reliability, and adequacy of the Centre Region's water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic plants and animals.
  - f. Regulate the land use, siting, and engineering of development to be consistent with the intent and objectives of this Section and accepted conservation practices, as well assure that the impacts of such development remain within the carrying capacity of existing natural resources.
  - g. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically erosion control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980, Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Centre County Conservation District.

**B. Definition, Establishment, Width Determination, Applicability, and Interpretation**

1. Definition.
  - a. The Riparian Buffer Overlay is a zoning district consisting of: Areas surrounding swales, creeks, streams, water bodies, intermittent watercourses and delineated wetlands as well as those encountered during subdivision and land development. These areas intercept surface water runoff, subsurface flow, and deep groundwater flows from upland sources and remove or "buffer" the impact of nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.
2. Establishment.
  - a. The establishment of a Riparian Buffer Overlay Zoning District applies to the following areas which are identified on the Officially Adopted Zoning Map of Ferguson Township:
    - 1) Lands adjacent to streams within Ferguson Township.

- 2) Lands adjacent to intermittent water courses within Ferguson Township.
  - 3) Lands, water bodies and wetlands as regulated by State and/or Federal designation
  - 4) Similar land and/or water to those outlined above as encountered during the process of subdivision and land development within Ferguson Township.
3. Width Determination.
- a. The Riparian Buffer Overlay Zoning District shall extend a minimum total width of 100 feet from each edge of any perennial watercourse or surface water body, or shall equal the extent of the 100-year floodplain, whichever is greater. Where the edge of waterway of an intermittent watercourse cannot be determined, the width of the Buffer Overlay Zoning District shall be measured beginning from the centerline of the channel. The district may consist of two distinct zones designated as:
    - 1) Zone One. This zone will begin at the edge of the waterway (including-wetlands and intermittent watercourses) and occupy a margin of land with a minimum width of 35 feet measured horizontally on a line perpendicular to the edge of the waterway. Where a defined bed and bank exist, the edge shall be established based on bank full flow. The width of Zone One may be required to extend beyond the minimum 35 feet depending upon existing topography, woodlands, and other natural conditions. This determination will be made by the Township Arborist and/or Township Zoning Administrator.

Where slopes of 15% or greater are located within the 35-foot Zone One, this zone shall extend the entire distance of the steep sloped area. If the distance of this sloped area is greater than 100 feet, there will be no requirement for the establishment of additional buffer area designated as Zone Two. If the distance is less than 100 feet, but greater than 35 feet, the 65-foot wide Zone Two will begin at the end of Zone One.
    - 2) Zone Two. This zone will begin at the outer edge of Zone One and occupy a minimum width of 65 feet in addition to Zone One (unless otherwise noted).
      - (a) Where the floodplain extends greater than 100 feet from the waterway, Zone One shall remain a minimum of 35 feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the defined 100-year floodplain.
      - (b) As per §27-701.I of this Chapter, an additional 50-foot buffer shall be provided between the edge of a FEMA defined floodplain and any proposed use on the site. The land within this 50 feet shall remain in its natural condition.
  - b. The Overlay Zoning District shall also include a minimum buffer width of 50 feet around the entire perimeter of the outer edge of wetlands and water bodies greater than 5,000 square feet in area and not located along a stream.
4. Applicability. The provisions of this Section shall apply as follows:
- a. The developer/applicant shall be responsible for identifying the location of the riparian buffer overlay zoning district boundary on any plan that is submitted to Ferguson Township for the following:
    - 1) Subdivision, land development or redevelopment. (See §27-403.B.5.A(1).)

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- 2) Approval for improvements that require a zoning and building permit. (See §27-403.B.8.2). Although mitigation may not be required for such activity, the boundary must still be delineated.
  - (a) In the Overlay District, such permit shall only be required when construction or erection of any structure(s) within or touching the Riparian Buffer Overlay Zones of Ferguson Township is located on the ground or attached to something on the ground and is greater than 144 square feet in size.
  - b. This initial delineation of the overlay district boundary shall be subject to review and approval by the Ferguson Township Zoning Administrator and/or Engineer.
  - c. These requirements shall NOT apply to any existing (as of 05/18/09) primary or accessory buildings or to any of the following: agricultural uses, transportation facilities, fences, lawns, gardens, utility lines, decks and piers, or to interior renovations, septic and essential services.
5. Interpretation of Ordinance Provisions. In interpreting the language of the Riparian Buffer Overlay District and the extent of underlying zoning district regulation upon use of property, where doubt exists between regulations the stricter regulation shall govern. Any challenges to municipal interpretation of the applicability of the Riparian Buffer Overlay Zoning District shall be appealed in accordance with the requirements outlined §27-403.B.11, “Boundary Interpretation and Appeals Procedure,” and Article IX, “Zoning Hearing Board and Other Administrative Proceedings,” of the Municipalities Planning Code (MPC), Act 247, as amended.
6. Uses Permitted in the Riparian Buffer Overlay District. The following uses are permitted, either by right or as a conditional use, in the Riparian Buffer Overlay Zoning District. NOTE: within any riparian buffer, no construction, development, use, activity or encroachment shall be permitted unless the activity has been first authorized by the Township Zoning Administrator.
  - a. Zone One.
    - 1) Uses Permitted by Right. The following uses where permitted in the underlying zoning district shall be permitted to extend into the area defined as Zone One:
      - (a) Agricultural activities.
      - (b) Forestry uses with a Centre County Conservation District approved erosion and sedimentation control plan and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection’s Chapter 93–Water Quality Standards.
      - (c) Removal of trees where such removal is necessary as a means to eliminate dead, diseased or hazardous stands of trees that jeopardize public safety provided that such removal is in compliance with the recommendations of this Section and Appendix C, “Riparian Buffer Management” and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection’s Chapter 93–Water Quality Standards.
      - (d) Required Yards. The required setback area may incorporate a portion of the zoning overlay however, at least one-half of each required front, side or rear yards on any private lots, shall be entirely outside of the Riparian Buffer Overlay District.
      - (e) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas

of public and private parklands and native planting and reforestation in compliance with the recommendations of this Section and Appendix C, “Riparian Buffer Management”.

- (f) Stream bank stabilization and/or recommended native tree reforestation, in compliance with the recommendations of this Section and Appendix C, “Riparian Buffer Management”.
  - (g) Stream crossings for farm vehicles and/or livestock if part of a Federal, State and/or privately funded Centre County Conservation District and/or local nonprofit riparian buffer improvement project.
  - (h) Placement of research and monitoring devices such as staff gauges, water recording, water quality testing, cross vanes, weirs and related demonstration facilities.
- 2) Uses Permitted by Conditional Use. The following uses, when permitted in the underlying zoning district shall be permitted to occupy land within Zone One after receipt of conditional use approval:
- (a) New stream crossings for roads, railroads, centralized sewer and/or water lines and public utility transmission lines and /or their related appurtenances (i.e., towers, well houses, pump and lift stations) provided that they are:
  - (b) Designed and installed in accordance with the stream crossing standards of this Section.
  - (c) All disturbance must be mitigated at a ratio of 1:1 for each square foot of disturbance and must follow the recommendations for improvements identified in §27-403.B.8 and Appendix C, “Riparian Buffer Management” When feasible, these lines shall be located as far from Zone One as practical.
- b. Zone Two.
- 1) Uses Permitted by Right. The following uses where permitted in the underlying zoning shall be permitted to extend into the area defined as Zone Two:
- (a) Agricultural activities.
  - (b) Forestry uses with a Centre County Conservation District approved erosion and sedimentation control plan and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection’s Chapter 93–Water Quality Standards.
  - (c) Removal of trees where such removal is necessary as a means to eliminate dead, diseased or hazardous stands of trees that jeopardize public safety provided that such removal is in compliance with the recommendations of this Section and Appendix C, “Riparian Buffer Management” and in accordance with the best management practices for forestry found in the Pennsylvania Department of Environmental Protection’s Chapter 93–Water Quality Standards.
  - (d) Required Yards. The required setback area may incorporate a portion of the zoning overlay however, at least one-half of each required front, side or rear yards on any private lots, shall be entirely outside of the Riparian Buffer Overlay District.
  - (e) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas

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of public and private parklands and native planting and reforestation in compliance with the recommendations of this Section and Appendix C, “Riparian Buffer Management”.

- (f) Stream bank stabilization and/or recommended native tree reforestation, in compliance with the recommendations of this Section and Appendix C, “Riparian Buffer Management”.
  - (g) Stream crossings for farm vehicles and/or livestock if part of a Federal, State and/or privately funded Centre County Conservation District and/or local nonprofit riparian buffer improvement project.
  - (h) Placement of research and monitoring devices such as staff gauges, water recording, water quality testing, cross vanes, weirs and related demonstration facilities.
- 2) Uses Permitted by Conditional Use. The following uses, when permitted in the underlying zoning district shall be permitted to occupy land within Zone Two after receipt of conditional use approval.
- (a) Passive use areas such as camps, campgrounds and picnic areas. Active recreation areas such ball fields, playgrounds and courts. These uses shall be designed in a manner that will not create concentrated stormwater flow; subject to any other conditions as imposed by the Board of Supervisors. The use of level spreaders or similar devices may be required.
  - (b) Naturalized stormwater basins in compliance with the recommendations for improvements identified in this Section and Appendix C, “Riparian Buffer Management.” The entire basin shall be located a minimum of 50 feet from the edge of any identified watercourse or water body; subject to any other conditions imposed by the Board of Supervisors.
  - (c) Level spreaders or other similar stormwater structures used to disperse concentrated stormwater runoff uniformly over the ground surface as sheet flow. These devices shall be located a minimum of 50 feet from the edge of any identified watercourse or water body; subject to any other conditions imposed by the Board of Supervisors.

7. Uses Specifically Prohibited in the Riparian Buffer Overlay Zoning District.

Any use or activity not authorized shall be prohibited within the Riparian Buffer Overlay Zoning District. By way of example only, the following activities and facilities are specifically prohibited:

- a. Removal or disturbance of vegetation in a manner that is inconsistent with erosion and sedimentation control and riparian buffer protection.
- b. Storage of any hazardous or noxious materials, except those used during emergencies for the treatment and /or maintenance of sewer and water treatment facilities (i.e., generator sets and alternative drive units).
- c. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of federally prescribed industry standards and/or the recommendations of the Centre County Conservation District.

- d. Roads or driveways, except where permitted as stream crossings in compliance with this Section.
  - e. Motor or wheeled vehicle traffic in any area not designed to adequately accommodate the type and volume.
  - f. Parking lots.
8. Management of the Riparian Buffer Overlay Zoning District.
- a. Riparian Buffer Management. No development activities shall be permitted within the Riparian Buffer Overlay Zoning District unless specifically permitted by this Section. All such activities are subject to the following:
    - 1) Subdivision and Land Development. Within the Riparian Buffer Overlay Zoning District, subdivision, land development or redevelopment shall only be permitted when the impacts of such actions are mitigated at a 1:1 square foot replacement ratio. The applicant shall prepare and submit a plan in accordance with the provisions of Appendix C and Chapter 22 of the Code of Ordinances, that identifies the existing conditions (vegetation, floodplain, wetlands, soils, slopes, etc.), all proposed activities including any measures necessary to offset disturbances to land within the Riparian Buffer Overlay Zoning District and, if applicable, any proposed management techniques following the guidelines for restoration improvements identified in this Section, Appendix C, "Riparian Buffer Management".
      - (a) Any earth disturbance within the Riparian Buffer Overlay Zoning District shall follow the guidelines for improvements identified in Appendix C, "Riparian Buffer Management," and shall be graphically represented along with any required buffers on formal subdivision or land development plan submissions. Where there is no disturbance within the buffer, no mitigation is required. However, the location of the Riparian Buffer Overlay Zoning District boundary must still be delineated on the plan.
      - (b) Lots where the Buffer Overlay Zoning District consumes 50% or more of the lot shall be exempted from the Riparian Buffer Overlay Zoning District requirements if the following criteria are met:
        - a. As of 5/18/2009, the lot is developed and such development is already located within the area of Zones One and/or Two.
        - b. As of 5/18/2009 the lot is 2 acres or less in size.
      - (c) For lots that are exempted per above:
        - a. Any redevelopment of the lot shall be required to comply with the regulations associated with the disturbance of any Nolin soils located on the site as well as all applicable floodplain regulations.
        - b. Where the boundaries of Zone One fall completely within an area designated as either floodplain or Nolin soils, the overlay zoning requirements shall remain in effect for this area of the parcel.
        - c. The above criteria shall not adversely impact any nonconforming rights associated with use of the parcel.

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- 2) Zoning and Building Permits. For activities that only require a zoning and/or building permit and include improvements within the Riparian Buffer Overlay Zoning District, riparian buffer replacement or restoration is recommended only. If provided, the buffer should be at a 1:1 square foot replacement ratio for all disturbances; following the guidelines for restoration improvements identified in this Section, Appendix C, “Riparian Buffer Management”.
  - (a) Projects for which mitigation is only recommended and for which a buffer is provided, shall identify the existing conditions (vegetation, floodplain, wetlands, soils, slopes, etc.), all proposed activities and if applicable, any proposed management techniques, including any measures necessary to offset disturbances to land within the Riparian Buffer Overlay Zoning District.
- d. Vegetation Selection.
  - 1) To function properly, dominant native vegetation in the riparian buffer should be selected from the list of native plants most suited to riparian areas (Appendix D, “Selective Native Riparian Buffer Plantings List,” Morris Arboretum of the University of Pennsylvania). Plants not included on this list may also be permitted by the Township Arborist. The Township may also require that the suitability of planting species be verified by local qualified experts at the U.S. Fish and Wildlife Service, the Natural Resource Conservation Service, the Centre County Conservation District, the Penn State Cooperative Extension and/or Clearwater Conservancy, or other State and Federal forest agencies.
  - 2) As part of riparian buffer restoration, it is required that any/all noxious species existing within the buffer area and/or within the site be removed. Property owners and developers should ensure that invasive species are removed so as to not adversely impact any native species planted and protected as part of the required riparian buffer restoration. Please refer to Appendices D, G and H.
  - 3) For maximum effect, the riparian buffer should be composed of three layers of vegetation or more.
    - (a) Canopy and understory trees to form a tree canopy particularly in Zone One.
    - (b) Shrubs to support a dense, healthy and diverse understory.
    - (c) Grasses, sedges, flowering perennials and other groundcover.
  - 4) General Recommendations for Riparian Buffer Plantings. Canopy and understory trees should be 1½ to 2½ calipers in diameter at breast height, 8–10 feet tall at planting. Canopy trees should be planted a minimum of 20–25 feet on center in staggered rows, and understory trees should be planted a minimum of 15 feet on center, also in staggered rows. Shrubs should be planted in between canopy and understory trees at a minimum distance of between 3 and 5 feet apart. Grasses, sedges, flowering perennials and groundcovers should be planted 1–3 feet apart.
9. Stream Crossing Standards.
  - a. Criteria.
    - 1) All stream crossings permitted under §27-403.B.3.a(1) and .3.a(2), shall comply with and incorporate as required, the following minimum standards:



- (a) Any stream crossings requiring any activity in, under and/or over any body of water shall first consult the Department of Environmental Protection's North Central Regional Office, Watershed Management Permitting and Technical Services Section at (570) 327-3636.
  - (b) The width of any right-of-way shall not be greater than the minimum right-of-way width required by Township ordinances unless additional right-of-way is offered for dedication.
  - (c) Stream crossings shall be designed to cross in a manner that minimizes disturbance.
  - (d) Stream crossings shall be separated by a minimum of 1,000 feet of stream length.
  - (e) Bridges, with the appropriate Federal and/or State permits, shall be used in place of culverts when crossings would require a 72-inch or greater diameter pipe. When culverts are installed they shall be designed to retain the natural stream channel bottom to ensure the passage of water during low flow or dry weather periods.
10. Nonconforming Structures and Uses in the Riparian Buffer Overlay Zoning District. All existing, nonconforming structures and uses will continue to be permitted in accordance with the Ferguson Township existing nonconforming provisions so noted in Chapter 27, Part 8, "Nonconformities".
11. Boundary Interpretation and Appeals Procedure.
- a. When a landowner or applicant disputes the Zone One or Zone Two boundaries of the Riparian Buffer Overlay Zoning District, or the defined edge of a watercourse, surface water body, or wetland, the landowner or applicant shall submit evidence to the Township that describes the existing boundary per the provisions of this Section, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.
  - b. The Township Arborist and/or Zoning Administrator shall evaluate all material submitted and shall make a written determination of the acceptability of the proposed boundary change within 45 days.
  - c. Any party aggrieved by any such determination or other decision or determination under this Section may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in the case of any such appeal.
12. Inspection of Riparian Buffer Overlay Zoning District.
- a. Lands within or adjacent to an identified Riparian Buffer Overlay Zoning District will be inspected by the Township Arborist when:
    - 1) A subdivision or land development plan is submitted.
    - 2) A zoning and/or building permit is requested.
  - b. The Riparian Buffer Overlay Zoning District may also be inspected periodically by the Township Arborist and/or Zoning Administrator to determine compliance with required riparian buffer restoration in accordance with recommendations for improvements identified in this Section and Appendix C, "Riparian Buffer Management" or when excessive or potentially problematic erosion, sedimentation, hazardous trees or an

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unauthorized activity or structure is brought to the attention of Ferguson Township officials.

**§27-404. Airport Overlay District Requirements.**

- A. Purpose. The purposes of this Section are to create an airport district overlay that considers safety issues around the facility now or formerly known as the University Park Airport, regulate and restrict the heights of constructed structures and objects of natural growth, create appropriate zones, establish the boundaries thereof and provide for changes in the restrictions and boundaries of such zones, create the permitting process for use within said zones and provide for enforcement, assessment of violation penalties, an appeals process and judicial review. If a conflict exists between the regulations of this Section and the underlying zoning district regulations, the more restrictive requirements shall apply.
- B. Relation to Other Zoning Districts. The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where applicable, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.
- C. Establishment of Airport Zones. There is hereby created and established a Conical Surface Zone within the Airport Overlay, as depicted in Appendix J and illustrated on the University Park Airport Hazard Area Map.
- D. Permit Applications. A zoning permit shall be required prior to the erection, extension or alteration of any structure or portion thereof, or to erect and maintain any object (natural or man-made), within the conical surface. A zoning permit shall not be required prior to a change in residential ownership nor prior to a change in residential tenants.
1. Prior to the issuance of any zoning permit, the Zoning Administrator shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained. Prior to applying for a permit and, at least 30 days prior to commencing the permitting action, the applicant shall notify the Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal. The Department's BOA response must be included with the zoning permit application for it to be considered complete.
    - a. If the Department's BOA returns a determination of penetration of airspace, the applicant may seek a variance from the regulations, as specified in §27-404.F below, by filing an appeal as prescribed in §27-907.
  2. No such zoning permit shall be required for normal maintenance activities and minor repairs which do not constitute an erection, extension or alteration as herein defined, or for any structure permitted pursuant to §27-206.D of this Chapter.
  3. No such permit shall be granted by the Zoning Administrator for any purpose except in compliance with the provisions of this Section, or upon appeal, in compliance with a decision of the Zoning Hearing Board or the courts.
    - (a) Refer to §27-902.C through §27-902.F to find applications for zoning permits.
- E. Variance. Variance requests shall be made on the forms provided by the Township and shall be in accordance with §910.2 of the Municipalities Planning Code. In addition, all requests for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the

proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the Zoning Hearing Board shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection. The subject construction/alteration is determined not (to) exceed obstruction standards and marking/lighting is not required to mitigate potential hazard.
  2. Conditional Determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated.
  3. Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable.
- F. Use Restrictions. Airports and Landing Strips. All airports and landing strips shall be site- selected, designed and constructed in accordance with standards of the Federal Aviation Agency. Notwithstanding any other provisions of this Section, no use shall be made of land or water within this Section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the University Park Airport surface.
- G. Pre-existing Nonconforming Uses. All nonconforming uses are subject to the provisions of §27-803. In addition, the regulations prescribed by the Airport Hazard Overlay District shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance), may only be reestablished consistent with the provisions herein.
- H. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of §27-404.E may be conditioned, according to the process described therein, to require the owner of the structure or object of natural growth in question or the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.
- I. Violations and Penalties. Violations and penalties shall be subject to the provisions of §27-906.
- J. Appeals. Appeals shall be made in accordance with the process identified in §27-907.

**§27-405. Source Water Protection Overlay District Requirements.**

- A. Purpose and Intent. The purpose of this Ordinance is to protect the health, safety, and welfare of residents and the ecosystems of the township, provide protections for sources of public drinking water supplies, and safeguard the future supply of safe and sustaining drinking water. The designation of a Source Water Protection Overlay District, as provided herein, and the regulation of activities within such Source Water Protection Overlay District are intended to reduce the potential for ground water and surface water contamination and minimize adverse environmental impacts. The Source Water Protection Overlay District further intends to:
1. Protect groundwater-based public and private water supply sources within the Township from contamination.

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2. Minimize the risk from spills, leaks and other discharges into groundwater within the Source Water Protection Overlay District.
  3. Manage land use activities that store, handle, and produce hazardous materials or regulated substances which can contaminate water supply sources through inadequate management.
  4. Encourage Best Management Practices (BMP) to limit degradation of groundwater and surface water quality.
  5. Provide many of the Source Water protections that are set forth as goals in the existing Source Water Protection reports or plans formulated by such entities as the State College Borough Water Authority, Pennsylvania State University, Bellefonte Borough Water Authority, College Township Water Authority, and any other private water companies utilizing groundwater within the Township for public consumption.
  6. Update ordinance requirements periodically, taking into account any new technologies or practices in agricultural operations. When new technologies, farming practices, or development activities could lead to unacceptable harm to people or our source water that is scientifically plausible but uncertain, the township shall take actions to avoid or diminish that harm.
  7. Help mitigate the impacts of a changing climate on the groundwater and surface water resources within the Township by defining the Source Water Protection Overlay District to be the entire Township, thereby including the future southwest extension of the Zone II area.
- B. Statutory Authority. Section 1428 of the Federal Safe Drinking Water Act Amendments of 1986 requires the States to establish Wellhead Protection Programs to protect groundwater from contamination. In Pennsylvania, the responsibilities for development and implementation of Source Water (Wellhead) Protection Programs is shared between water suppliers, the Commonwealth, and local municipal governments. The Pennsylvania Department of Environmental Protection (PA DEP) recognizes that, in Pennsylvania, DEP is responsible for regulating water suppliers and discharges of contaminants. Pennsylvania DEP also recognizes that it is the responsibility of local governments to regulate land use. Ferguson Township is empowered to regulate land use activities through the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which provides authorization to the Township to enact ordinances regulating development and land uses to ensure the public health, safety, and welfare; provisions for safe, reliable, and adequate water supply; considering current and future water resources availability, uses, and limitations (including provisions adequate to protect water supply sources).
- C. Applicability.
1. These provisions apply to land uses located or proposed within the area delineated as the Source Water Protection Overlay District, and to those land uses on parcels located within a Source Water Protection Overlay District.
  2. To the extent otherwise permitted or regulated by Federal, state and/or county statutes and regulations, the owners and/or occupiers of lots and tracts of land which are primarily utilized for the purpose of single or multi-family residential dwellings are permitted to utilize and store fuels, hazardous chemicals, pesticides, fertilizers, inflammable liquids and gases, and toxic and regulated substances listed as part of this ordinance in such quantities and in such manner as is associated with normal and responsible household use, and such limited authorization shall not be deemed a Regulated Land Use and Activity for the purposes of this Ordinance.
    - a. For commercial and retail establishments that sell pre-packaged fuels, hazardous chemicals, pesticides, fertilizers, inflammable liquids and gases, and toxic and regulated

substances packaged for home uses, these packaged materials shall be exempt from the requirements of this Ordinance.

3. Both existing and proposed Agricultural Operations and/or Service Businesses defined under Section 3 shall be exempt from this ordinance, provided that individual farmers coordinate and implement best management practices through Conservation, Manure Management, Agricultural Erosion & Sedimentation, and Nutrient Management Plans and any other applicable county, state or federal regulations.
  4. On-site sewage disposal systems, both existing and proposed, must participate and fulfill requirements outlined in the regional Act 537 Plan, and comply with the Ferguson Township Chapter 18, Sewers and Sewage Disposal, Part 5, Sewage Management Program.
  5. Silvicultural and timber harvesting operations and activities shall comply with the Commonwealth's Chapter 102 regulations for Erosion & Sedimentation control and Chapter 105 permits for wetlands and streams through the Centre County Conservation District.
- D. Establishment and delineation of source water protection overlay district and wellhead protection zones. The "Source Water Protection Overlay District" shall be defined as the entire area within the boundaries of Ferguson Township as set forth on the map marked as Appendix A and incorporated herein by reference thereto. Source Water Protection zones have been established by the State College Borough Water Authority under the "Source Water Protection Report, January 2007 (Revised in May 2017)" for Zones I and II, and the Pennsylvania State University for Zone II. The Rock Springs Water Company retains established well locations within western Ferguson Township, as the Overlay Map includes a prescribed Zone I delineation around the well site.
1. Zone I: A protective area immediately surrounding a public water supply with a radius defined by the most recently adopted State College Borough Water Authority "Source Water Protection Report", as amended:
    - a. DeArmit Well Field: Wells 1, 2 & 3 = 400'
    - b. Wellfield #4 (Nixon): Wells 41, 43 & 53 = 400'
    - c. Wellfield #5 (Chestnut Ridge): Well 55 = 135' and Well 57 = 140'
    - d. Wellfield #7 (Kocher): Wells 71, 73 & 78 = 400' and Well 79 = 140'
    - e. Wellfields #1 and #3 (Thomas/Harter): No wells located within township boundary
    - f. Penn State University Wellfields: Well 28A = 400' and Well 37 = No Radius
    - g. Rock Springs Water Company: 400' radius around existing wells
      - 1) Upon a well decommissioning by the water purveyor, the prescribed radius shall no longer be in effect upon notice of the water purveyor to Ferguson Township.
  2. Zone II: The area encompassing the portion of the aquifer through which water is diverted into a well and typically defined by DEP as a ½ mile radius around a well unless a more detailed delineation is conducted. Detailed delineation was conducted as part of the State College Borough Water Authority under the "Source Water Protection Report, January 2007 (Revised in May 2017)" and outlined as the Source Water Protection Overlay District in Appendix A.
  3. Consistent with the Safe Drinking Water Act, for all construction permit applications accepted by the Department of Environmental Protection after October 9, 1995, a water supplier who is

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developing a community water system well, spring, or infiltration gallery that is installed for a new system or as an expansion of an existing system shall:

- a. Own or substantially control through a deed restriction, or other methods acceptable to the Department, the Zone I wellhead protection area in order to prohibit activities within Zone I that may have a potential adverse impact on source water quality or quantity.
  - b. Discontinue the storage, use, or disposal of a potential contaminant within the Zone I wellhead protection area unless the chemical or material is used in the production or treatment, or both, of drinking water.
  - c. Eliminate the storage of liquid fossil fuel within the Zone I wellhead protection area except for providing auxiliary power to the public water system to ensure the uninterrupted of essential services during power failures or as a primary heating source only when the use of natural gas or propane gas is not a viable option.
  - d. Construct any new and replacement liquid fossil fuel tanks that are within the Zone I wellhead protection area aboveground within the pump house or an enclosed, locked structure using an impermeable secondary containment structure of greater capacity than the fuel storage tank.
- E. Boundary interpretation. Each application for a subdivision, land development, or zoning permit required for a Regulated Land Use and Activity Table 1 containing land within the Source Water Protection Overlay District shall be submitted in accordance with such other applicable provisions of Ferguson Township ordinances. Any area of the Source Water Protection Overlay District that falls within the subject lot or lots shall be shown on the site plan through shading of such area or areas and identification of the impacted wellfield.

Any applicant seeking subdivision, land development or zoning permit approval for a Regulated Land Use and Activity (Table 405.G.1) in a Source Water Protection Zone shall have the burden to present evidence of the boundaries of the District in the area in question. This evidence must include applicable geographic data with respect to the property and any other pertinent documentation for consideration. The Township's qualified professional and Planning & Zoning staff shall evaluate the information and shall make determination regarding the boundaries of lands within a particular Source Water Protection Zone. This information shall include:

1. All plans shall be on sheet sizes consistent with (the Township subdivision and land development) ordinance.
2. Proposed name or identifying title of project.
3. Name and address of the landowner and developer of the project site.
4. Plan date and date of the latest revision to the plan, north point, graphic scale and written scale. All plans shall be at a scale of one hundred (100') feet to the inch.
5. Total acreage and boundary lines of the project site and the tract of land on which the project site is located.
6. A location map, for the purpose of locating the project site to be developed, at a minimum scale of two thousand (2,000') feet to the inch, showing the relation of the tract to adjoining property and to all highways, streets, Township boundaries, and other identifiable landmarks existing within one thousand (1,000) feet of any part of the tract of land on which the project site is

- proposed to be developed. Map should also include Source Water Protection Zones along with the most recent aerial photography.
- F. Public water supplier review. Prior to the commencement of any subdivision, land development or new Regulated Land Uses and Activities, as outlined in Table 405.G.1. below, the Ferguson Township Department of Planning and Zoning shall furnish a copy of plans or proposed permit application information to public water suppliers such as the State College Borough Water Authority, the Pennsylvania State University, Borough of Bellefonte, or the Rock Springs Water Company under the following requirements:
1. The owner/applicant shall submit all pertinent information to demonstrate to the Public Water Supplier the following:
    - a. The owner/applicant meets the provisions for Regulated Land Uses and Activities in Table 405.G.1.
  2. Ferguson Township shall offer public water suppliers an opportunity to review and comment on proposed land development plans of Regulated Land Uses and Activities. Upon land development application submission, Ferguson Township Planning & Zoning Department staff shall forward copies of the plans and request public water supplier to review and comment within 45-days of receipt. Extraordinary development proposals may necessitate an extension of public water supplier review time, which may prompt a public water supplier request to extend the 45-day review time. All costs associated with public water supplier review shall be borne by the land development applicant. The public water supplier may waive further review of the proposed development plan, depending upon the physical location of the proposed project, and must notify Ferguson Township Planning and Zoning Department staff, in writing, that the public water supplier opts to waive land development plan review.
- G. Regulated land uses and activities. The Regulated Land Uses and Activities, under Table 405.G.1 contained in this section, sets forth various Regulated Land Uses and Activities to the extent of regulation permitted in each of the zones in the Source Water Protection Overlay District. In the event of judicial decision affecting any of the Land Uses and Activities or regulations set forth herein, it is the intent of this Ordinance that any provision found to be illegal shall be stricken, and the remaining provisions shall remain in full force and effect.

Full authority for the administration/application of all criteria, terms, and conditions of this section shall be with the Zoning Administrator. Land uses and activities shall be regulated as follows:

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**TABLE 405.G.1  
REGULATED LAND USES AND ACTIVITIES**

	<u>LAND USE AND ACTIVITIES</u>	<u>ZONE I</u>	<u>TOWNSHIP-WIDE SOURCE WATER PROTECTION ZONE II</u>
1.	Kennels	NOT PERMITTED	<b>A.</b> Proof of a manure management plan and manure storage areas shall be designed in a manner to contain any accidental releases and provide optimal protection of groundwater resources.
2.	Pet Care Services Facilities	NOT PERMITTED	<b>B.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. <b>C.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. <b>D.</b> Site map location of where hazardous materials are stored, handled and used
3.	Veterinary Office/Clinic	NOT PERMITTED	
4.	Mining and Quarrying	NOT PERMITTED	<b>A.</b> Location map and site plan, drawn to scale not less than 1" = 100', showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas. <b>B.</b> A detailed report by a Certified Geologist with experience in hydrogeology attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.
5.	Place of Assembly, Regional	NOT PERMITTED	<b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.
6.	Bed and Breakfast	NOT PERMITTED	<b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.
7.	Farm Café	NOT PERMITTED	<b>C.</b> Site map location of where hazardous materials are stored, handled and used.
8.	Cemeteries	NOT PERMITTED	<b>A.</b> All caskets shall be encased in concrete grave liners as defined by the Federal Trade Commission in regulations at part 453, as amended.



	<u>LAND USE AND ACTIVITIES</u>	<u>ZONE I</u>	<u>TOWNSHIP-WIDE SOURCE WATER PROTECTION ZONE II</u>
9.	Mortuaries	NOT PERMITTED	<p><b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p><b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p><b>C.</b> Site map location of where hazardous materials are stored, handled and used.</p>
10.	Convenience Food Stores	NOT PERMITTED	
11.	All Retail Establishments for the sale, service, and rental of goods	NOT PERMITTED	
12.	Personal Service Establishments	NOT PERMITTED	
13.	Eating and Drinking Establishments	NOT PERMITTED	
14.	Automobile Service Stations and Garages	NOT PERMITTED	
15.	Hotels and Motels	NOT PERMITTED	<p><b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p><b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p><b>C.</b> Site map location of where hazardous materials are stored, handled and used.</p>
16.	Public and Private Garages for the storage and maintenance of motor vehicles	NOT PERMITTED	
17.	Storage and display of motor vehicles, motorcycles, mobile homes, passenger vehicles and light trucks, recreational vehicles, boats and marine craft held for sale or rental, carwashes and truckwashing	NOT PERMITTED	
18.	Archery and shooting ranges	NOT PERMITTED	<p><b>A.</b> Mitigation plan for the abatement of lead contamination within range lanes and trap access.</p>
19.	Printing Establishments	NOT PERMITTED	<p><b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p><b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p><b>C.</b> Site map location of where hazardous materials are stored, handled and used</p>

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	<u>LAND USE AND ACTIVITIES</u>	<u>ZONE I</u>	<u>TOWNSHIP-WIDE SOURCE WATER PROTECTION ZONE II</u>
20.	Incinerators	NOT PERMITTED	<p><b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage</p> <p><b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p><b>C.</b> Site map location of where hazardous materials are stored, handled and used.</p>
21.	The manufacture, processing or bulk storage of natural gas, petroleum, gasoline and other petroleum derivatives and explosives.	NOT PERMITTED	<p><b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p><b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p><b>C.</b> Site map location of where hazardous materials are stored, handled and used.</p>
22.	Wholesale Distribution and Warehouses	NOT PERMITTED	<p><b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p><b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p><b>C.</b> Site map location of where hazardous materials are stored, handled and used.</p>
23.	Auto Wrecking, Junk, and Scrap Establishments	NOT PERMITTED	<p><b>A.</b> Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p><b>B.</b> A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p><b>C.</b> Site map location of where hazardous materials are stored, handled and used.</p>
24.	Commercial or Industrial production, manufacturing, assembly, processing, cleaning, repair, storage or distribution of goods, equipment materials, foodstuffs and other products not involving a retail activity except as an accessory use	NOT PERMITTED	
25.	Light manufacturing, assembly, processing, fabrication and packaging of components into finished or remanufactured products, where all work occurs inside the building and all raw products and finished products are stored within the building	NOT PERMITTED	
26.	Research engineering or testing laboratories and fabrication of models or test equipment used in research	NOT PERMITTED	
27.	Manufacture, use and storage of Hazardous materials as a Principal Activity	NOT PERMITTED	

	<u>LAND USE AND ACTIVITIES</u>	<u>ZONE I</u>	<u>TOWNSHIP-WIDE SOURCE WATER PROTECTION ZONE II</u>
28.	Land Application of Bio-Solids	UNDER PA DEP PERMIT CONDITIONS OF APPROVAL	
29.	Underground Injection Wells, Natural Gas Well Extraction Pads for Horizontal Drilling and Hydraulic Fracturing, Compressor Stations	NOT PERMITTED	NOT PERMITTED
30.	Liquid Petroleum Transmission Lines	NOT PERMITTED	NOT PERMITTED
31.	Commercial or Municipal Composting Facilities	NOT PERMITTED	A. Storage facilities shall be designed to have an impervious storage and loading surface, prevent infiltration of rain and surface water into storage areas and provide diking to prevent runoff from storage & loading areas.
32.	Golf Course	NOT PERMITTED	A. All herbicides and pesticides shall be applied in accordance with label directions, and must be applied in accordance with an approved Nutrient Management Plan. B. Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching/runoff. C. Coordination with the Penn State Cooperative Extension Service to develop and implement an Integrated Pest Management Plan
33.	Geothermal Exchange Systems (Open and Closed Loop)	NOT PERMITTED	A. Placement of such systems shall comply with the standards set forth in Chapter 10 – Well Drilling of the Centre Region Building Safety & Property Maintenance Code.
34.	Storage Tanks-Aboveground (AST)	NOT PERMITTED	A. Submittal of an approved registration form indicating compliance with Permit Requirements of the Storage Tank and Spill Prevention Act (STSPA, Act of 1989, P.L. 169, No. 32) standards B. Above-ground Storage Tanks shall not be located within 200’ of a Zone I Boundary
35.	Storage Tanks-Underground (UST)	NOT PERMITTED	A. Submittal of an approved registration form indicating compliance with Permit Requirements of the Storage Tank and Spill Prevention Act (STSPA, Act of 1989, P.L. 169, No. 32) standards. B. Underground Storage Tanks shall not be located within 200’ of a Zone I Boundary.
36.	Storage of Road Salt and De-Icing Materials	NOT PERMITTED	A. All salt and associated sand mix piles must be stored on an impermeable surface and covered with a waterproof material. Stockpiles shall not be located near surface waters, in flood plains, or areas with steep slopes, and shall be designed to prevent surface water runoff. Snow containing road salt shall not be brought to sites within (200’) of Zone I for disposal. Environmentally friendly snow and ice removal products and procedures are encouraged.

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	<u>LAND USE AND ACTIVITIES</u>	<u>ZONE I</u>	<u>TOWNSHIP-WIDE SOURCE WATER PROTECTION ZONE II</u>
37.	Application of Road Salt and De-Icing Materials	A. Ferguson Township shall monitor and record amounts of salts or de-icing materials applied to township roads during each storm event.	
38.	Withdrawal or diversion of 10,000 gpd for any consecutive 30-day period from ground or surface water sources	A. Registration of the amount of the water withdrawal is required by the Susquehanna River Basin Commission.	
39.	Abandonment of Wells	A. Abandonment of Wells shall comply with the standards set forth in Chapter 10 – Well Drilling of the Centre Region Building Safety & Property Maintenance Code.	
40.	Well Building/Water Production Facilities	<p>A. Provide a detailed description of the storage, handling, use of regulated substances and description of the containment structures for hazardous material storage</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled, and used.</p>	
41.	Freight or Truck Terminals	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
42.	Medical Marijuana Growing and Processing Facility	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of regulated substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>

H. Environmental Emergency Response Plans. Ferguson Township contains a variety of land uses and activities with the potential for additional development throughout the township. Some activities can pose moderate to high risk of causing environmental degradation or the endangerment of public safety through active releases of toxic, hazardous, or other pollutant materials. It is the intent of this ordinance to require such activities to follow the PA Department of Environmental Protection “*Guidelines for the Development and Implementation of Environmental Emergency Response Plans*” that encourages the consolidation of State and Federal pollution incident prevention and emergency response programs into a single plan. The Guideline has been made part of this Ordinance as Appendix B.

## PART 5

## Conditional Uses/Special Exceptions

**§27-501. General Provisions.**

- A. All conditional uses shall be reviewed with the standards and criteria of this Ordinance. In granting a conditional use, the Township Supervisors may attach such reasonable conditions and safeguards, as necessary to implement the purposes of this Article and the Pennsylvania MPC.

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

## A. Adult Business Use.

1. Procedures. A conditional use permit for an adult business use shall be issued by the Board of Supervisors provided that the following specific conditions are met:
  - a. Applications for a conditional use permit for an adult business use shall be submitted to the Township Manager at least 20 days prior to the next regular meeting of the Board of Supervisors. At that meeting, the Board of Supervisors shall receive the application and all information required by this subsection. The Board of Supervisors shall refer such information to the Ferguson Township Planning Commission for its review before taking action on the conditional use permit application.
  - b. Upon receipt of an application for an adult business conditional use permit, the Board of Supervisors shall establish the date, time and place for a public hearing on the application. Notice of the public hearing shall be advertised to the public in accordance with applicable law. The notice shall describe the proposal in general terms. In addition to the public hearing notice, a written notice shall be mailed to the owners of all property within 200 feet of the site proposed for the adult business use. Such public hearing shall be held no later than 60 days following the meeting at which the Board of Supervisors receives such application.
  - c. The Planning Commission shall review the application at its next regular meeting following the receipt of the application from the Board of Supervisors. Within 7 days of such review, the Planning Commission shall submit a written report to the Board of Supervisors on its findings regarding the conformity of the adult business conditional use permit application with the requirements of this and other applicable Chapter sections.
  - d. At the first regular or special meeting of the Board of Supervisors subsequent to the occurrence of the public hearing, the Board of Supervisors shall take action on such application. The Board of Supervisors may approve the conditional use permit subject to specific conditions or changes, or may disapprove the conditional use permit with a specific list of reasons for such disapproval. Written notification of the action of the Board of Supervisors, with reasons therefore, shall be mailed to the applicant by the Township Secretary within 5 days of action by the Board of Supervisors.
  - e. All applications for an adult business use conditional use permit shall be accompanied by a land development plan. The minimum information required on the land development plan shall include, in addition to the requirements of Chapter 22 the Township's Subdivision and Land Development Ordinance:
    - 1) The adult business use intended.

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**Conditional Uses/Special Exceptions**

- 2) The location and elevations of all buildings.
  - 3) Off-street parking areas and traffic circulation patterns.
  - 4) All signs, displays and advertising, including locations.
2. Other Requirements.
    - a. All storage and displays shall be located within the building.
    - b. All business transactions on the premises shall be conducted within the building.
    - c. No exterior changes, excluding maintenance, to a building proposed to be used for an adult business use shall be made without the approval of the Board of Supervisors. In no case shall the opaque covering of display windows be permitted.
    - d. All new construction shall be in keeping with the scale and architectural styles of the buildings surrounding the site proposed for an adult business use.
    - e. Not more than one type of adult business use, as defined herein, may operate on any lot.
    - f. Advertisements, displays or other promotional materials of specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
    - g. No openings are permitted through walls that separate private viewing booths.
  3. Signs and other Visible Messages. In addition to the regulations of the Township Sign Ordinance [Chapter 19] and applicable State laws, the following shall apply to all adult business uses:
    - a. Sign messages shall be limited to written descriptions of material or services available on the premises.
    - b. Sign messages may not include any graphic or pictorial depiction of material related to specific sexual activities or specified anatomical areas.
  4. Locational Requirements.
    - a. No adult business use shall be located within 1,000 feet of any other existing adult business use measured from the nearest point of the property on which the use is to be located to the nearest point of the parcel or property from which the use is to be separated.
    - b. No adult business use shall be located within 1,000 feet of any lot on which the following uses are located as measured from the nearest point of the property on which the adult business use is to be located to the nearest point of the parcel or property from which said use is to be separated.
      - 1) Any stand-alone residential structure (excludes commercial buildings with accessory residential units).
      - 2) Churches, monasteries, chapels, synagogues, convents or rectories or any other place of worship.
      - 3) Schools, up to and including the twelfth grade, daycare centers, and their associated play areas.

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- 4) Public or private playgrounds, parks, swimming pools and libraries.
- 5) Premises licensed to sell alcoholic beverages.
- c. In addition, no adult business shall be located within 1,000 feet of lots which are owned by a school, place of worship or public agency, as measured from the nearest point of the property on which the adult business use is to be located to the nearest point of the parcel or property from which the use is to be separated.
5. Landscaping. A Buffer Yard shall be required between any adult business use and adjacent land uses. In addition, the Township's Corridor Overlay district requirements shall apply where applicable.
6. Statement of Ownership. Applications for a conditional use permit for an adult business use shall include a statement providing specific information on each individual, partner, limited partner, corporate officer, corporate stockholder owning more than 3% of the issued and outstanding stock of a corporate applicant, or corporate director comprising the applicant as follows:
  - (a) Name, residence address and Social Security number.
7. Termination or Modification of Conditional Use Permit.
  - a. When a conditional use permit for an adult business use is authorized by the Board of Supervisors, the continuation of such use shall be dependent upon the conditions established under the permit and this Chapter. In the event of a change of conditions or noncompliance with conditions, the Board of Supervisors and the Township Zoning Administrator shall have the responsibility and right to terminate or revoke the conditional use permit.
  - b. A conditional use permit may be modified subject to the criteria and procedures established in this Chapter.
- B. Agriculture.
  1. On lots less than five acres, the scale of activities and production shall be residentially-oriented.
- C. Agriculture Related Production.
  1. On lots less than five acres, the scale of activities and production shall be residentially-oriented.
- D. All other Commercial and Industrial Uses.

A use not expressly listed in §§ 27-205.1-15 may be considered for a conditional use application upon review and determination that the Applicant's demonstration of the proposed use meets the following requirements:

1. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
  - a. The number employees.
  - b. The floor area of the building, gross area of the lot and/or scale of development in devoted to the proposed use.

**Conditional Uses/Special Exceptions**

- c. The type of products, materials, equipment and/or processes involved in the proposed use.
    - d. The magnitude of walk-in trade.
    - e. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Chapter.
    - f. The hours of operation.
    - g. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
  - 2. Elevations and site plans must be provided with the application.
  - 3. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
  - 4. Is in general conformity and harmony with the area in which it is proposed.
  - 5. Complies with any applicable standards and criteria specified in this section for the most nearly comparable conditional uses or specifically listed in the Zoning District in which it is proposed and is in compliance with all other standards of this Chapter and all other applicable Township Ordinances.
- E. Bed and Breakfast.
- 1. A minimum of four (4) rooms shall be offered as part of this use.
- F. Camping Grounds.
- 1. Camping grounds shall meet all requirements of 28 Pa. Code § 19, Organized Camps and Campgrounds, including but not limited to those requirements related to water supplies, plumbing, toilet facilities, sewage disposal, garage disposal, vector control, maintenance, and permitting from the Pennsylvania Department of Health.
  - 2. The following conditions shall also apply:
    - a. The minimum lot area for the entire camping ground shall be 10 acres.
    - b. The minimum lot area for a campsite intended for a tent, camper, trailer or recreational vehicle shall be 2,400 square feet.
    - c. No more than 12 campsites per acre are permitted.
    - d. No camper, trailer, tent or recreational vehicle may be placed permanently on the site. The maximum length of time that a camper, trailer, tent or recreational vehicle and any associated guests may stay at a camping ground shall be 30 days in any 90-day period of time.
    - e. Onsite administration and security must be provided.
    - f. Landscape screening must be provided to screen the campground from adjacent noncompatible uses as defined by the Board of Supervisors.



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- g. A plan which identifies the original vegetative cover to remain shall be approved by the Board of Supervisors.
  - h. Access must be provided from a public collector road.
  - i. An internal road circulation plan shall be approved by the Board of Supervisors.
  - j. Appropriate fire prevention measures must be provided.
  - k. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
  - l. The Board of Supervisors must approve all recreational facilities onsite.
- G. Cigar, Hookah, and/or Vapor Lounge.
- 1. Daily hours of operation shall be a maximum of 10:00am to 11:00pm.
  - 2. All lounge activities shall take place indoors.
  - 3. The land use shall be a minimum of 500 feet from the following:
    - a. Schools or day cares.
    - b. Parks or recreation facilities.
    - c. Places of assembly .
    - d. Another Cigar, Hookah, and/or Vapor Lounge.
    - e. Adult Business Use.
    - f. Archery & Shooting Ranges, Indoor and/or Outdoor.
- H. Commercial Hunting Preserve.
- 1. All shooting activities shall take place at a minimum of 1,000 feet from any occupied structure. This dimension may be reduced to 600 feet for any commercial hunting preserve restricted to archery use.
  - 2. Firearms shall not be stored on the premises or otherwise left unattended.
  - 3. Each preserve shall have a clear and concise safety plan.
  - 4. Minors shall not be allowed on the preserve unless accompanied by an adult at all times.
- I. Convenience Food Stores
- 1. If gasoline/fuel and/or energy recharge units are provided, they shall be located to the side and or rear to the principal structure on the lot.
- J. Country Club
- 1. The site is located within the Regional Growth Boundary.

**Conditional Uses/Special Exceptions**

## K. Essential Services.

1. An ambient sound level study has been provided and the ambient sound level at all points along the boundary line of the property upon which the essential service is located shall be no more than 55 decibels (dbA).
2. All items used for essential service shall be stored within the essential service structure or a separate storage building. This restriction does not include items necessary for the operation of the plant which includes, but it not limited to, emergency generators, fuel tanks, drying beds, sedimentation basins, etc.
3. Odor control mitigation shall be implemented for sanitary sewer applications.
4. A land development plan shall be prepared in accordance with Chapter 22 the Township's Subdivision and Land Development Ordinance.
5. An elevation drawing of any structure to be constructed on the premises shall be provided.
6. A landscape buffer in accordance with §27-707 shall be provided between any on-site buildings and the property line. The adjacent buffer is to screen on-site buildings from adjacent properties. A landscaping plan shall be submitted and approved by the Board of Supervisors as a condition of its approval.
7. A minimum four-hundred-foot setback zone from all adjacent property lines shall be provided on the lot where a potable water well is located. The minimum four-hundred-foot setback zone shall be measured from the nearest well head to the adjacent property line. Parkland, state game lands and state forest may be included within the four-hundred-foot setback zone as a conditional use approved by the Board of Supervisors. In the case of state- owned property, approval of the appropriate state agency shall be required.
8. An erosion and sediment control plan shall be prepared and approved.
9. A plan describing the method to be used to handle the water runoff from well pumping testing shall be submitted to the Township for review. The Township may engage the services of a consultant to review the plan and fees charged by said consultant for review shall be paid for by the applicant.
10. The Board may also consider placing limitations on signage, access, parking, lighting, and structure height.
11. Any other conditions the Board of Supervisors may desire to consider.
12. The minimum lot size shall be 1/2 acre for Essential Services Type 1 and 1 acre for Essential Services Type 2.
13. Minimum yard setbacks shall be as follows:
  - a. Rear yard setback - 25 feet for Essential Services Type 1; 50 feet for Essential Services Type 2.
  - b. Front yard setback - 25 feet for Essential Services Type 1; 50 feet for Essential Services Type 2.
  - c. Side yard setback - 25 feet for Essential Services Type 1; 50 feet for Essential Services Type 2.

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**Conditional Uses/Special Exceptions**

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14. Maximum building coverage: 50%
15. Maximum impervious coverage: 75%

**L. Family Child-Care Homes.**

1. Principal Use- Not Applicable.
2. As an accessory land use the following conditions shall apply:
  - a. The family child care home shall comply with all licensing requirements of the Commonwealth of Pennsylvania.
  - b. No structural changes are permitted which will alter the exterior character of the single-family residence.
  - c. A nonfee zoning permit is required for this accessory use.
  - d. A minimum area equivalent to three parking spaces shall be available for the use of parking on the lot.
  - e. In the RR and RA zoning districts, a minimum gravel area equivalent to three parking spaces shall be available for the use of parking on the lot.

**M. Farm Cafés.**

1. As a principal land use, the following conditions shall apply:
  - a. Circulation and lot access shall be designed to minimize conflict with typical traffic conditions of adjacent right-of-way.
2. As an accessory land use the following conditions shall apply:
  - a. A minimum area equivalent to three parking spaces shall be available for the use of parking on the lot.
3. The total gross floor area specific to the farm café use shall not exceed 2,500 square feet. This provision shall apply to the entirety of the farm café in the case of a freestanding structure or, in the case of an attached structure, the portion of the structure that shall be used for the farm café.
4. The minimum lot size shall be the same as the minimum lot size for the principal use of the property with the exception of nonconforming lots. In the case of nonconforming lots, the minimum lot size shall be the size of the lot, provided the other requirements of this section can be met.
5. No structure within the facility shall exceed 40 feet in height.
6. To reduce traffic impacts, only on-site and take-out is permitted. No drive-through service is permitted.
7. Outdoor lighting shall be permitted in accordance with the Township lighting ordinance (Chapter 4, Part 1 of the Township Code of Ordinances).
  - a. No event lighting or loudspeaker system is permitted to be installed or used on the site.

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8. Front, side, and rear setbacks shall be a minimum of 50 feet.
9. Signage shall be permitted in accordance with the Township's sign regulations (Chapter 19 of the Township Code of Ordinances).
10. Adequate parking to accommodate the use shall be provided on-site according to the parking standards for eating and drinking establishments. A parking study submitted for review by the Township may suffice as justification for a number of parking spaces smaller than Township Ordinance requirements.
  - a. Gravel parking lots with bumper blocks shall be allowed until such time as the required parking exceeds 25 parking spaces. At such time, all parking spaces shall be paved.
  - b. Handicapped parking spaces shall comply with ADA standards.
11. Retail sales shall be limited to agricultural products produced in whole or in part within Region 5 as defined by the Pennsylvania Department of Agriculture including, but not limited to, canned or jarred fruits and vegetables and frozen meats. Retail sales shall only be permitted under this section in conjunction with an eating establishment that is provided in accordance with the definition of farm café.
12. The farm associated with the farm café must be an active agriculture operation, as defined in §27-1102, as the purpose of the farm café is to serve primarily local and regional foods in support of sustaining local agriculture.
13. The farm café conditional use need not be subordinate to the agriculture operation in terms utilized.
14. All sites with an on-site septic system must be inspected by the Township's Sewage Enforcement Officer to assure compliance with the Pennsylvania Sewage Facilities Act 537, as amended.
15. All applications for a farm café conditional use permit shall be accompanied by a land development plan prepared in accordance with the provisions of Chapter 22 the Township's Subdivision and Land Development Ordinance.
16. The site shall be subject to all code requirements in Chapter 5 of the Township Code of Ordinances.

**N. Farm Markets.**

1. As a principal land use, the following conditions shall apply:
  - a. The market shall be open no more than 12 hours per day.
  - b. Up to 3 food trucks at any one time may be parked in the parking area to serve prepared food to patrons.
  - c. The market shall comply with noise standards contained in the Township's Noise Ordinance [Chapter 10, Part 3].
2. As an accessory land use the following conditions shall apply:

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- a. A minimum gravel area equivalent to three parking spaces shall be available for the use of parking on the lot.
  - b. The market shall be open no more than 12 hours per day.
- O. Farm Stands.
  - 1. Principal Use- Not Applicable.
  - 2. As an accessory land use the following conditions shall apply:
    - a. A minimum gravel area equivalent to three parking spaces shall be available for the use of parking on the lot.
    - b. The stand shall be open no more than 12 hours per day.
- P. Farm Structures, Non-Traditional-scale.
  - 1. Principal Use- Not Applicable.
  - 2. As an accessory land use the following conditions shall apply:
    - a. A plan for stormwater, in compliance with Chapter 26.
    - b. Any outdoor lighting shall be in compliance with Chapter 4, Lighting.
- Q. Golf Courses, Conventional or Special.
  - 1. The site is located within the Regional Growth Boundary.
  - 2. All applications for a conditional use permit shall be accompanied by a land development plan prepared in conformance with the provisions of Chapter 22 the Township's Subdivision and Land Development Ordinance.
  - 3. All lighting must conform to the standards of Chapter 4, Part 1, of the Township Code of Ordinances.
  - 4. Development of the site shall be subject to the setbacks and impervious coverage standards of the RA zone.
  - 5. All applications shall conform with the provisions of Chapter 26 of the Township Code of Ordinances.
  - 6. All buildings shall be set back 75 feet from any adjoining roads and 100 feet from adjoining residential structures or parcels.
  - 7. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, or driveway.
  - 8. The site shall be subject to all code requirements in Chapter 5 of the Township Code of Ordinances.
  - 9. Golf courses may include the following uses provided such uses are reasonably sized and located so as to provide incidental service to the golf course users and employees:
    - a. Clubhouse, which may include:

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- 1) Restaurant, snack bar, or lounge.
  - 2) Locker and rest rooms; classrooms; and instructional space.
  - 3) Pro shop.
  - 4) Administrative offices.
  - 5) Golf cart and maintenance equipment storage and service facilities.
  - 6) Fitness and health equipment, including workout machines, whirlpools, saunas, and steam rooms.
  - b. Freestanding maintenance equipment and supply buildings, storage yards, locker rooms and/or team meeting facilities.
  - c. Accessory amenities located outside of the clubhouse including:
    - 1) Driving range.
    - 2) Practice putting green.
    - 3) Picnic tables, pavilions and park benches.
    - 4) Snack shacks.
- R. Group Child Care Homes.
- 1. Principal Use- Not Applicable.
  - 2. As an accessory land use the following conditions shall apply:
    - a. The group child care home shall comply with all licensing requirements of the Commonwealth of Pennsylvania.
    - b. A zoning permit shall be obtained from the Ferguson Township Zoning Administrator. The zoning permit shall be accompanied by a sketch plan which identifies parking, outdoor play area and access.
    - c. The area designated as the outdoor play area shall be enclosed with a minimum 4 foot high fence.
    - d. One additional off-street parking space shall be provided for each employee as required by the Commonwealth of Pennsylvania.
    - e. No structural changes are permitted which will alter the exterior character of the single-family residence.
    - f. Residences located on arterial streets must provide a drop- off/pick-up area designed to prevent vehicles from backing onto the arterial roadway.
    - g. The home shall comply with noise standards contained in the Township’s Noise Ordinance [Chapter 10, Part 3].
    - h. A minimum area equivalent to three parking spaces shall be available for the use of parking on the lot.

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- i. In the RR and RA zoning districts, a minimum gravel area equivalent to three parking spaces shall be available for the use of parking on the lot.
- S. Incinerators (non-agricultural)
1. The act of incineration within the FG district shall be conducted by the Commonwealth of Pennsylvania.
  2. A Plan of operations shall be submitted to the Township Department of Public Safety and an inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids stored and/or used on site shall be available upon request.
- T. Kennels
1. Must be operated in compliance with all applicable ordinances, laws and regulations including but not limited to the Pennsylvania Dog Law.
  2. All outside areas used for exercise shall be securely fenced.
  3. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
  4. Evidence of adequate water supply and wastewater disposal must be provided by the applicant
- U. Landscape and Garden Center, Non-retail.
1. The minimum acreage shall be five (5) acres.
  2. No sales shall be permissible on the lot.
  3. The use shall be subject to the Township's standard Land Development requirements.
- V. Manufacturing, Processing or Bulk Storage of Natural Gas.
1. The use shall meet the applicable outdoor storage control provisions in § 27-704.
  2. The use shall meet applicable standards for fire safety from the National Fire Protection Association and applicable Federal, State, and local authorities.
  3. An Emergency Response Plan should be submitted annually for approval by the Fire Chief.
- W. Mining and Quarrying.
1. Specific Intent. It is the purpose of this subsection to allow surface mining and its related processing procedures in rural districts by Conditional Use.
  2. Permits.
    - a. Use of land for surface mining in the rural districts shall be permitted as a Conditional Use, provided the Board of Supervisors determines in each instance that the proposed location will offer reasonable protection to the neighborhood in which the mining operation will occur against possible detrimental effects of the surface mining operations, taking into consideration the physical relationship of the proposed mining site to surrounding properties and permitted land uses, access to the site from public roads, streets and other

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public rights-of-way that must be traveled in removing minerals from the site and the effect of the mining operations on the public water supply. In granting a use permit under this provision, the Board of Supervisors may impose such conditions upon the location of the mining operation as are shown to be necessary and appropriate to protect the public health, safety and welfare. No permit granted under this provision shall be valid unless the mine operator also has secured a valid permit to conduct surface mining operations from the appropriate State or Federal agency having regulatory authority over the conduct of surface mining operations.

- b. The Board of Supervisors shall forward one copy of all applications for a Conditional Use for surface mining to the Ferguson Township Planning Commission immediately upon receipt for review and comment by that agency on all aspects of the application as they relate to the purposes and requirements of this Chapter. The Ferguson Township Planning Commission shall prepare a report on the application within 30 days of the receipt of the application, which report shall be presented to the Board of Supervisors by an authorized representative of the Ferguson Township Planning Commission during the public hearing held on the application for a Conditional Use. Copies of the report shall be made available to any party to the proceeding before the Board at a reasonable cost for duplication or reproduction.
3. Application.
    - a. Application for a conditional use approval from the Board of Supervisors shall include a duplicate copy of the application the company made to Pennsylvania Department of Environmental Protection in accordance with the Surface Mining Conservation and Reclamation Act of 1971.
  4. Limitations.
    - a. The minimum acreage shall be twenty (20) acres.
    - b. No surface mining shall be conducted closer than 100 feet of any public right-of-way or within 300 feet of any property line.
    - c. Edges of stockpiles of excavated materials shall not be located closer than 300 feet to the property line, and all reasonable precaution shall be taken to prevent any material or waste deposited upon any stockpile from being transferred off the premises by wind, water or other natural cause.
    - d. Fencing. A 6 foot fence that completely encloses the portion of the property that includes the open pit area, high wall, water pool or spoilbank and culm bank (as those terms are defined in the Surface Mining Conservation and Reclamation Act) shall be provided and shall be constructed as to have openings no larger than 6 inches and if pickets are used, the openings shall not exceed 6 inches.
- X. Model Homes.
1. A model home shall not be used for residential purposes during the period of time when it is used to "model" the type(s) of residential structures being offered for sale by the developer.
  2. The purpose of a "model home" is to display the exterior and interior of a typical residential structure, and to display the developer's/builder's options offered in the residential structures to be built in the same residential development/subdivision as the model home.



## Y. Parks and Outdoor Recreation Facilities (Private).

1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this chapter.
2. Coverage, including structures, parking lots, and buildings, shall not exceed 50% of the lot.
3. The facility area and lot boundaries shall be landscaped as required by the Township to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
4. All structures shall not be less than 100 feet from any lot line, and no less than 200 feet from the nearest house.
5. All parking shall be a minimum of 25 feet from any residential lot line. Gravel parking lots with bumper blocks shall be allowed until such time as the required parking exceeds 25 parking spaces. At such time, all parking spaces shall be paved. Handicapped parking spaces shall comply with ADA standards.
6. All facilities shall abut a public road and have a permanent access thereto.
7. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and jukeboxes shall be prohibited on the premises.
8. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
9. All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
10. Tennis courts shall be protected by a permanent fence 10 feet in height behind each base line extending 10 feet beyond the playing area in each direction.
11. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.
12. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
13. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.
14. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Township may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

## Z. Pet Care Services Facility.

As a principal land use, the following conditions shall apply:

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1. The Pet Care Service Facility must be operated in compliance with all applicable ordinances, laws and regulations including but not limited to the Pennsylvania Dog Law, §206 - §211, in compliance with a Kennel Class C I License.
2. Applicants must provide written operating procedures such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). These must address the identification and correction of animal behavior that has the potential to impact surrounding use, including excessive barking.
3. Pet Care Service Facilities shall provide a minimum of seventy-five (75) square feet of floor area for each animal, exclusive of office and support areas.
4. A minimum staff to dog ratio of 1:12 shall be maintained (no more than 12 dogs per one staff member).
5. An acoustical analysis of the proposed use shall be performed and prepared under the supervision of a person experienced in the field of acoustical engineering. Ferguson Township shall contract a person in the field of acoustical engineering to review the acoustical analysis for compliance with this section of the ordinance and participate in inspections of the site prior to opening. All township expenses borne by the acoustical engineering review shall be paid by the applicant. The acoustical analysis shall evaluate existing and projected noise levels, noise attenuation measures to be applied, and the noise insulation effectiveness to eliminate animal noise from reaching adjacent properties and neighborhoods. This is to ensure that any noise impacts to sensitive uses are adequately mitigated. The specific noise attenuation provisions identified in the analysis (padded walls, acoustical panels, etc.) shall be indicated on the construction drawings prior to the issuance of any permits. The person preparing the report shall, under the direction of a person experienced in the field of acoustical engineering, perform an inspection of the site prior to the opening of the business to the public to ensure that noise attenuation measures are implemented as recommended by the acoustical expert. A final occupancy or building inspection for the proposed use shall not be issued until this condition of approval is satisfied.
6. Signs shall be posted, instructing dog owners to keep dogs on leashes and other domestic pets with carriers until they are inside the facility to assist with animal control measures in the pick-up and drop-off area.
7. Outdoor areas shall provide a minimum of 500 square feet of fenced space. Outside areas must include access to shade and must be enclosed and gated. Animals will always be supervised outdoors and shall be allowed between the hours of 7:00 a.m. and 7:00 p.m. A maximum of five (5) dogs shall occupy the outdoor exercise and run at any time between these hours.
8. Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fences.
9. All animal quarters and runs are to be kept in a clean, dry and sanitary condition.
10. Hours of operation and dog pick-up and drop-off are limited to those between 7:00 a.m. and 7:00 p.m. Overnight boarding shall be allowed in designated areas on the premise with the requirement that a staff member be on-site during overnight hours. The overnight boarding area within the establishment shall not exceed 50% of the total gross floor area of the business.
11. No unlicensed animals shall be accepted into the facility. Pet owners shall provide the owners of the Pet Care Service Facilities an individual pet record of all vaccinations.

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12. Animal waste shall be picked up from the outdoor portion of the property daily. Storage of animal waste shall utilize air-tight containers or in-ground, septic style digesters. Applicants for Pet Care Service Facilities shall acquire all necessary DEP permitting for in-ground, style waste disposal facilities.
13. Any portion of the site that abuts residentially occupied property or the side or rear yard area that contains outdoor areas must provide a 6-foot sound buffering landscape screen and/or fencing.
14. The retail sale of pet products and food shall not exceed 25% of the total gross floor area of the business.
15. The minimum lot size shall be five (0.5) acres within the General Commercial district, (0.75) acres within the IRD district and (1.0) acre within the RA and RR districts.

## AA. Places of Assembly.

1. The criteria for conditional approval of a place of assembly are as follows:
  - a. Submission and approval of a land development plan and traffic impact study per the requirements established in Chapter 22 the Township's Subdivision and Land Development Ordinance.
  - b. All activity subject to the Township's Noise Ordinance [Chapter 10, Part 3].
  - c. All lighting subject to the illumination standards of Chapter 4, Part 1.
  - d. Primary or accessory uses that are not enclosed shall be limited to operating from dawn to dusk; exceptions may be made for organized activities that are held in outdoor areas with approved lighting.
  - e. Impervious coverage limited to 30%.
    - 1) Use of impervious material for parking is encouraged. Material must be approved by the Township Engineer.
    - 2) The design of permanent stormwater facilities to allow for recreational activities must be approved by the Township Engineer.
  - f. Buffering of any accessory use within the boundary of the site shall not be required; however, landscaping shall be used to delineate the boundaries of the site from adjacent uses in separate ownership and all landscaping required within parking areas shall be provided.
  - g. All signs, other than directional signage shall be located on site. The use of temporary event signage must be approved by the Zoning Administrator:
    - 1) Any requests for on-site signage beyond that which identifies the principal use of the site or any that is approved as part of the land development plan shall be considered for approval at the sole discretion of the Board of Supervisors. Such consideration may include a review of size, location, material, and illumination.
  - h. Any other conditions that the Board determines are necessary to address the impacts associated with the specific use or the specific site.

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- i. No public sewer service will be provided to places of assembly that are outside of the RGB/SSA.
- j. To align with the impacts of natural resource demands, within the RA and RR Districts, any structure shall be limited to an occupancy of 250 occupants.

**BB. Potable Water Pump Station Facilities.**

Potable water pump station facilities shall be permitted as a conditional use if the following standards and criteria are met:

- 1. 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).
- 2. A land development plan shall be prepared in accordance with the Township Chapter 22 Subdivision and Land Development Ordinance. An elevation drawing of any structure to be constructed on the property shall be provided as part of the land development plan.
- 3. A landscape buffer in accordance with buffer yard regulations shall be provided between on-site buildings and the property line.
- 4. An erosion and sediment control (ESC) plan shall be prepared and approved.

**CC. Schools, Public or Private**

- 1. All outdoor play areas shall be completely enclosed by a fence or wall with a minimum height of 4 feet, and screened by an evergreen planting which shall reach a height of at least 6 feet within 5 years of planting.
- 2. The required side yard and rear yard setbacks for a school shall be doubled for any portion of the school that is used for public assembly, whether indoor or outdoor. A school shall be considered as being used for public assembly if it possesses bleachers, permanent seating for viewing events or a cafeteria.
- 3. There shall be no outside storage materials, equipment or machinery used in the training activities.
- 4. Vehicular access to a school building shall be via either an arterial or collector street. Vehicular access to a school building via a local street shall be prohibited, except and only to the extent necessary to provide access for handicapped individuals or secondary emergency access.
- 5. A Traffic Study shall be submitted with the application. The traffic study shall address and mitigate any adverse impact occasioned by:
  - a. Proposed changes in parking and traffic circulation on the site and into and out of the site; and
  - b. Proposed trip generation, parking and traffic circulation compared with those features of the school when it was operational; and
  - c. Comparative impact on the adjacent streets and surrounding development or the proposed use and the former school use.
- 6. Any exterior lighting proposed for a building or parking area in a Zoning district shall be of

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low intensity and shall be shielded so that the source of the light is not visible. The maximum intensity measured on the ground or surface of the parking area shall be two (2) footcandles. Food lighting or similar lighting shall not be permitted.

**DD. Solar Energy Systems.**

1. Principal Solar Energy Systems (PSES) constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Section. Any physical modification to any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
2. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL) or other similar certifying organizations, and shall comply with Municipality's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
3. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
4. The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Township prior to the issuance of a certificate of use and occupancy for the PSES.
5. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the municipality shall be informed of the intent of the PSES.
6. Signage shall comply with the prevailing sign regulations.
7. All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
8. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
9. Minimum Lot Size.
  - a. The PSES shall meet the lot size requirements of the applicable zoning district.
10. Setbacks.
  - a. The PSES shall comply with the setbacks of the applicable zoning districts.
  - b. If located adjacent to a residential district, the PSES shall have an increased setback of 100 linear feet.
  - c. PSES shall not be placed within any legal easement or right-of-way location, or be placed

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within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

11. Height.

- a. Ground mounted PSES shall comply with the building height restrictions of the applicable zoning district.

12. Impervious Coverage.

- a. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
  - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
  - ii. All mechanical equipment of PSES including any structure for batteries or storage cells.
  - iii. Gravel of paved access roads servicing the PSES.

13. Stormwater.

- a. The Applicant shall submit a storm water management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.
- b. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.

14. Screening.

- a. Ground mounted PSES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a fence that provides visual screening and meets requirements of the controlling ordinance may be used.

15. Security.

- a. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the municipality.
- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

16. Access Drives.

- a. Access drives are required to allow for maintenance and emergency management vehicles and shall have a cartway with a minimum width of 12’.

## 17. Removal.

- a. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded.

## EE. Storage of passenger vehicle light trucks.

1. Vehicles shall not be stored within the front yard of any lot and/or between the front building façade and the front lot line.

## FF. Treatment Centers.

1. The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety.
2. The Board of Supervisors may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
3. Any such use shall not be located or operated within 500 feet of an existing school, public playground, public park, residential housing district, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed treatment center, and shall be located a minimum of 600 feet from any existing treatment center.
4. No treatment center shall be permitted unless it is certified by and meets all regulations of the appropriate local, County, State and/or Federal agencies.

## GG. 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:

1. 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).
2. A land development plan shall be prepared in accordance with § 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.
3. A landscape buffer in accordance with buffer yard regulations shall be provided between on-site buildings and the property line.
4. An erosion and sediment control (ESC) plan shall be prepared and approved.
5. A laboratory within the water production facility shall be allowable. The scale of the laboratory shall be limited to only the required testing necessary for compliance with Pennsylvania Department of Environmental Protection (DEP) regulations. Storage of chemicals within the laboratory which are to be used for DEP compliance shall be limited to a four-month supply of such chemicals at one time.
6. The minimum lot size shall be five acres.
7. The minimum yard setbacks shall be as follows:

Rear yard setback: 50 feet.

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**Conditional Uses/Special Exceptions**

Front yard setback: 50 feet.

Side yard setback: 50 feet.

8. Maximum building coverage: 15% of lot area.
9. Maximum impervious coverage: 50% of lot area.

**HH. Welding Shops.**

1. Principal Use- Not Applicable.
2. As an accessory land use the following conditions shall apply:
  - (a) All processes associated with welding shall be completed within a minimum of a partially enclosed structure.

**II. Wind Energy Systems / Building and Ground Mounted Wind Systems.**

1. The required setback from a residential structure shall equal twice the height of the Wind Energy Conversion System.
2. The required setback from a road shall equal the height of the system plus 50 (fifty) feet.



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**PART 6**  
**Reserved**

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Supplemental Regulations

PART 7

Supplemental Regulations

§27-701. Floodplain Conservation.

All land and watercourses defined herein as floodplains shall be subject to the following regulations regardless of the district regulations within which such land and watercourses are located. The identified floodplain area shall be: (A) any areas of Ferguson Township, subject to the 100-year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) with the effective date of May 4, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study, and (B) those areas designated as alluvial soils by the "Soil Survey of Centre County, Pennsylvania," prepared by the U.S. Department of Agriculture, dated 1981.

The AE Area/District (Flood Insurance Risk Zone) shall be those areas identified as an AE Zone on the Flood Insurance Rate Map (FIRM) included in the FIS prepared by FEMA and for which 100-year flood elevations have been provided in the FIS.

The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 100-year flood elevations have been provided. For these areas, elevation and floodway information from Federal, State or other acceptable sources shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. In lieu of the above, the municipality may require the applicant to determine the 100-year flood elevation with detailed hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. Where a difference exists between these two documents, the document which delineates the greater area shall be used. Any changes to the data contained in the Flood Insurance Study are subject to the approval of the Federal Insurance Administration.

- A. Intent. It is the intent of this Section to preserve the natural functions of floodplains, to protect life and property from the hazards of flooding, to protect the waters of the Township and to minimize the financial burdens which floods impose upon the community. These purposes shall be advanced by preventing certain uses and structures from locating in floodplains while allowing others which will not (1) impede the flow of flood waters, (2) present the hazard of pollution, erosion and sedimentation of floodplains and watercourses, (3) result in increased surface runoff and downstream flooding and (4) impede the recharge of aquifers.

- 1. Areas subject to periodic inundation by flood waters shall include (a) all flood hazard areas indicated on the aforementioned Flood Insurance Rate Maps and (b) the following alluvial soil types indicated on the aforementioned soil survey maps:

<u>Symbol</u>	<u>Name</u>
At	Atkins Silt Loam
Ba	Basher Loam
Ca	Carlisle Muck

<u>Symbol</u>	<u>Name</u>
Ch	Chagrin Soils
DU	Dunning Silty Clay Loam
LX	Lindside Soils
Mm	Melvin Silt Loam
No	Nolin Silt Loam
Ph	Philo Loam
Pk	Philo and Atkins very stony soil
Po	Pope soils

2. Natural drainage swales subject to periodic inundation by runoff rather than flood waters are also subject to the Floodplain Conservation regulations. Such drainage swales are identified as Nolin silt loam soils, soil symbol “No” on the aforementioned soil survey maps.
- B. Permitted Uses. Floodplains may be only used for the following, provided such uses and structures do not conflict with the limitations of paragraph .C, below:
1. The tilling of the land, the raising of crops, fruits and vegetables and the raising and keeping of livestock and poultry.
  2. Horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers and other plant materials.
  3. Forestry uses related to the harvesting of lumber products.
  4. Public and private conservation areas for the conservation of open space, water, soil and wildlife resources.
  5. Retaining walls, flood retention dams, culverts and bridges as permitted by the Pennsylvania Department of Environmental Protection.
  6. Customary uses accessory to the above.
- C. Use Limitations. Uses permitted in §27-701.B are limited as follows:
1. All new construction or development (including substantial improvements) are prohibited.
  2. Improvements or modifications to an existing structure shall be permitted but they shall be elevated or floodproofed as much as possible; provided, that said improvements or modifications involve (a) less than 50% of the fair market value and (b) less than 50% of the square footage as it existed on March 8, 1984.
  3. All other uses whether temporary or permanent are prohibited including, but not limited to, the following which are not interpreted as being customary accessory uses: filling in of the floodplain; sanitary landfill or dumping of any kind; fences which impede, retard or change the direction of the flow of water or catch or collect debris carried by such water; outdoor storage of materials which are buoyant, flammable or explosive; and on-site sewage disposal systems.

**Supplemental Regulations**

4. Prior to any proposed alteration or relocation of any stream or any watercourse, etc., within the Township, a permit shall be obtained from the Department of Environmental Protection, Dams and Encroachment Division, as specified in the Dam Safety and Encroachment Act, as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development.
  - a. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
- D. Zoning Permit. Prior to the issuance of any zoning permit, the Zoning Administrator shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, §404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.
- E. Land Development Plan Review. Any applicant for a zoning permit who is engaging in land development (as that term is defined in Chapter 22, Subdivision and Land Development) within a floodplain or 100 feet therefrom shall submit, along with the application, a land development plan as required in Part 10 of this Chapter.
- F. Conditional Use. Local alluvial soils, while not always displaying all of the characteristics common to alluvial soils, may be subject to periodic inundation or flooding. For this reason they shall be considered an integral part of the floodplain network. However, they may be exempted from the provisions of this Section when it is determined that, by use of proper engineering and conservation practices, such conditional use will not have the effect of nullifying the intent of this Section and they are not within a watercourse, drainageway channel or stream, or within the floodplain area of the Flood Insurance Rate Map for Ferguson Township as prepared by the Federal Insurance Administration. A conditional use may be a use as permitted by the existing Township zoning district, where the soils are found as previously listed and a floodplain does not exist.
  1. In granting a conditional use, the Board of Supervisors shall:
    - a. Consider that there is good and sufficient cause.
    - b. Consider that failure to grant the conditional use will result in exceptional hardship to the applicant.
    - c. Consider that the granting of the conditional use will:
      - 1) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense.
      - 2) Nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable State or local ordinances and regulations.
    - d. Make sure that a conditional use shall involve only the least modification necessary to provide relief.
    - e. Attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to meet the intent of this Section.

- f. Require the applicant to comply with all applicable requirements of the National Flood Insurance Program regulations (60.3a, b and c), including the requirements for flood-proofing, anchoring and elevation.
2. Notwithstanding the provisions of this Section, no conditional use shall be granted for the following obstructions and activities if located entirely or partially within an identified floodplain area:
    - a. Hospitals (public or private).
    - b. Nursing homes (public or private).
    - c. Jails or prisons.
    - d. New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
    - e. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any one of the following dangerous materials or substances and 935 gallons in the aggregate on the premises:
      - 1) Acetone.
      - 2) Ammonia.
      - 3) Benzene.
      - 4) Calcium carbide.
      - 5) Carbon disulfide.
      - 6) Celluloid.
      - 7) Chlorine.
      - 8) Hydrochloric acid.
      - 9) Hydrocyanic acid.
      - 10) Magnesium.
      - 11) Nitric acid and oxides of nitrogen.
      - 12) Petroleum products (gasoline, fuel oil, etc.)
      - 13) Phosphorus.
      - 14) Potassium.
      - 15) Sodium.
      - 16) Sulphur and sulphur products.
      - 17) Pesticides (including insecticides, fungicides and rodenticides).
    - f. Any residential dwelling.

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3. Whenever a conditional use is granted, the Zoning Administrator shall notify the applicant in writing that:
    - a. The granting of the conditional use may result in increased premium rates for flood insurance.
    - b. Such conditional uses may increase the risks to life and property.
  4. A report of all conditional uses granted under this Section during the year shall be included in the annual report to the Federal Insurance Administration.
  5. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.
- G. Wetlands. Areas subject to periodic inundation by flood waters and/or occurring without flooding shall include:
1. All wetland locations mapped on Fish and Wildlife Service National Wetlands Inventory Maps for Ferguson Township.
  2. Any wetlands identified by on-site field investigation that finds hydric soils and/or common wetland indicator plants.
  3. Requirements for construction of obstructions, structures and uses affecting wetlands:
    - a. Land development plans are to contain boundaries of any wetlands, existing vegetation cover and location of existing soils.
    - b. Soils having severe limitations due to wetness for crops, leach fields, buildings or roads are possible wetlands and require Pennsylvania Department of Environmental Protection and U.S. Army Corps of Engineers review and approval of permits.
    - c. Upon the approval by the Department of Environmental Protection and Corps of Engineers of required permits for the land development in the identified wetland areas; the land development plan and/or subdivision plan may then be submitted to the Township for review and approval.
    - d. The Township procedures of approval may have conditions attached as needed to further the goal of prohibiting development in floodplains and wetlands.
- H. Floodways. No activity, land development, structure, building or obstruction shall be permitted within an identified floodway portion of the Floodplain District.
- I. Use Buffer. A land buffer remaining in its natural condition shall be not less than 100 feet separating the permitted use from the edge of the top of the bank of the watercourse. The 100 feet distance is to start from the outermost edge of the watercourse measured in a perpendicular direction to the approved use. A 50-foot land buffer remaining in its natural condition shall be provided between the permitted use and the edge of the floodplain as defined by FEMA.
- J. Variances.
1. Any variances granted by the Zoning Hearing Board to any of the floodplain conservation regulations of this Section shall be subject to the same standards and requirements as applied to the granting of conditional uses in §27-701.F.



2. In addition to meeting the requirements of §27-701.E. whenever a variance is granted, the Township shall notify the applicant in writing that the granting of the variance may result in increased premium rates for flood insurance and may increase the risks to life and property.
  3. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100- year flood elevation.
  4. No variance shall be granted for any construction, development, use or activity within the floodplain area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than 1 foot at any point.
- K. Abrogation and Greater Restrictions. This Section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

### §27-702. Slope Controls.

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

- A. Intent. It is the intent of this Section to control the following purposes: (1) to limit erosion and sedimentation, (2) to prevent an increase in the possibilities of landslides and soil subsidence, (3) to maintain adequate foliage cover on hillsides and (4) to protect streams from increases in sediment and pollution.
- B. Permitted Uses. Steep slopes may be used as permitted by the district regulations within which they are located, subject to the additional requirements below.
- C. Principles of Development. Where it is necessary to use steep slopes (25% or greater) to permit development of a lot, all such proposals shall, in addition to other applicable regulations of this Chapter, be in accordance with the following principles of development. All development on steep slopes shall:
  1. Be oriented so that grading and other site preparations are kept to an absolute minimum.
  2. Where grading is essential, shape such grading to complement the natural land form.
  3. Be staged where necessary to complete construction of each stage during a season so that large areas of disturbed land are not left bare and exposed during the winter-spring runoff period.
  4. Accomplish all paving as rapidly as possible after grading.
  5. Allocate to open space and recreation uses those areas least suited to development, as evidenced by competent soils, geology and hydrology investigations.
  6. Landscape areas around structures to blend them with the natural landscape.
  7. Take measures to minimize erosion and sedimentation and to limit increases in stormwater runoff in accordance with related regulations of the Township and the Commonwealth of Pennsylvania.
- D. Land development plan Review. All applications for zoning permits for lot, uses and structures located, in whole or in part, on land with steep slopes shall submit, along with the application, a land development plan as required in the Township Subdivision and Land Development Ordinance.

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**§27-703. Nuisance Standards.**

- A. All uses of land and structures shall be prohibited which produce heat or vibration perceptible beyond the lot line.
- B. No agricultural operation or any of its appurtenances, lawful under this Chapter, shall be or become a public nuisance under this Chapter; provided, the provisions of this Section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances.

**§27-704. Outdoor Storage.**

The outdoor storage of materials shall be subject to the following requirements:

- A. All outdoor storage of fuel, raw materials and products, except finished products for retail sale to the public, for a commercial or industrial use, in any Commercial, Industrial or Village District, shall be completely screened from view from any public right-of-way and Residential District by a sight-obscuring evergreen planting, fence or wall. Secondary fuel containment shall be constructed as necessary.
- B. All discarded organic rubbish or garbage stored outdoors shall be placed in water-tight, vermin-proof containers.
- C. All trash dumpsters, compactors and other refuse storage containers, other than those for single-family detached homes and other curbside collection, must be completely screened from view on all sides. The screening to be installed must be sight-obscuring and shall be installed at the height of the dumpster/refuse container. The permitted screening materials are as follows: a fence, evergreen plantings in combination with deciduous shrubs or a wall. Plants installed for screening are required to be the height of the dumpster/refuse container at the time of planting. Refuse storage containers other than those for single-family detached homes and other curbside collection shall not be permitted in the front yard of any property.

**§27-705. Sewage Disposal.**

A sewage permit shall be a prerequisite to the issuance of a zoning permit.

**§27-706. Illumination.**

The illumination of any lot, use or structure shall comply with Chapter 4 of the Code of Ordinances of The Township of Ferguson, entitled "Outdoor Lighting Regulations".

**§27-707. Landscaping.**

- A. Purpose and Intent. The purpose of this Section is to provide landscaping requirements which:
  - 1. Enhance and promote the image of the community.
  - 2. Protect the public health, safety and welfare by:
    - a. Screening and buffering incompatible land uses.
    - b. Minimizing noise, air, water, dust and visual pollution.
    - c. Preserving property values and the character of neighborhoods.
    - d. Reducing the heat and glare absorbed and radiated by development.

- e. Helping control soil erosion.
  - f. Increasing traffic safety.
  - g. Mitigate stormwater runoff on site and improving the quality of this water through the use of vegetation.
3. Increase the variety of plant materials used in landscape plans.
  4. Improve the aesthetics of the site through seasonal diversity of plantings.
- B. General Requirements.
1. Required buffers shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking area or any other type of physical land improvement shall be located in a required buffer; provided, that driveways or roads may cross required buffers if necessary to provide access to the building site. Sidewalks, bikeways and pedestrian paths may also be located within required buffers.
  2. All selected trees and shrubs must be listed on the official Township plant list. Although not listed on the official Township plant list, any type of herbaceous perennial may be used onsite, provided it is not recognized as an invasive plant by the Commonwealth of Pennsylvania Department of Conservation & Natural Resources.
  3. If you wish to use ericaceous or broadleaf evergreens onsite, the pH of the soil must be tested and the soil amended where the plants will be located. This information must be provided to the Zoning Administrator and Township Arborist for verification prior to issuance of the occupancy permit.
  4. All landscaping, trees and planting materials adjacent to parking areas, loading areas or driveways shall be properly protected by barriers, curbs or other means from damage by vehicles. In addition, the tree or shrub shall be planted a minimum of 3 feet from any curb.
  5. Plant materials with seasonal diversity should be selected and distributed throughout the site.
  6. All landscaping plans should be verified by the Zoning Administrator and Township Arborist with consultation from the Tree Commission.
- C. Conflicting Requirements. In the event that one or more of the provisions of this Section, is applicable and there is a conflict among them, the more restrictive requirement shall apply.
- D. Landscaping Plan. When a site or land development plan requires the installation of landscaping, subject to the requirements of this Section, a landscaping plan shall be submitted along with the site or land development plan. The landscaping plan shall show the following:
1. The location of all buffer yards and planting areas shall be graphically depicted.
  2. The plan must graphically depict the distribution, mature height and spread of all required plant materials. The official Township plant list shows the plant height and spread which is to be used for each plant species.
  3. The plan must show a table which identifies the required and proposed number of each plant species being provided for each type of buffer, screen or other use. (i.e., the number of plants, Corridor Overlay buffer, parking lot, general site). The table shall also identify the scientific and common name of each plant, the mature height and spread and the symbol used for the

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- plant.
- 4. The plan must identify the specific size and species of materials, both vegetative and fencing, which will be used for screening of trash collection and storage areas.
- E. Planting Requirements. All trees and shrubs shall be planted in accordance with Township Resolution 2014-25.
- F. Maintenance.
  - 1. The owner or his agent shall be responsible for the maintenance, repair and replacement of all landscaping materials and screening fences or walls to maintain conformance with the landscaping requirements.
  - 2. Any plant material that is 25% dead or more shall be considered dead and must be replaced.
  - 3. Replacements shall be made during the first spring or fall planting season following the death of the plants.
  - 4. Replacements shall be of the same size and type (canopy, understory, shrub) of plant as shown on the plan.
  - 5. All parking lots and buffer yards shall be kept free of litter and trash.
- G. Standards. All landscape material planted shall meet or exceed the following standards at the time of planting:
  - 1. All canopy trees shall reach a height of at maturity of at least 30 feet with a spread of at least 30 feet and shall have a caliper of at least 2 inches at planting. Canopy trees are to be planted such that the majority of the canopy is located on the site of the applicant's land development. See the Township's official plant list for a listing of permitted canopy trees.
  - 2. All evergreen trees shall reach a minimum height of 20 feet at maturity and shall be a minimum of 6 feet tall at planting. See the Township's official plant list for a listing of permitted evergreen trees.
  - 3. All understory trees shall reach a minimum height of 10 feet at maturity and shall have a caliper of 1½ inches at planting. See the Township's official plant list for a listing of permitted understory trees.
  - 4. All deciduous or evergreen shrubs used for screening purposes in the Corridor Overlay District or buffer yard shall reach a minimum height of 5 feet at maturity and shall be at least 3 feet tall at planting. See the Township's official plant list for a listing of permitted shrubs.
  - 5. All deciduous or evergreen shrubs used for general or parking lot landscaping must be a minimum of 2 gallons at planting. See the Township's official plant list for a listing of permitted shrubs.
  - 6. Where the plantings identified in §27-707.G.1 through .G.4, immediately above, would result in an inappropriate or impractical design due to underground utilities, overhead wires or other factors, the following substitutions may be made:
    - a. Two understory trees (1½ inch caliper) may be substituted for one canopy tree.
    - b. Two evergreen trees may be substituted for one canopy tree.

- c. One evergreen tree may be substituted for five shrubs.
- H. Use of Existing Vegetation.
1. Where an existing hedgerow or forested area is located within a proposed buffer yard, the use of existing vegetation is strongly encouraged, to the extent that a suitable buffer will be provided. One existing canopy tree of at least 4-inch caliper may be substituted for one new tree that is listed in Township's official plant list. All changes to the existing hedgerow or forested area must be approved by the Township Zoning Administrator and Township Arborist with consultation from the Tree Commission.
  2. Any existing understory vegetation which is shown to be native and noninvasive should counted toward the buffer yard planting requirements.
  3. In an area where the canopy trees will not allow for the planting and growth of understory trees, four shrubs could be planted in lieu of each required understory tree.
  4. Prior to plan approval, the plan for tree and/or understory vegetation substitution or removal of existing vegetation must be approved by the Zoning Administrator and Arborist with consultation for the Tree Commission.
- I. Preservation of Existing Vegetation. Existing site vegetative tree growth of four inches trunk diameter or larger is encouraged.
- J. Use of Existing Features. Lots separated by a bona fide drainageway, creekway or stream channel may not substitute such condition for a portion of any corresponding buffer yard width.
- K. Screening of Trash Collection and Storage Areas. All trash collection and storage areas shall be screened from all adjoining properties and streets with vegetative materials and/or fences of at least 6 feet in height at the time of installation. Screening with chain link fencing shall not be acceptable.
- L. Access and Visibility. No tree, shrub, fence, wall or similar item shall be installed in the sight triangle of any corner, street intersection or accessway intersecting a public right-of-way that would cause an obstruction to visibility.
- M. Corridor Overlay District. In addition to the requirements of §27-401, including the buffer yard options set forth in illustrations adopted as part of this Ordinance and codified at the end of this Section, any site located within the Corridor Overlay Zoning District shall comply with the following landscaped buffer yard requirements:
1. A landscaped buffer shall be required for all parking areas visible from the corridor street. Visible is determined by anyone (as represented by the Township Zoning Administrator) that is either a pedestrian and/or passenger or driver of an average size vehicle on the corridor street. The main purpose of this landscape buffer is to screen parking lot views from the corridor street. The landscaped buffer may be permitted within the required 50-foot setback.
  2. To provide flexibility in design of the landscaped buffer yard between the off-street parking lot and the street located in the corridor, one or more of the following landscape treatment options shall be used. The type of canopy trees chosen shall be in accordance with Township Resolution 2014-25 ("Regulations and Standards for Arbor Work") and Township Resolution 2015-29 ("Approved List of Tree Species, Cultivars, and Hybrids for Street and Park Planting"). These treatment options include:
    - a. A minimum 10-foot wide landscaped strip shall be planted with a minimum of one canopy tree or evergreen tree and fifteen shrubs per 35 linear feet of frontage along the parking

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area (excluding driveway openings) (Figure 1).

- b. A berm/earth mound, the top of which is at least 2 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 fifteen shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 2).
- c. A 6-foot-wide landscaped embankment strip and a minimum 3 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 fifteen 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).
- d. A minimum of a 5-foot-wide landscaped strip with a minimum 3 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 5-foot-wide landscaping strip. The strip shall be planted with a minimum of one canopy tree or evergreen tree and fifteen shrubs per 35 linear foot of frontage along the parking area (excluding driveway openings) (Figure 4).
- e. A minimum 25-foot-wide strip of existing woodlands or tree growth of sufficient trunk diameter or caliper of 6" if preserved between any parking lot or buildings and the Corridor street (Figure 5).
- f. 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 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 ten shrubs (Figure 6). As required but this Ordinance, 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.

The placement/configuration of mulch shall reflect best practices in horticultural and landscape maintenance standards including but not limited to no placing of materials to be a minimum of 2" of mulch and not to create a formation indicative of a mulch "volcano."

3. Flexible Buffer Yard.

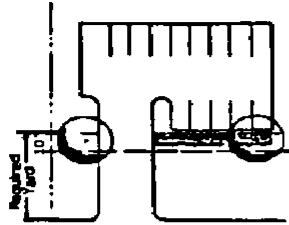


Figure 1

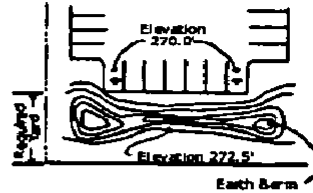


Figure 2

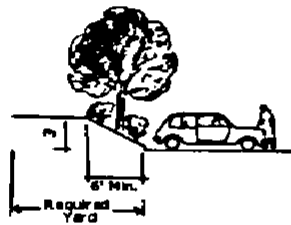


Figure 3

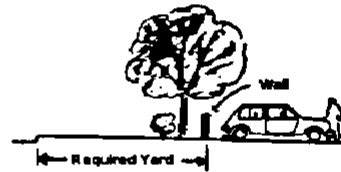


Figure 4

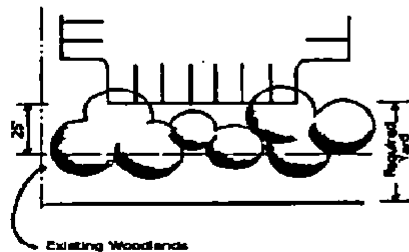


Figure 5

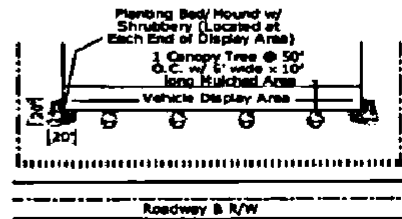


Figure 6

Purpose. Flexible 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.

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

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- a. Step One. Identify the land use classification of the proposed use and of all existing uses located on separate adjoining lots by referring to the Land Use Intensity Classification Chart as follows:

Land Use Intensity Classification Chart

Group I

- Agricultural
- Single-Family Detached Residential Use(s)
- Nonagricultural Residential Lot
- Stormwater Detention Basin

Group II

- Townhouses, Multifamily Housing, Duplexes, Quad-plexes
- 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

Buffer Yards shall include a required width of 15’ and a minimum of three (3) canopy trees and four (4) understory trees/evergreen trees per every 100 linear feet of distance along a site’s perimeter. 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.

Within the required 3 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.

- 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.
- 4. 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.



## N. Interior and Exterior Parking Lot Landscaping.

1. All parking lots shall meet the location requirements stipulated in Chapter 22. All raised yards surrounding the parking lot shall be bordered by a curb 6 inches high along the sides of the yard area abutting the parking lot, including spaces and aisles. Where the yards are not raised, separate stops shall be provided at the end of each parking space abutting the yards. Where walkways terminate at curbs, ramps shall be provided. Setback areas shall be planted with grass or similar vegetative material and may include shrubs, fences or walls.
2. Planting areas shall be installed at the end of all parking bays abutting an aisle or driveway. The planting areas shall be bordered by a curb 4 inches high wherever it abuts a space or aisle, and shall be at least 9 feet wide and extend the length of the parking space and/or bay. Each planting area shall be planted with a combination of suitable ground covers and/or grass and a minimum of one canopy tree.
3. Utility poles and light standards are permitted within the planting areas; provided, they are separated from the spaces and aisles as required by Chapter 22. Utility poles and light standards are also permitted within the parking lot provided the pole is surrounded on all sides by a 6 inch concrete curb. The back of the curb must be a minimum of 3 feet away from the edge of the pole. No poles are permitted within a required parking space or drive aisle.
4. When parking bays incorporate more than ten parking spaces in a continuous row, a raised island shall be incorporated within the parking bay for every ten parking spaces. The raised island shall be bordered by a curb 4 inches high minimum wherever it abuts a space or aisle and shall be 9 feet wide and extend the length of the parking space and/or bay. Each raised island shall be planted with a combination of suitable ground covers and/or grass and a minimum of one canopy tree. Wherever a building adjoins a parking lot perimeter, islands shall be required. At the discretion of the Board of Supervisors, the required ratio of landscaped islands shall be maintained, but may be exceeded in some lot areas to one island for every twelve parking spaces where lot configuration and/or site constraints exist that would make it unreasonable to install a raised island for every ten parking spaces.
5. In order to provide flexibility in design, reduce heat, glare and visual expansiveness, the following option may be considered in conjunction with interior landscaped islands: provision of a continuous landscaped strip between every four bays of parking in lots that contain eight or more bays in one area. The strip shall be a minimum of 15 feet wide and shall include a vehicle overhang of 2½ feet when parking spaces are adjacent to the strip. The stall length with the overhang strip may be reduced to 16 feet. The strip shall contain a landscaped area of 10 feet minimum width and shall be planted with shade trees at a ratio of at least one tree for every 40 feet of the strip length inclusive of driveway widths. These trees shall be planted no less than 25 feet nor greater than 40 feet apart. A combination of suitable ground covers and/or grass shall cover the remainder of the strip. If the landscaped strip provides direct access to a building entrance, a minimum 5 foot wide sidewalk shall also be included in the strip. In this event, the landscaped strip will be required to be 20 feet in width, with the sidewalk in the middle of the strip. The required trees can then be planted alternately on each side of the sidewalk at the required distance.
6. In the event an existing parking lot is being enlarged or revised, these regulations will apply only to the new section of the parking lot.

## O. Commercial District Planting Requirements.

1. In the C District, the off-street parking located within the front yard setback area shall be

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provided with a 12-foot-wide buffer yard between the parking lot and property line fronting any street right-of-way.

2. The planting shall provide shade and a view restrictive screen for parking areas. For evening uses, the screen is intended to function to block headlight glare affecting vehicles offsite. Headlights of parked vehicles must be obscured from the public right-of-way.
3. No tree, fence, wall or similar item shall be installed in the sight triangle of any corner, street intersection or accessway intersecting a public right-of-way that would cause an obstruction to visibility.

**§27-708. Motor Vehicle Access.**

See Ferguson Township Subdivision and Land Development.

**§27-709. Sidewalks.**

See Ferguson Township Subdivision and Land Development.

**§27-710. Wireless Communications Facilities.**

- A. Intent. The Wireless Communications Facilities (WCF) regulations are intended to achieve the following:
  1. To provide a competitive and wide range of communications services.
  2. To encourage the shared use of existing communication towers, buildings and structures.
  3. To ensure compliance with federal and state regulations.
  4. To promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities.
  5. To address modern and developing technologies including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities.
  6. 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.
  7. 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.
- B. General Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all tower-based wireless communications facilities:
  1. 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.

2. 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 (ANSFEINTIA-222-E Code, as amended).
3. 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 40 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, I and IRD Districts by the Board of Supervisors if the following criteria are met:
  - a. 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 1 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.
  - b. 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.
4. 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.
5. Maintenance. The following maintenance requirements shall apply:
  - a. 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.
  - 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 and activities shall utilize the best available technology for preventing failures and accidents.
6. 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

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- 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.
7. Historic Buildings or Districts. No tower-based WCF may be located on or within 200 feet of a site that is listed on a historic register, a site listed for inclusion on the historic register, or in an officially designated State or Federal Historic District.
  8. 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 2 square feet in gross surface area and shall maintain the contact party.
  9. 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.
  10. 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.
  11. 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.
  12. Aviation Safety. Tower-based WCF shall comply with all Federal and State laws and regulations concerning aviation safety.
  13. 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.
  14. 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.
  15. 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 non- conforming structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.

16. 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:
    - a. All unused or abandoned tower-based WCF and accessory facilities shall be removed within 6 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 facility is not removed within 6 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.
    - c. Any unused portions of tower-based WCF, including antennas, shall be removed within 6 months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.
  17. 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.
- C. 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):
1. Permitted Only in Certain Zones. 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.
  2. Evidence of Need. It is required that the applicant for the placement of a tower-based WCF that will exceed 40 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 1 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:
    - a. 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.
    - b. 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.
    - c. 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.
    - d. 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.

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- e. 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.
3. 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.
4. 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:
  - a. 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.
  - b. 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.
  - c. Minimum Setbacks. The tower-based WCF and accompanying communications facility building 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.
5. 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.
6. Design and Construction.
  - a. 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.
  - b. 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.
  - c. 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.
  - d. Guy wires are not permitted. The monopole must be self-supporting.
7. 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.

8. Fence/Screen.
  - a. A security fence of approved design, of not less than 8 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 1-foot barbed arm slanted at a 45 degree angle which runs along the entire top of the fence.
  - b. The applicant shall submit a landscaping plan. Sites in which communications towers are located shall be required to comply with the following landscape requirements:
    - 1) Landscaping, consisting of evergreen plantings which shall reach a height of at least 8 feet within 5 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.
  - c. Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.
  - d. No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign not to exceed 2 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].
9. Accessory Equipment.
  - a. 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.
  - b. 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.
10. 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.
11. 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.

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- D. 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):
1. Permitted where above ground utility infrastructure exists. No tower-based wireless communications facilities shall be located in areas where utility infrastructure is installed underground.
    - a. 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.
  2. 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 ½ 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:
    - a. 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.
    - b. 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.
    - c. 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.
    - d. 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.
    - e. 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.
  3. 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.
  4. 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 ½ 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 street light fixtures.



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5. 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.
6. 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:
  - a. 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.
  - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - d. 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.
  - e. Any underground vaults related to tower-based WCF shall be reviewed and approved by the Township.
7. Design Regulations.
  - a. 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.
  - b. 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.
  - c. Guy wires are not permitted. The monopole must be self-supporting.
8. 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.
9. 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

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Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

- a. The construction repair, maintenance, or installation of any Township or other public improvement in the right-of-way.
  - b. The operations of the Township or other governmental entity in the right-of-way.
  - c. Vacation of a street or road or the release of a utility easement.
  - d. An emergency as determined by the Township.
10. 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.
11. 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.

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

- 1. 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, except where noted or where otherwise permitted by law.
- 2. 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:
  - a. 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.
  - b. 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.
- c. 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).
  - d. 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.
  - e. Aviation safety Non-tower based WCF shall comply with all Federal and State laws and regulations concerning aviation safety.
  - f. 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.
  - g. 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:
    - 1) All abandoned or unused WCF and accessory facilities shall be removed within 3 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 facilities are not removed within 3 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.
  - h. 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 60-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
  - i. 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.
3. 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:

**Supplemental Regulations**

- a. 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.
- b. 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.
- c. 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).
- d. 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.
- e. Historic Buildings. Non-tower WCF may not be located on a building or structure that is on a historic register or a building or structure listed for inclusion on a historic register.
- f. Aviation Safety. Non-tower based WCF shall comply with all Federal and State laws and regulations concerning aviation safety.
- g. Maintenance. The following maintenance requirements shall apply:
  - 1) 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.
  - 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 activities shall utilize nothing less than the best available technologies for preventing failures and accidents.
- h. 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.
- i. 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:
  - 1) All abandoned or unused WCF and necessary facilities shall be removed within 3 months of the cessation of operations at the site unless a time extension is approved by the Township.

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**Supplemental Regulations**

- 2) If the WCF or accessory facility is not removed within 3 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.
  - 3) **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 60-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
  - 4) **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.
  - 5) **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.
  - 6) **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.
- F. **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:
1. **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:
    - a. Such WCF does not exceed a maximum height of 10 feet above the permitted height of any structure in the applicable zoning district.

**Supplemental Regulations**

- b. 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.
  - c. A 6-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.
2. Design Regulations.
- a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. Noncommercial Usage Exemption. The design regulations enumerated in §27-710.F.1.b shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
3. Removal, Replacement, and Modification.
- a. 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.
  - b. Any material modification to a WCF shall require prior amendment to the original permit or authorization.
4. 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 Ordinance 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.
- G. 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:
- 1. 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 street light fixtures.

2. Design Requirements.
  - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on street lights and joint utility poles, shall consist of equipment components that are no more than 6 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.
  - b. 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.
3. Compensation for ROW Use. In addition to the permit fees as described in §27-710.E.2.i 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.
4. 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.
5. 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:
  - a. 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.
  - b. 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 undergrounded, 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.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - d. 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.
  - e. Any underground vaults related to tower-based WCF shall be reviewed and approved by the Township.

**Supplemental Regulations**

6. 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:
    - a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way.
    - b. The operations of the Township or other governmental entity in the right-of-way.
    - c. Vacation of a street or road or the release of a utility easement.
    - d. An emergency as determined by the Township.
  7. 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.
- H. Violations Applicable to All Wireless Communications Facilities.
1. 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.
  2. 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.
- I. Miscellaneous.
1. 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.
  2. 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.

**§27-711. Small Wind Energy Systems.**

- A. Intent. The intent of these regulations is to promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility-supplied electricity.



## B. Review and Permitting.

1. A small wind energy system shall be permitted as an accessory use on any lot of at least 1 acre in size located in the RA or RR zoning districts, subject to compliance with the following ordinance provisions:
  - a. A zoning permit shall be required for the installation of a small wind energy system. No more than one small wind energy system may be placed on any lot.
  - b. In addition to any other requirements or application procedures, the zoning permit application shall be accompanied by a plot plan that includes the following:
    - 1) Property lines and physical dimensions of the property.
    - 2) Location, dimensions, and types of existing principal and accessory structures on the property.
    - 3) Location of the small wind energy system tower.
    - 4) The right-of-way delineation of any public road that is contiguous with the property.
    - 5) Any overhead utility lines.
    - 6) Any easements.
    - 7) Small wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
    - 8) Detailed tower and tower foundation drawings, stamped and sealed by a Pennsylvania licensed professional engineer.
    - 9) A map of the 200-foot area surrounding the subject property showing all affected lands and structures at a legible scale.

## C. Tower Height.

1. Tower heights of not more than 80 feet shall be allowed on parcels between 1 and 2 acres. Properties over 2 and up to 5 acres may have tower heights up to and including 140 feet. For property sizes of 5 acres or more, there is no limitation on tower height except as imposed by FAA regulations, provided that evidence is provided that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

## D. Setbacks.

1. Setbacks for the system tower shall be no closer to the property line than the height of the system and, no part of the system, including guy wires anchors, may extend closer than 10 feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 6 feet above the guy wire anchors.

## E. Compliance.

1. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.

**Supplemental Regulations**

2. Permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis may be supplied by the manufacturer.
3. Small wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.
4. Small wind energy systems shall comply with all applicable State construction and electrical codes. The owner/operator of the small wind energy system must also obtain any permits required by other Federal, State and local agencies/departments prior to erecting the system.

**F. Noise and Interference.**

1. Decibel levels for the system shall not exceed 60 decibels (dBA) measured at the property line, except during short-term events such as utility outages and severe wind storms.
2. The small wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the owner shall correct the problem within 90 days of being notified of the problem.
3. The system owner/operator shall make all reasonable efforts to minimize and/or eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences and describe proposed mitigation measures including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

**G. Appearance and Lighting.**

1. The small wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information. No small wind energy system shall have any flags, streamers, banners, or other decorative items that extend from any part of the system, placed on it at any time.
2. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

**H. Safety Features.**

1. The small wind energy system shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
2. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of 8 feet above the ground elevation.
3. All electrical wires associated with a small wind energy system shall be located underground when practicable. All wires not located underground including, but not limited to, wires

- necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires, shall be contained within an appropriate conduit suitable for same.
4. No portion of the small wind energy system blade shall extend within 20 feet of the ground.
- I. Notification.
1. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an inter connected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  2. When application is made for approval of a small wind energy system, notified in written form to the owners of all properties adjacent and within 200 feet of the lot on which the system is to be constructed.
- J. Meteorological Towers.
1. A meteorological tower shall be permitted under the same standards, permit requirements, and procedures as a small wind energy system.
- K. Removal.
1. A small wind energy system that is out-of-service for a continuous 12- month period will be deemed to have been abandoned. Non-function or lack of operation may be proven by reports from the interconnected utility. The owner/operator shall make available to the zoning administrator all reports to and from the purchaser of energy from the small wind energy system if requested.
  2. If the small wind energy system is determined to be abandoned, the owner of the small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of notice of abandonment. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.
- L. Violations.
1. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this Section or any condition contained in a building permit issued pursuant to this Section. Small wind energy systems installed prior to adoption of this Section are exempt.

**§27-712. Requests for Reasonable Accommodations.**

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception to the Zoning Hearing Board.
- B. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing.
- D. The Zoning Hearing Board shall issue its written decision to the Applicant and the Board of Supervisors within 30 days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two.

**Supplemental Regulations**

- E. A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the appointed legal counsel, apply the following criteria:
1. Whether the Applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
  2. The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
  3. A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
  4. The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
  5. The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
  6. The extent to which the requested accommodation would impose financial and administrative burdens upon Ferguson Township.
  7. The extent to which the requested accommodation would impose an undue hardship upon Ferguson Township.
  8. The extent to which the accommodation would require a fundamental alteration in the nature of Ferguson Township’s regulatory policies, objectives and regulations.
  9. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
  10. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
  11. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by Applicant.

**§27-713. Solar Collectors and Solar-Related Equipment.**

- A. Intent. It is the intent of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots. This section seeks to:
1. Provide lot owners and business owners/operators with flexibility in satisfying their on- site energy needs.
  2. Reduce overall energy demands within the community and to promote energy efficiency.
  3. Integrate alternative energy systems seamlessly into the community’s neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

B. Applicability.

1. This Section applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the section.
2. Solar PV systems constructed prior to the effective date of this Section are not required to meet the requirements of this Section.
3. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Section.

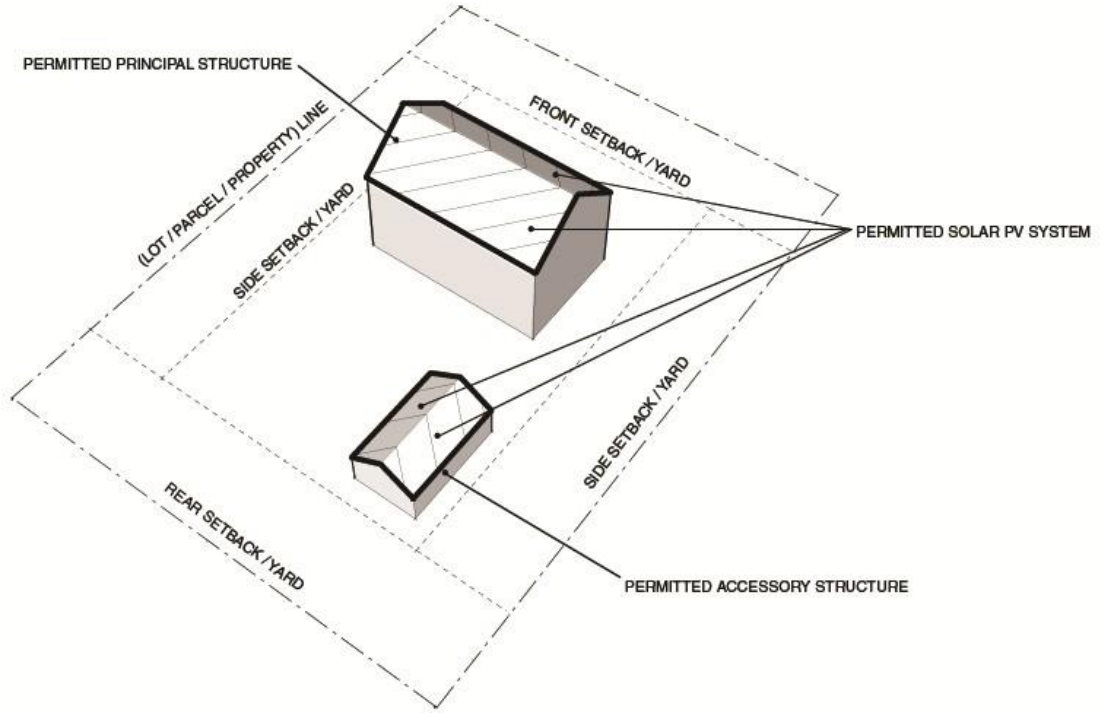
C. Permitted Zoning Districts.

1. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to Section and upon compliance with all requirements of this Section and as elsewhere specified in this section.
2. Building-integrated systems, as defined by this Section, are not considered an accessory use and are not subject to the requirements of this Section.

D. Location Within a Lot.

1. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in this Section. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
2. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC**



## E. Design and Installation Standards.

1. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
2. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
3. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

## F. Setback Requirements.

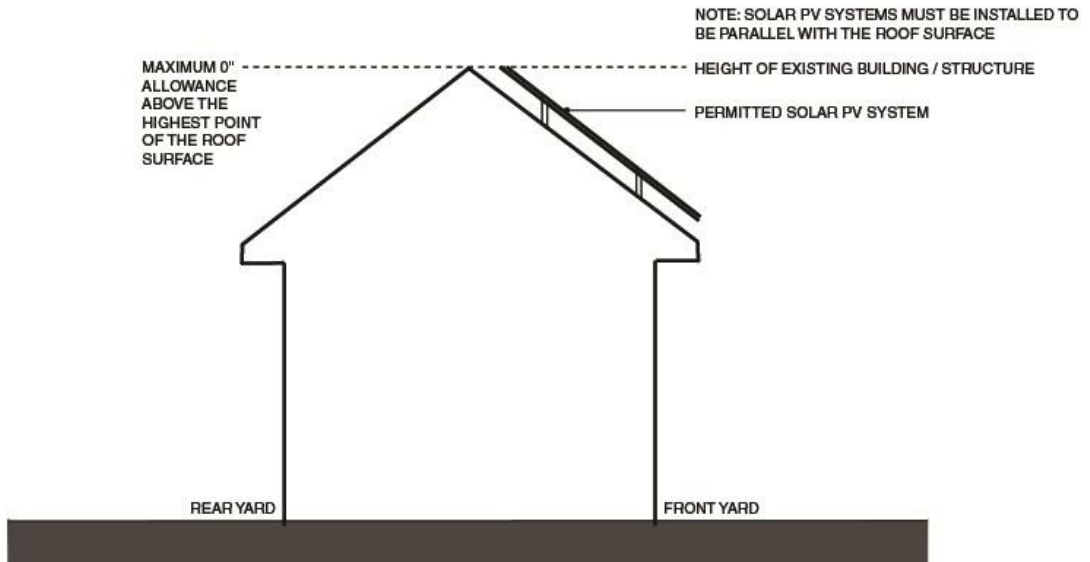
1. Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

## G. Height Restrictions.

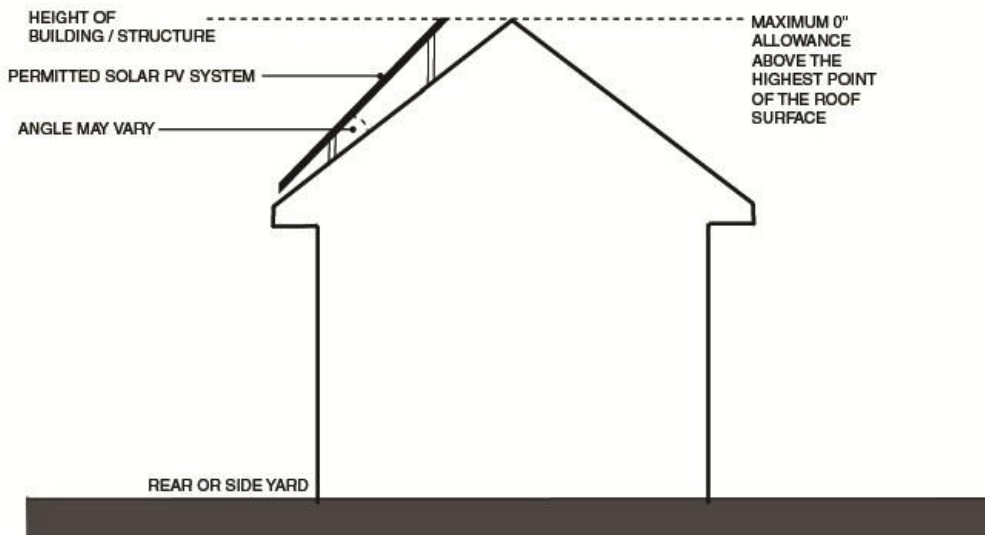
1. Notwithstanding the height limitations of the zoning district:
  - a. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
  - b. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
2. Notwithstanding the height limitations of the zoning district:
  - a. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
  - b. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

Supplemental Regulations

HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

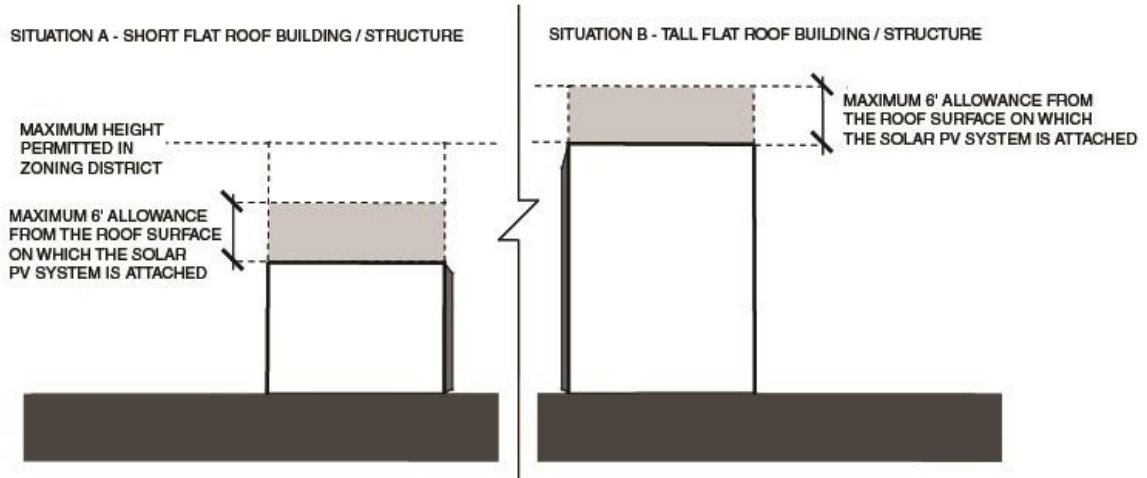


HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

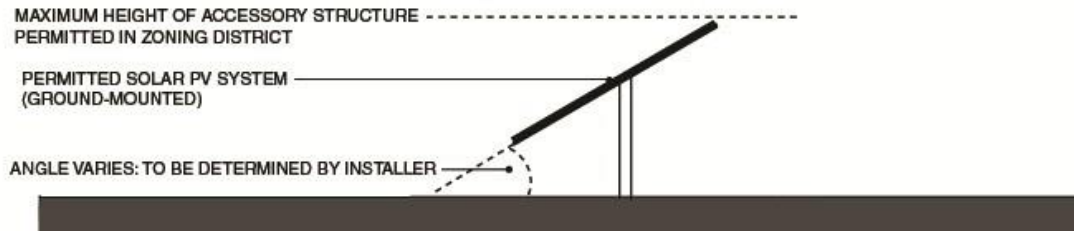




HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC



HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM  
ELEVATION



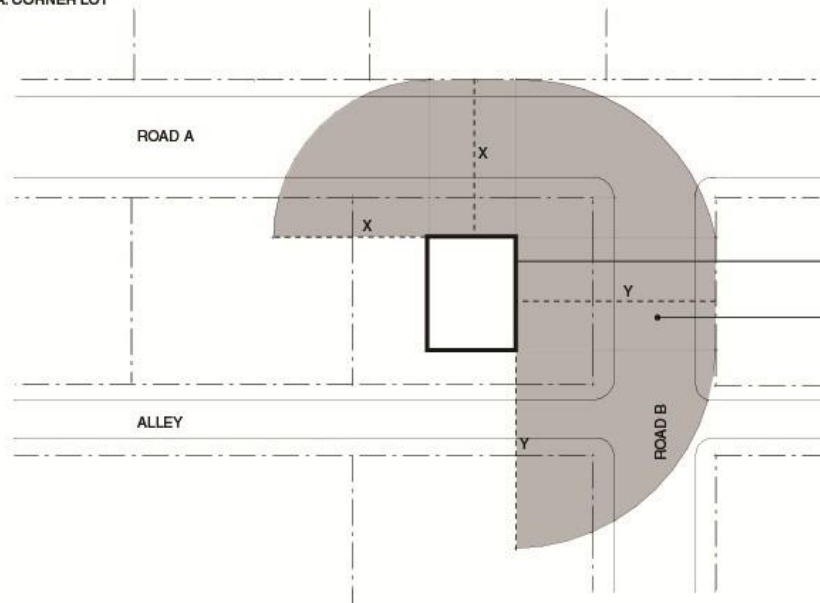
H. Screening and Visibility.

1. Building-mounted systems on a sloped roof shall not be required to be screened.
2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty (50) foot radius of the lot, exclusive of an alley as defined by this section, at a level of five (5) 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 (50) foot radius when measured at a distance of five (5) feet from the ground.

Supplemental Regulations

SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

SITUATION A: CORNER LOT

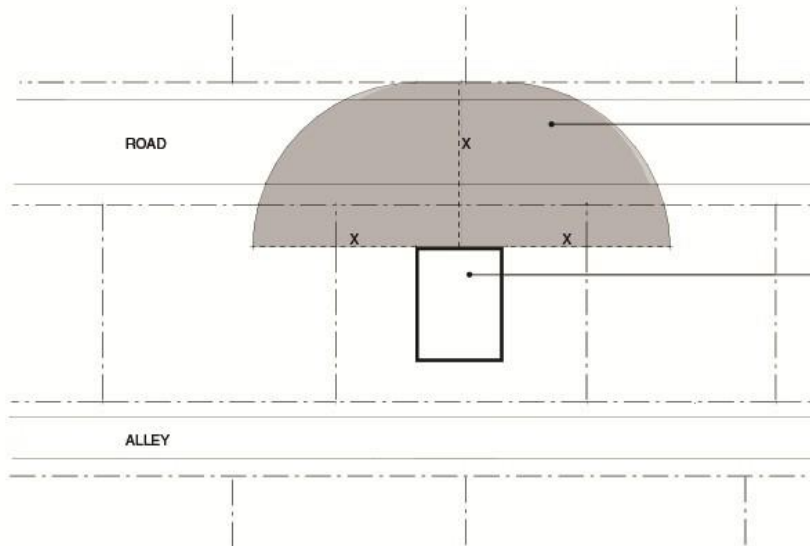


X = DISTANCE FROM THE BUILDING FACE TO THE FURTHEST RIGHT-OF-WAY LINE (VARIES)  
Y = DISTANCE FROM THE BUILDING FACE TO THE FURTHEST RIGHT-OF-WAY LINE (VARIES)

FLAT ROOF BUILDING WITH SOLAR PV SYSTEM  
WITHIN SHADED REGIONS, SOLAR PV SYSTEMS SHALL NOT BE VISIBLE FROM THE PUBLIC RIGHT-OF-WAY

SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

SITUATION B: INTERIOR LOT



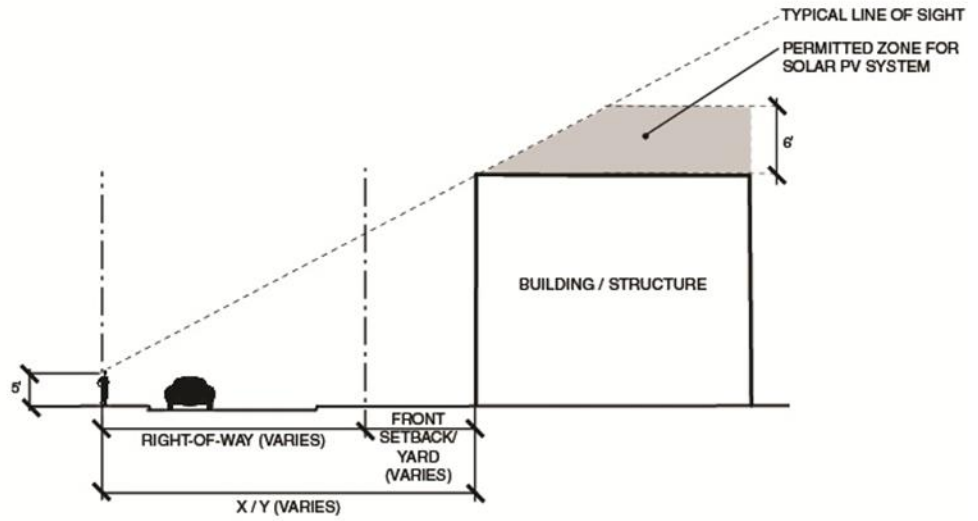
X = DISTANCE FROM THE BUILDING FACE TO THE FURTHEST RIGHT-OF-WAY LINE (VARIES)

WITHIN SHADED REGIONS SOLAR PV SYSTEMS SHALL NOT BE VISIBLE FROM THE PUBLIC RIGHT-OF-WAY

FLAT ROOF BUILDING WITH SOLAR PV SYSTEM

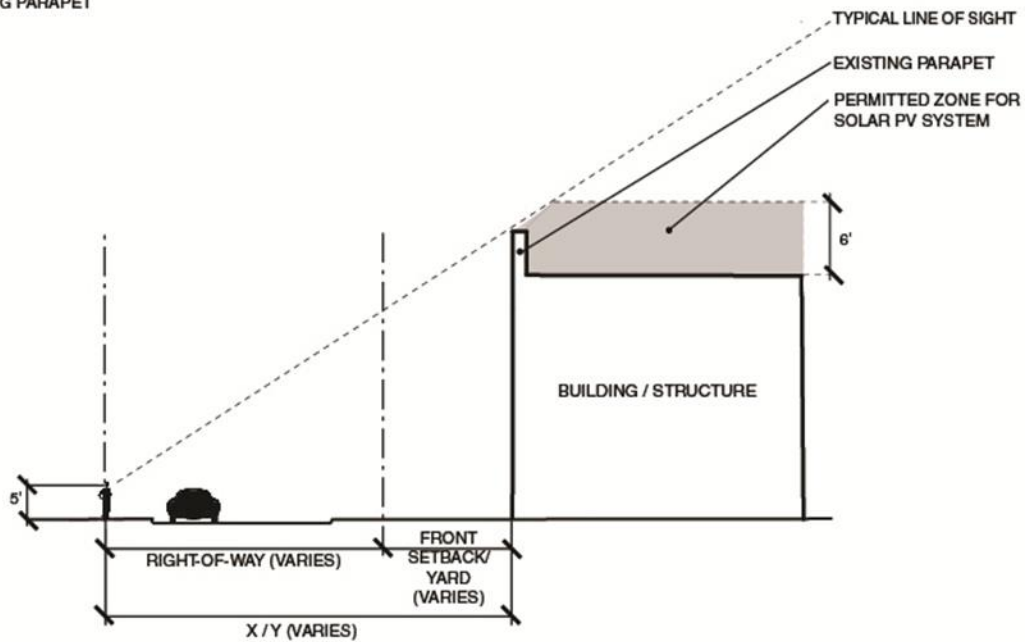
SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM  
ELEVATION

SITUATION A: WITHOUT BUILDING PARAPET



SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM  
ELEVATION

SITUATION B: WITH BUILDING PARAPET



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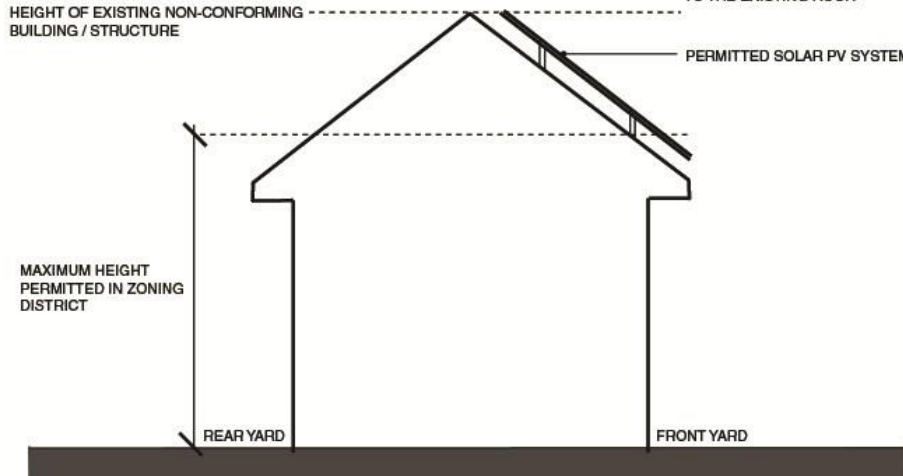
**Supplemental Regulations**

- I. Impervious Lot Coverage Restrictions.
  - 1. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.
- J. Non-conformance.
  - 1. Building-mounted systems:
    - a. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Section.
    - b. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Section.
  - 2. Ground-mounted systems. If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

\*PERMITTED SOLAR PV SYSTEM MAY BE GRANTED WITH ADMINISTRATION APPROVAL.

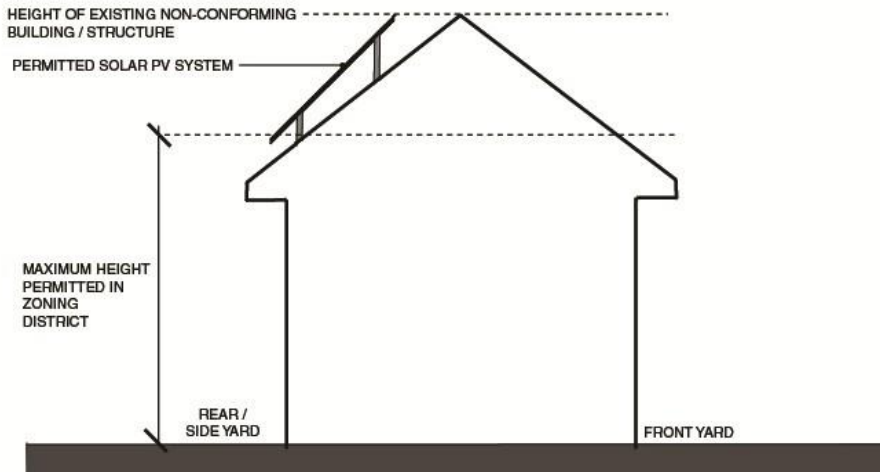
NOTE: SOLAR PV SYSTEMS SHALL NOT EXTEND BEYOND HIGHEST POINT ON THE EXISTING ROOF SURFACE AND THE SLOPE OF INSTALLATION SHALL BE PARALLEL TO THE EXISTING ROOF.



NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

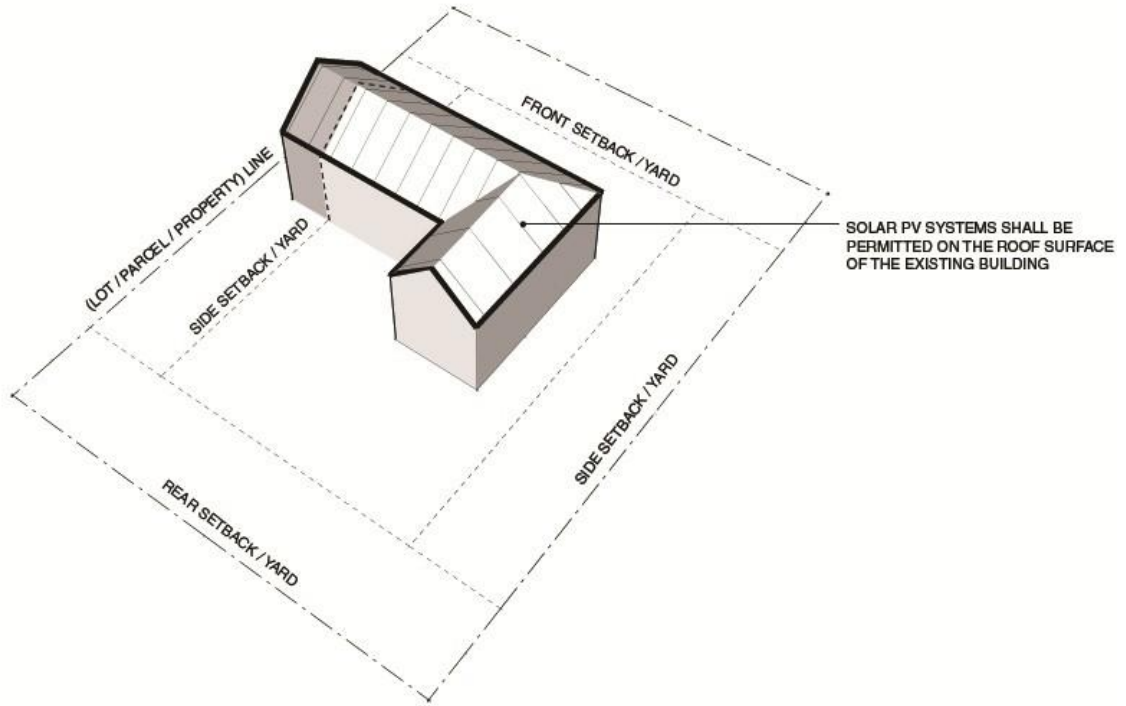
\*PERMITTED SOLAR PV SYSTEM MAY BE GRANTED WITH ADMINISTRATION APPROVAL.

NOTE: SOLAR PV SYSTEMS SHALL NOT EXTEND BEYOND HIGHEST POINT ON THE EXISTING ROOF SURFACE

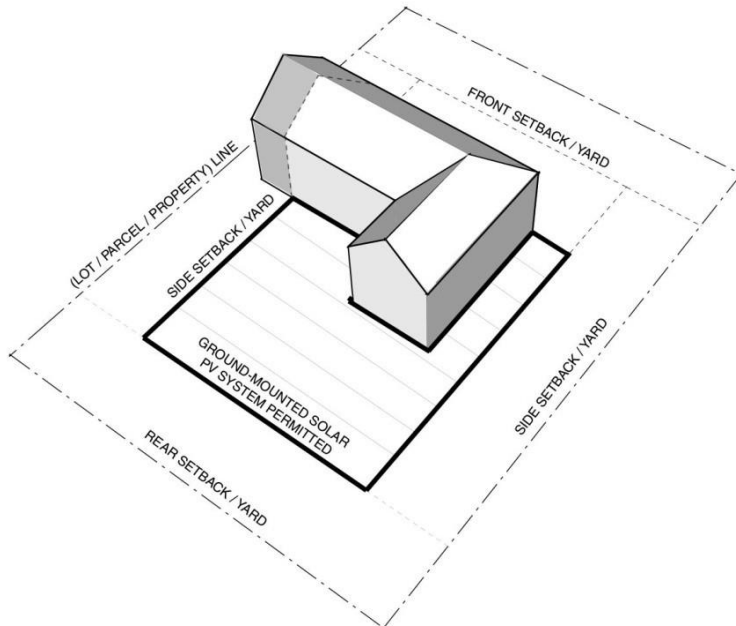


Supplemental Regulations

NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC



NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC



## K. Signage and/or Graphic Content.

1. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

## L. Performance Requirements.

1. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

## M. Inspection, Safety and Removal.

1. The Centre Region Code Administration reserves the right to inspect a solar PV system for building or fire code compliance and safety.
2. If upon inspection the Centre Region Code Administration determines that a fire code or building code violation exists, or that the system poses a safety hazard to persons or property, the Township may order the lot owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the lot owner of his or her right to appeal such determination.
3. If a lot owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Township may enter the lot, remove the system and charge the lot owner and or facility owner and operator for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the lot owner's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the municipal claim.

## N. Permit Requirements.

1. Before any construction or installation on any solar PV system shall commence, a permit issued by the Township shall be obtained to document compliance with this section.

## O. Solar Energy Projects.

1. When the land involved lies wholly or partly within a zoning district qualifies as a solar energy project, the buffering and screening shall be clearly marked on the site plan and shall include a detailed list of the materials to be used, plant species, height or size at the time of planting, and mature height or size.
2. When the land involved qualifies as a solar energy project, traffic impact on any road upon which the solar energy project will front shall be included with the plan for the period of construction and post-construction. The applicant shall state the actions they intend to take to mitigate the impact of increased traffic to the site.

**Supplemental Regulations**

3. When the land involved qualifies as a solar energy project, a decommissioning plan, which may include the anticipated life of the project, the estimated cost of decommissioning, how such an estimate was determined, and the manner in which the project will be decommissioned. The applicant shall provide a performance bond or other agreed-upon secured funding sources payable to the Board of Supervisors in a form approved by the Township Solicitor to ensure that performance obligations are satisfied, up to and including the costs for decommissioning, unless the Board of Supervisors specifically waives the requirement in an approval of the special use permit. When a solar energy project is scheduled to be abandoned, the facility owner or operator shall notify the Township in writing prior to ceasing operations and shall provide a schedule for implementation of the decommissioning plan. If any solar energy project is not operated for a continuous period of one (1) year, or if the work called for in the decommissioning plan fails to progress in a timely manner, the Board of Supervisors may take any necessary action to compel the physical removal of the solar energy project in compliance with the decommissioning plan after written notice is provided to the project owner by certified mail. The project owner shall have thirty (30) days from the date of the letter to provide a written explanation of the inactivity and to request a delay in action by the Board of Supervisors.

**§27-714. Parking.**

See Chapter 22 Subdivision and Land Development Part 5C Off-street Parking and Loading.

**§27-715. Accessory Keeping of Livestock, Non-Commercial.**

The purpose of these regulations is to provide a definition of livestock; to set forth reasonable standards for the keeping and care of non-commercial livestock as an accessory use in residential areas; to give appropriate consideration to the property rights of citizens of Ferguson Township with non-commercial livestock; to help maintain neighborhood compatibility; and to protect the health, safety, and welfare of the general public. It is not the intent of this ordinance to regulate domestic animals (pets) which are typically kept inside the household. For parcels 50 acres or larger, these regulations do not apply. The following regulations do not apply to agriculture as a principal.

**A. Accessory Keeping of Livestock, Non-Commercial.**

Accessory Keeping of Livestock as an accessory use, subject to the following regulations:

**1. Lot Size and Density Restrictions.**

- a. Unless otherwise regulated by the Township of Ferguson, in the RR district, the following equations for the accessory keeping of livestock, non-commercial shall apply to determine the maximum number of animals permissible on the lot: on a lot greater than or equal to three (3) acres, any Animal Equivalency Unit ratio as found in Appendix N shall apply in their entirety; on a lot less than three (3) acres, any Animal Equivalency Unit ratio as found in Appendix N shall be multiplied by 0.33 and rounded to the nearest whole number.
- b. In the event any livestock, excluding chickens and fowl, gives birth, thereby exceeding the number of livestock animals allowed by the minimum set forth in this subsection, the owner of said livestock and/or the occupier of the premises shall conform to the number of livestock animals for the dimensional requirements within one year of the birth of the animal. Chickens and fowl shall conform to the number for the dimensional requirements within six (6) months of the birth of the animal.
- c. Up to one (1) Animal Equivalent Unit for each acre or a portion thereof dedicated to the use shall be calculated using standard weight (pounds). Round up to the nearest whole



animal. See Article XI Definitions: Animal Equivalent Unit.

- d. Changes in animal types must still adhere to Animal Unit Densities.
2. Manure Management.
  - a. Accessory Keeping of Livestock must comply with the Pennsylvania Nutrient Management Regulations, Pa. Code Title 25, Chapter 83, as required by the Department of Environmental Protection.18
3. Animal Care.
  - a. All Accessory Keeping of Livestock must comply with minimum standards of animal care as required by Pennsylvania law, Pa. Code Title 18, regarding animal cruelty provisions.
  - b. An animal housing facility shall be provided as a shelter for the animal(s). The structure shall incorporate no less than three walls and a sufficient roof area to provide a weather proof shelter.
  - c. Animal housing facilities shall be of sufficient size to enable the animal to comfortably stand, turn around and lay down.
  - d. Animal housing facilities shall be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.
4. General Requirements.
  - a. The disposal of dead animals shall be in accordance with the Domestic Animal Law, Pa. Code Title 3, Chapter 23, subsection 2352. Dead animals shall be disposed of within 48 hours after death.

B. Beekeeping.

Honeybee apiaries are permitted by right as an accessory use in RA, RR, and AR when in compliance with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101-§ 2117) and, subject to the following regulations:

1. Best Management Practices: Beekeeping facilities must be consistent with the Pennsylvania Department of Agriculture “Best Management Practices for Maintaining European Honey Bee colonies in the Commonwealth of Pennsylvania”.
2. Registration: The apiary must be properly registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry, pursuant to applicable Pennsylvania state laws;
3. Ownership and Care: Ownership, care and control of the honey bees shall be responsibility of a resident of the dwelling on the lot or the individual listed on the registration;

C. Permitting Process for Accessory Livestock.

Applicants proposing the non-commercial keeping of livestock and/or beekeeping must submit a zoning permit application identifying the following:

1. An application fee payable to the Township in the amount of up to \$25.00. This amount may be amended by resolution adopted by a majority of the Township Board of Supervisors.
2. Property address, name and contact information of applicant.

**Supplemental Regulations**

3. Description of the proposed animals and activities on the property.
4. Location and area of proposed livestock enclosures.
5. Location and height of proposed livestock structures including sheds, containers, animal housing, coops, hives, apiaries, flyway barriers, manure storage facilities, landscaping and fencing.
6. Distance between structures/activities and neighboring properties.

D. Verification that the applicant is familiar with the requirements set forth in this ordinance.

**Appendix M:** Pennsylvania Act 38/Nutrient Management Program/Technical Manual, Supplement 5 Standard Animal Weights, Agronomy Facts 54 – Table 1, January 2013. *Please note this is included for reference as the latest version at time of ordinance preparation. The latest version shall apply.*

**§27-716. Workforce Housing.**

A. Intent. It is the intent of these regulations to:

1. Provide a wide range of quality, affordable housing units for qualified buyers in the Township;
2. Ensure the continued affordability of established workforce housing units by creating a development agreement between the developer and the Township;
3. Provide criteria for workforce housing including, but not limited to, design, construction, phasing, and location within a development;
4. Effectively enforce and administer the provisions of the workforce housing program.

B. Applicability. The provisions of this Section shall apply to any zoning district within the Township where workforce housing is a requirement of a proposed development project or if the developer intends to take advantage of incentives in exchange for workforce housing in those districts where incentives are stipulated. Provisions regarding the ratio of workforce housing units to market-rate units, and incentives related to the establishment of workforce housing units, may be found in the applicable zoning district regulations governing the specific development project.

C. Administration and Enforcement.

1. The Board of Supervisors may, at its sole discretion and by resolution, authorize a third-party administrator of the workforce housing program. The designated third party shall have the authority to administer the provisions of the workforce housing development agreement. The cost of said administration shall be set by the Township and shall be the responsibility of the property owner and subsequent property owners throughout the lifetime of the property in the affordable housing program.
2. The Township shall have the authority to enforce the provisions of the workforce housing program. It shall be incumbent on the developer to ensure compliance with all aspects of the workforce housing program as prescribed in this Section.

D. Workforce Housing Requirements. In residential developments where the provision of workforce housing is required, the following conditions shall apply:

1. Workforce housing shall not be segregated or clustered within a development;
2. Workforce housing units shall be like market-rate units with regard to number of bedrooms,

amenities, and access to amenities, but may be permitted to differ from market-rate units in a development with regard to interior amenities, provided that:

- a. These differences, excluding differences related to size differentials, are not apparent in the general interior and exterior appearance of the development's units; and
  - b. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency and standard components of the development's units;
3. No more than two adjacent lots shall contain workforce housing units;
  4. No more than four lots along any block width or block length may contain such units;
  5. Principal Place of Residence. Unless purchased by the Township or transferred to a third party to hold in trust, all workforce housing units constructed as part of a development shall be offered for sale to a qualified household to be used as its principal place of residence;
  6. Workforce Housing Development Agreement. No zoning permit shall be issued to a development in which workforce housing units are required unless the applicant for development shall have entered into a workforce housing development agreement that contains, at minimum, the provisions established in § 27-716.F.

E. Workforce Housing Development Agreement.

1. For developments required by this Section to include workforce housing units, no zoning permit shall be issued for said development without having first duly executed a workforce housing development agreement. Ferguson Township, the applicant for development, and the administrator of the workforce housing program established by this Section shall each be parties to the agreement. The agreement shall, at minimum, contain the following provisions:
  - a. A statement from the designated administrator of the workforce housing program that the workforce housing units are consistent with the definition of workforce housing units in § 27-716.C, above;
  - b. The location, zoning designation, and ownership of the project;
  - c. The number and type of workforce housing units that will be provided and the calculations used to determine the number of units, including any incentives that were employed to reduce the requirement of workforce housing units or additional workforce housing units provided to reduce or relieve the requirement of another provision of the Zoning Ordinance, where applicable;
  - d. A description of the development proposed, including the name of the development project and marketing name, if different from the name submitted to the Township, and a site plan or preliminary subdivision or land development plan of the project;
  - e. The exact location of workforce housing units within the proposed development including lot number;
  - f. A schedule, binding on the developer or property owner, for the construction of the workforce housing units. For phased developments, a phasing plan for the construction of the workforce housing units and market-rate units that is consistent with the preliminary subdivision and land development plan of the proposed development;

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- g. The proposed sale prices and affordability restrictions for each workforce housing unit and a copy of the applicable affordability deed restrictions or covenants;
  - h. Indication of which, if any, of the workforce housing units will be special needs housing for seniors, disabled, or other special needs populations and a description of the unique features or services for that population;
  - i. Indication as to whether the developer or a third party will be constructing the workforce housing units. If a third party is to construct the housing units, a separate development agreement or other binding legal document between the developer and the third party must be submitted with the workforce housing development agreement;
  - j. Acknowledgement that the certificates of occupancy for the last 10% of the market-rate units shall be withheld until the certificates of occupancy for all of the workforce housing units have been issued;
  - k. Acknowledgement that the designated workforce housing administrator of the Township's workforce housing program shall have full authority to administer the provisions of the workforce housing development agreement.
2. The workforce housing development agreement shall be reviewed by the Township Solicitor, and included as a condition of approval of the subdivision or land development plan. Revisions to the workforce housing development agreement shall be submitted in writing and shall require approval of the Board of Supervisors. Approved revisions shall be affixed to the workforce housing development agreement and recorded as an amendment to the subdivision or land development plan.
- F. Continued Affordability.
1. The continuity of workforce housing units in the workforce housing program shall be ensured for a period of 99 years commencing the date of the approved certificate of occupancy for the unit. To provide for the continuity of workforce housing units, a restriction shall be placed on the deed of the property, which shall read as follows: "This property is to remain affordable for a period of 99 years from its initial date of sale for persons earning between 80% and 120% of the median household income for Centre County as established by the latest income guidelines defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development."
  2. Prospective buyers shall enter into a legally binding agreement with the designated administrator of the workforce housing program that will stipulate the process for certifying subsequent buyers of affordable housing units for the applicable ninety-nine-year period, and the amount of equity able to be recouped by the homeowner upon sale of the workforce housing unit. The designated administrator of the workforce housing program shall have the authority to require additional stipulations in the agreement including, but not limited to, the requirement of prospective buyers to participate in financial counseling in accordance with the procedures and requirements of the designated administrator.

**§27-717. Bed and Breakfast.**

- A. 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 B&B 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.

1. 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.
  2. The only meal to be provided to the guests may be breakfast, and it shall only be served to guests who are staying overnight at the bed and breakfast. No catered meals may be served. Catered meals are those which involve the service of food prepared off-site to non-overnight guests. This does not include take-out.
  3. The bed and breakfast shall remain accessory to the primary residential use of the property and shall not exceed 25% of the gross floor area of the dwelling or 500 square feet, whichever is less. The calculation for determining the size of the bed and breakfast shall only include the gross floor area of bedrooms and baths which are dedicated solely to the bed and breakfast operation.
  4. The bed and breakfast shall comply with all building and fire code regulations.
  5. The bed and breakfast is permitted one sign in accordance with the Township sign regulations
  6. All sites with an on-site septic system must be inspected by the Township Sewage Enforcement Officer to assure compliance with the Pennsylvania Sewage Facilities Act 537, as amended. In addition, the SEO must approve the home occupation permit.
  7. A home occupation permit application (including a sketch plan and floor plan) shall be supplied to and approved by the Township Zoning Administrator.
- B. 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. Rental or lease of the B&B property for events such as weddings, reunions, parties, business or social gatherings which host 10 or more non-overnight guests is permitted subject to the specific criteria herein.
  2. 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 non-overnight 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 non-overnight 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.
  3. The lot and yard requirements shall be in accordance with the underlying zoning district.
  4. The only meal to be provided to the guests may be breakfast, and it shall only be served to guests who are staying overnight at the bed and breakfast. Catered meals for 10 or more non-overnight guests are permitted only if the B&B has been approved for such events and meets the specific criteria herein.

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5. The bed and breakfast shall remain accessory to the primary residential use of the property and the area of the guest rooms shall not exceed 50% of the gross floor area of the dwelling. The calculation for determining the size of the bed and breakfast shall only include the gross floor area of bedrooms and baths which are dedicated solely to the bed and breakfast operation.
6. All areas of the bed and breakfast facility shall comply with all building and fire code regulations.
7. The bed and breakfast shall be permitted one ground sign not to exceed 10 square feet per sign face or a total of 20 square feet gross sign area. The ground sign may not exceed five feet in height and shall serve only to identify rather than advertise the bed and breakfast.
8. All sites with an on-site septic system must be inspected by the Township Sewage Enforcement Officer to assure compliance with the Pennsylvania Sewage Facilities Act 537, as amended. In addition, the SEO must approve the zoning permit. Systems must be adequately sized to accommodate the potential number and type of events which may be hosted for non-overnight guests as well as overnight guests.
9. A zoning permit application (including a sketch plan and floor plan) shall be supplied to and approved by the Township Zoning Administrator. The application must clearly indicate whether approval is to include the ability to host events for 10 or more non-overnight guests at the facility. The application shall clearly identify the maximum number of non-overnight guests that will be accommodated on-site at any one time.

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

- A. Direct access to an arterial street shall be required.
- B. Primary or accessory uses/structures that are not enclosed shall be limited to operating from dawn to dusk; exceptions may be made for organized activities that are held in outdoor areas with approved lighting.
- C. Parking of drive-aisles.

**§27-719. Short-term Rentals.**

- A. 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 (6) months of the calendar year.
- B. All activity at the short-term rental shall be subject to enforcement of the Township's noise-, nuisance- and property maintenance-related ordinances including but not limited to Performance Standards and Property Maintenance.
- C. Any noise caused by the house guests that disturbs the neighboring dwellings shall not be permitted, and if the house guest(s) is convicted for any disturbance(s) of the peace, the house owner or lessee shall not be permitted to continue to offer short term rentals.
- D. The short-term rental shall provide one off-street parking space per bedroom available for rental.
- E. 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. 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 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.

- F. After a permit has been granted, the applicant must apply for a permit on an annual basis, said application to be made annually before September 1 of each year and said permit to be reissued, if all conditions of this Part are met, on or before September 30 of each year.

**§27-720. Domestic Chickens.**

Domestic chickens, as it is intended to enable residents to keep a small number of female (chicken hens) on a noncommercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept and shall be permitted on single-family lots subject to conformance with the following:

- A. Normal "agriculture" and/or "farming" practices found with the AR, RA or RR Zoning Districts shall be exempt from this Section.
- B. Only female chickens are allowed as domestic chickens, however, there is no restriction on chicken species.
- C. The maximum number of chicken hens allowed is six per lot regardless of how many dwelling units are on the lot.
- D. Chicken hens shall be kept for personal use only. No person shall engage in chicken breeding or fertilizer production for commercial purposes.
- E. Chicken hens must be kept in a chicken coop, chicken tractor, fenced area (chicken pen) at all times during daylight hours, and include access to a chicken run. Such enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing securely wrapped on all sides and the bottom. The coop, tractor or pen must be covered with wire, aviary netting, or solid roofing.
1. Chickens shall be secured within a henhouse during nondaylight hours. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one-inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.
  2. Henhouses, chicken coops, chicken tractors, fenced areas (chicken pens) or chicken runs shall not be calculated toward the allowed amount of accessory structures as may be defined by this Ordinance and are not allowed within the front yard. Henhouses, chicken coops, chicken tractors, fenced areas (chicken pens) or chicken runs shall be allowed in both side and rear yards, however, they shall not be placed or built within 10 feet of the side or rear property lines.
  3. Only one installation which can consist of a henhouse, chicken coop, fenced areas (chicken pen) and/or chicken run as a unit shall be allowed on each property. A chicken tractor may be temporarily relocated from the permanently installed unit. Provision must be made for the storage and removal of chicken manure.
  4. The minimum chicken coop size shall be three square feet per chicken hen. The maximum structure area shall be 144 square feet.
- F. Chicken hens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators. All feed, water and other items associated

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with domestic chickens shall be protected from infestation by rodents, wild birds and predators. Failure to keep water, feed and other items associated with domestic chickens in a clean and sanitary condition will constitute a violation of this subsection.

- G. All stored manure shall be covered by a fully enclosed container or compost bin. No more than one twenty-gallon container of manure shall be stored on any one property housing chickens. It is unlawful to spread or cause to be spread or deposited upon any ground or premises within the Township any chicken manure and/or used bedding, with the exception where chicken manure and/or used bedding may be composted on the property where the domestic chickens are housed.
- H. In addition, the henhouse, chicken coop, chicken tractor, fenced area (chicken pen) or chicken run and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
- I. It shall be unlawful for the owner or owners of any chicken hens to allow the same to run at large upon any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys or public highways, or any place where people congregate or walk, or upon any public or private property. Any chicken hen not contained in a coop or run shall be deemed "at large".
- J. Slaughtering or butchering of chickens for personal consumption shall be permitted, provided that it is done wholly on the property where the chicken hens are kept. Slaughtering or butchering shall be conducted only in an indoor location and any waste created from slaughtering or butchering shall be disposed of in a proper and sanitary manner. Commercial slaughtering or butchering is prohibited unless it is done under the operation of an approved facility for the slaughtering of animals as regulated by the Pennsylvania Department of Agriculture.
- K. A zoning permit and fee shall be required.
- L. If a property owner abandons or vacates a permitted domestic chicken coop, henhouse, chicken tractor, fenced area (chicken pen) or chicken run, the Township shall allow the property owner 30 days to remove the structure from the property.

**§27-721. Home Occupations.**

Said uses shall be permitted in the residential districts upon application for and receipt of a permit from the Township for such home occupation so long as the home occupation meets the following requirements:

- A. The home occupation shall include, but not be limited to, the professional practice of medicine and dentistry, architecture, engineering, law, teaching (limited to not more than seven students at any one time), accounting, real estate and insurance, artists, writers, barbers, beauticians, seamstresses, lawn care and/or snow removal services, building, electrical and plumbing contractors and offices for small businesses.
- B. The home occupation shall be carried on completely within the dwelling unit except for lawn care and/or snow removal services and building, electrical and plumbing contractors if their main work or activity is not carried on at the residence.
- C. The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than one additional employee working in the home. For lawn care and/or snow removal services and building, electrical and plumbing contractors, additional employees may work off-site. The additional off-site employees shall not report to the home office on a daily basis for supervision, dispatch, meetings, or personnel matters and will essentially be directed in their daily work at their assigned work location.



- D. Not more than 25% of the floor area of the dwelling or 500 square feet, whichever is the lesser, shall be devoted to home occupations.
- E. Articles sold or offered for sale shall be limited to those produced on the premises.
- F. No repetitive servicing by truck for supplies and materials shall be required by the home occupation.
- G. There shall be no use of show windows or displays or advertising visible outside the premises to attract customers or clients other than a single sign identifying the home occupation, of a face as specified by the Sign Ordinance [Chapter 19] and there shall be no exterior storage of materials.
- H. No exterior alterations, additions or changes to the residential character of the dwelling unit shall be permitted in order to accommodate or facilitate a home occupation.
- I. All parking shall be off street and two off street spaces shall be provided in addition to that required of the residence unit.
- J. Any maintenance and servicing of lawn care or snow removal equipment must be completed in an enclosed building so as not to create objectionable noise, fumes, dust or electrical interference.
- K. One home occupation only may be carried on in a residence.
- L. Prior to use of a residence as a home occupation, an applicant shall apply for a permit with the Zoning Administrator and pay the required fee. 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 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.
- M. After a permit has been granted, the applicant must apply for and pay the permit fee on an annual basis, said application to be made annually before September 1 of each year and said permit to be reissued, if all conditions of this Part are met, on or before September 30 of each year.
- N. Any storage of equipment and supplies by any person engaged in a home occupation under this subsection must be in an enclosed building.

#### **§27-722. Temporary Uses.**

Temporary uses shall be permitted only in the General Commercial, General Industrial and Light Industry, Research and Development Districts in accordance with the requirements of this subsection. Any person desiring to benefit from this subsection shall be required to obtain a zoning permit. A health codes permit or a building permit must also be obtained if required by other Township ordinances. The completed zoning permit application shall set forth the date that the temporary use will terminate. A "temporary use" is not to occur on a regular basis at a site so as to become permanent. This subsection shall not apply to accessory uses allowed under the various district regulations. Any temporary use not specifically allowed by this subsection is prohibited.

- A. Temporary Uses Permitted. The following temporary uses are permitted according to the requirements specified and only for the period of time prescribed below:
  - 1. Outdoor Retail Sales (Also Known as "Sidewalk Sales," Fire Sales" and "Tent Sales." ( Maximum duration of operation shall be not more than 15 consecutive days, limited to twice

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during the calendar year. Any outdoor sales on the premises must be associated with products exactly as they are found in the existing buildings on the site. The outdoor retail sales may include promotional accessory food for consumption.

B. Motor Vehicle Code Access Requirements. The above temporary uses shall meet the Motor Vehicle Code access requirements set forth in the Township. If access is to a road or street owned by the Commonwealth of Pennsylvania, a permit issued by the Pennsylvania Department of Transportation shall be required if access is not from an existing permitted driveway.

C. General Requirements.

1. All temporary uses shall be provided with adequate sanitary facilities.
2. At the end of the permitted time period, the temporary use and accompanying structure, signs, etc., shall be removed.
3. In addition to the zoning permit application, a transient/retailer/peddling permit shall be applied for and approved pursuant to Ord. 100, 4/13/1979 [Chapter 13, Part 1].
4. All signs for the temporary use shall comply with the provisions of Chapter 19, Part 1, "Sign Regulations," of the Code of Ordinances of Ferguson Township.
5. As a condition of the temporary use zoning permit, any proposed structure shall meet all applicable building, electrical, property maintenance, fire prevention, mechanical and plumbing codes administered by the Centre Region Code Administration.
6. Structures to be erected in conjunction with a temporary use shall comply with § 27-1003 of this chapter, except that structures proposed to be erected on a lot that has an approved land development or land development plan may submit said plan depicting the location of the structure intended to be utilized in conjunction with the temporary use. Any modification of the approved land development plan or land development plan shall only be valid for the time period of a permitted temporary use. Minor alterations set forth in Chapter 22.
7. The placement of the above-permitted temporary uses shall not be in violation of any building setback requirement for the permitted uses within the relevant zoning district.
8. The above-permitted temporary uses shall be required to provide off-street parking spaces in accordance with Chapter 22.
9. The temporary uses permitted by this section shall provide the following number of parking spaces:

Use	Number of Spaces
Outdoor retail	1 per 250 square feet of retail space

D. Temporary Use Exemptions. The following temporary uses are exempt from the zoning permit requirements but must follow the criteria described below:

1. Sale of produce if grown on the property where the sale occurs.
2. Christmas Tree Sales. Where the proceeds benefit a charitable cause, the sale may be from any zoning district. When not benefitting a charitable organization, the sales must occur in a commercial or industrial district. The maximum time of operation shall be 45 consecutive days, once during the calendar year. Christmas tree sales are not permitted from residential dwellings

in any district with the exception of the RA Zoning District.

3. Car washes, rummage and bake sales, flea markets or similar activities which are conducted by and for the sole benefit of a nonprofit/community association or charitable organization. The event shall not occur more than five times a year for any one particular group at a single site.
4. Garage and Yard Sales on Residential Property. May be held for a period of three days or less, not more than five times per year.

**Supplemental Regulations****§27-723. Food trucks.**

Food trucks shall be a permitted use in every zoning district in Ferguson Township under the following conditions:

- A. This permitted use is for the sale of food and nonalcoholic beverages between the hours of 6:00 a.m. to 2:00 a.m. in the General Commercial (C), General Industrial (I), and Industrial, Research and Development (IRD) Zoning Districts unless otherwise permitted by this Ordinance.
- B. In all other zoning districts, food trucks are permitted between the hours of 7:00 a.m. and 7:00 p.m.
- C. Food trucks cannot be located on a premises permanently and must be moved off site daily. All food trucks are required to conform to the following criteria:
  1. Food trucks shall only be located on a lot containing a principal building(s).
  2. Food trucks shall not be parked in the public right-of-way or on the road itself.
  3. The Centre Region Parks and Recreation Authority is solely responsible for the permitting and regulation of food trucks in public parks.
  4. Food trucks shall be located a minimum of 100 feet from the closest property line of any brick-and-mortar eating establishment.
  5. The number of food trucks per property is dependent upon the approval of the property owner. Written permission from the property owner is required.
  6. No audio amplification, including, but not limited to, megaphones or speaker systems, shall be permitted as part of the food truck vending operation.
  7. The food truck operator or his/her designees must be present at all times except in the case of emergencies.
  8. The food truck 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.
- D. The food truck operator shall obtain a food truck operation zoning permit and applicable health permit; both shall be displayed in the food truck. 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:
  1. A plan for refuse and recycling containers.
  2. Proposed seating (if applicable).
  3. The food truck shall be subject to all code requirements in Chapter 10 (Health and Safety) of the Township Code of Ordinances.

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 within five feet of the food truck. No off-site signs shall be permitted.
- E. If the office for the food truck business is located within the owner's home in Ferguson Township, a home occupation permit shall be required.
- F. The requirements of this subsection are not subject the provisions of Temporary Uses.

**§27-724. Automobile Service Stations.**

In addition to the district regulations specified, all automobile service stations shall meet the following regulations:

- A. The dismantling of motor vehicles shall be performed within a completely enclosed building.
- B. All dismantled motor vehicles and parts thereof, shall be stored within completely enclosed buildings, except for motor vehicles which are currently licensed and inspected.
- C. Fuel pumps may be located within the front yard setback area provided such are at least 30 feet from any lot line.

**§27-725. Auto Wrecking. Junk and Scrap Establishments.**

In addition to the district regulations specified, all auto wrecking, junk and scrap establishments shall meet the following regulations:

- A. All material shall be placed in such a manner that it is incapable of being transferred off the premises by wind, water or other natural causes under normal conditions.
- B. No material shall be placed within the front, side or rear yard setback areas. All yard setback areas shall at all times be clean, vacant and maintained.
- C. All paper, cloth and rags, and other fibers and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- D. All materials and activities not within fully enclosed buildings shall be surrounded by a fence or wall at least six feet in height. Such fence shall be completely sight obscuring and maintained in good condition. No such fence may be permitted in any yard setback area. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
- E. All gasoline and oil shall be drained from any junked motor vehicle into containers and stored at only one location on the premises. No more than 55 gallons in aggregate shall be stored above ground.
- F. Fire hazards shall be minimized where practical by the segregation of combustible from noncombustible materials and the provision of aisles at least 30 feet wide for escape and firefighting equipment.
- G. The storage of material in piles shall not exceed 20 feet in height.
- H. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water.

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- I. Every structure erected upon the lot after the effective date of this chapter shall be of construction conforming to the Township Fire Prevention Code [Chapter 5, Part 4].
- J. No structure or material storage shall be allowed within 100 feet of a stream, water body or sinkhole.

**§27-726. Child Care Facilities.**

In addition to the district regulations specified, child care facilities shall meet the following requirements:

- A. Family Child Care Home. Family child care shall be permitted as an accessory use to a residential dwelling unit as long as the family child care home meets the following requirements:
  1. The family child care home shall comply with all licensing requirements of the Commonwealth of Pennsylvania.
  2. No structural changes are permitted which will alter the exterior character of the single-family residence.
  3. A nonfee zoning permit is required for this accessory use.
- B. Group Child Care Home. Group child care shall be permitted as prescribed in §27-205 as long as the group child care home meets the following requirements:
  1. The group child care home shall comply with all licensing requirements of the Commonwealth of Pennsylvania.
  2. A zoning permit shall be obtained from the Ferguson Township Zoning Administrator. The zoning permit shall be accompanied by a sketch plan which identifies parking, outdoor play area and access.
  3. The area designated as the outdoor play area shall be enclosed with a minimum four-foot high fence.
  4. One additional off-street parking space shall be provided for each employee as required by the Commonwealth of Pennsylvania.
  5. No structural changes are permitted which will alter the exterior character of the single-family residence.
  6. Residences located on arterial streets must provide a drop-off/pick-up area designed to prevent vehicles from backing onto the arterial roadway.
  7. The home shall comply with noise standards contained in Ord. 241, 9/28/1982 [Chapter 10, Part 3].
- C. Child Care Center. A child care center shall be permitted as a primary as prescribed in §27-205 and as an accessory use to an office building, a church or a structure which is part of the church facility, as long as the child care center meets the following requirements:
  1. All district regulations as specified shall be followed.
  2. Child care centers shall be located only on lots with direct motor vehicle access onto a public street.
  3. All outdoor play areas shall be completely enclosed by a fence or wall with a minimum height

- of four feet and screened by an evergreen planting which shall reach a height of at least six feet within five years of planting.
4. The child care center shall comply with all licensing requirements of the Commonwealth of Pennsylvania.
  5. A zoning permit shall be obtained from the Ferguson Township Zoning Administrator.
- D. Child/Day Care. Child/day care shall be permitted as a primary use as prescribed in §27-205 as long as the following requirements are met:
1. All district regulations as specified shall be followed.
  2. Child/day care (as an accessory or primary use) shall be located only on lots with direct motor vehicle access onto a public street.
  3. All outdoor play areas shall be completely enclosed by a fence or wall with a minimum height of four feet and screened by an evergreen planting which shall reach a height of at least six feet within five years of planting.
  4. All child/day care shall comply with all licensing requirements of the Commonwealth of Pennsylvania.
  5. A land development plan must be filed to obtain approval from the Ferguson Township Board of Supervisors.
  6. Child/day care may be permitted as an accessory use to any place of assembly as long as such use is in accordance with the provisions that regulate such place of assembly.

**§27-727. Churches and other places of worship.**

Churches and other places of worship shall be located only on lots with direct motor vehicle access onto collector or arterial streets in the districts where they are permitted uses.

**§27-728. Convenience Food Stores.**

Convenience food stores are defined as small stores permitted as prescribed in §27-205.

- A. Sales of additional products, when clearly incidental and subordinate to the retailing of food and beverages, may include nonprescription drugs, housewares, periodicals and tobacco. The sale of motor vehicle fuels and food and beverages for consumption on the premises is expressly prohibited. In addition to the district regulations specified, all convenience food stores shall meet the following requirements:
1. No convenience food store shall have a gross floor [area] exceeding 2,500 square feet.
  2. Except for driveways and walkways, all yards shall have a buffer yard in accordance with this Chapter.
  3. No establishment shall be open for business between the hours of midnight and 7:00 a.m.
  4. All sales and displays shall be within completely enclosed buildings, and there shall be no display or storage of any material outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any lot line on which the building is situated.
  5. The convenience food store may include one dwelling unit.

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**§27-729. Dwelling Units, Attached.**

In addition to the district regulations specified, no building used for attached dwelling units shall exceed 200 feet in length or a maximum of six units in a row.

**§27-730. Farm Use.**

In addition to the district regulations specified, the storage of hydrated manure in bulk for farm uses shall not be permitted within 150 feet of any lot line.

**§27-731. Golf Courses, Pitch Putt Golf Courses and Driving Ranges.**

In addition to the district regulations specified, all golf courses, pitch putt golf courses and driving ranges shall meet the following applicable regulations:

- A. No golfing green or fairway shall be closer than 100 feet to any lot line.
- B. Golfing tees and greens for the same hole may not be separated by a public street.
- C. Driving ranges shall have screens or fences of a height and location sufficient to prevent golf balls from landing on the property of another.

**§27-732. Flag Lots.**

- A. In addition to the district regulations specified, in the RA, RR, R1, R2, and R3 Districts, lot requirements and yard setback requirements different from those set forth in the appropriate subsection shall be allowed as a conditional use by the Board of Supervisors after receiving recommendations from the Planning Commission if the following standards and criteria are met:
  - 1. A lot, which is possibly subject to further subdivision under the ordinances or resolutions of the Township of Ferguson as they then currently exist, need not meet the minimum lot width requirements at the street line as set forth in this chapter so long as the lot shall be a minimum of 60 feet wide at the street line and shall be no less than 60 feet wide at all points from the street line to the point at which the lot meets the minimum width requirements.
  - 2. A lot, which is not possibly subject to further subdivision under the ordinances or resolutions of the Township of Ferguson as they then currently exist, need not meet the minimum lot width requirements at the street line as set forth in this chapter so long as the lot shall be a minimum of 15 feet wide at the street line and shall be no less than 15 feet wide at all points from the street line to the point at which the lot meets the minimum width requirements.
  - 3. In determining the minimum size of a lot and maximum coverage of a lot, only that portion of the lot described pursuant to §27-732.A.5, below, shall be considered in making such calculations. In determining maximum impervious coverage of a lot, the total lot area shall be considered in making such calculations.
  - 4. In determining the location of front yard setback requirements, the front yard setback shall be calculated in reference to the lot described pursuant to §27-732A.5.below.
  - 5. Pot Handle.
    - a. If there is a discernible pot handle (the extension of the side lines of the lot intersect within the lot or on a line of the lot) only that portion of the lot within the intersecting lines shall be considered for purposes of §27-732A.1-4.



- b. If there is not a discernible pot handle, only that portion of the lot which is to the rear of the line parallel to the front line (or parallel to the tangent at the midpoint of a curved front line) where the lot first reaches the lot minimum width requirements as set forth in the lot requirements of this chapter shall be considered for §27-732A.1-4.
6. In granting a conditional use for a flag lot, the Board of Supervisors shall take into consideration whether some or all of the following goals will be reached:
    - (a) Creation of the flag lot will eliminate access from the lot to an arterial or collector street.
    - (b) Creation of the flag lot will make better use of an irregularly shaped property.
    - (c) Creation of the flag lot is consistent with a design and layout creating the minimum number of flag lots in the subdivision, taking into account §27-732.A.6(a) and (b).
    - (d) Creation of the flag lot will reduce the loss of tillable acreage associated with a farm parcel that has no additional subdivision potential.
  7. In granting a conditional use, the Board of Supervisors shall attach such conditions as are necessary to meet the intent of this section.
  8. To administer a conditional use, the Zoning Administrator shall report to the Planning Commission and the Board of Supervisors on the proposal for which the application is made, shall supply the Planning Commission and the Board of Supervisors with a copy of the application and subdivision plan and shall make a recommendation on the proposed conditional use.
  9. Within 90 days from the date such application was filed and all fees paid, the Planning Commission shall make a recommendation and the Board of Supervisors shall render its decision.

**§27-733. No-Impact Home Based Business.**

No-impact home based businesses shall be permitted in all the residential districts upon application for and receipt of a permit from the Township. To obtain a permit, information must be provided by the applicant to the Township that identifies that the no-impact home based business meets the following requirements:

- A. Prior to use of a residence for a no-impact home based business, an applicant shall apply for a permit with the Zoning Administrator and pay the required fee. Within 14 days of said application, the Zoning Administrator shall notify the applicant, in writing, of the denial of the permit, and shall state the provisions of this Part 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 no-impact home based business so long as the use complies with this Part.
- B. After a permit has been granted, the applicant must annually apply for a renewal, said application to be made annually before September 1 of each year and said permit to be reissued, if all conditions of this Part are met, on or before September 30 of each year. There shall be no fee required for the annual renewal.

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**§27-734. One single-family detached dwelling**

One single-family detached dwelling is permitted on a minimum one acre lot in the Rural Agricultural District as a primary use for every 50 acres of a tract; provided, that a written agreement with the Township, in a manner and form acceptable for recording by the office for the recording of deeds, Centre County, Pennsylvania, be entered into by the landowner, limiting the balance of the 50 acre tract to a different primary use permitted in the Rural Agricultural District.

**§27-735. School Zone Signage.**

School zone signage shall be provided for all schools and all roads in accordance with Title 67, Pa. Code.

**§27-736. Riding Stable and/or Academy**

A riding stable and/or academy shall be permitted as prescribed in §27-205 if the following conditions are satisfied:

- A. All applications for a riding stable and/or academy conditional use permit shall be accompanied by a land development plan.
- B. The maximum impervious cover, exclusive of access, shall be 100,000 square feet or 10% of the lot size - whichever is less.
- C. All required off street parking spaces and aisles shall consist of six inches of crushed and compacted stone.
- D. Front, side and rear setbacks shall be a minimum of 50 feet.
- E. No outdoor activity or event lighting or loudspeaker system is permitted to be installed or used on the site. Security lighting is permitted; however, all lighting must conform to the standards of Chapter 4, Part 1, of the Township Code of Ordinances.
- F. Maximum building height shall be 40 feet.
- G. The site shall be subject to all code requirements in Chapter 5 of the Township Code of Ordinances.

**§27-737. Veterinary Office/Clinic.**

Veterinary Office/Clinic are are permitted as prescribed in §27-205 subject to conformance with the following:

- A. A minimum of one licensed veterinarian must be on staff.
- B. Dogs may not be left outdoors for any extended period of time.
- C. Emergency facilities may operate on a twenty-four-hour basis.
- D. Any facility within 1,000 feet of a residentially occupied site must identify how noise from the site will be controlled to prevent a nuisance situation.

**§27-738. Group Home.**

Group homes shall be permitted as prescribed in §27-205 subject to conformance with the following:

- A. No services for non-residents shall be conducted from the dwelling unit other than limited after-care for prior residents.

- B. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.

**§27-737. Community Gardens.**

- A. Applicability. This paragraph shall apply to community gardens within Ferguson Township other than those existing or proposed within local, community, or regional parks. This paragraph shall not apply to gardens that are accessory to a residential use and are for personal use by the owner or occupant of the property.
- B. Standards. Community gardens shall be permitted as prescribed by §27-205 as long as the garden is operated by the property owner. All community gardens shall comply with the standards of this paragraph and shall, prior to obtaining a permit for the use, submit a copy of the operating standards that will be established and enforced by the property owner.
- C. Lot Size/Lot Coverage Regulations. No minimum lot size is established for this use; however, no more than 15% of the required pervious area of any lot or 10,000 square feet, whichever is larger, may be converted to use as a community garden.
- D. Sale of Plants or Produce. A community garden is not intended to be a commercial enterprise. The produce and plants grown in a community garden shall not be sold wholesale nor offered for sale on the premises. Surplus produce and plants may be sold off-site.
- E. Accessory Structures. Accessory buildings associated with the garden shall be limited to tool or storage sheds on the site which shall comply with the size and location standards as well as all permitting procedures of the Township. No signage related to advertising the garden is permitted on site.
- F. Other Restrictions.
1. Gardens shall be designed and maintained to prevent any soil, chemical pesticide, fertilizer or other garden waste from draining off the property. All gardens shall be tidied and prepared for winter.
  2. No additional parking may be added to the site to accommodate gardeners, nor shall any existing parking area be used for storage of garden materials.
  3. All gardens shall be located to the side or rear of any structure on the site and in no case shall any garden area be located between the structure and the road right-of-way, or in any setback area.
  4. The following are also prohibited:
    - a. Invasive plants.
    - b. Beekeeping.
    - c. Lighting.
    - d. Greenhouses, hoopouses or coldframes.
    - e. Keeping chickens or other livestock.
    - f. Encroachment within any easement of record.

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- G. Permit Required. A zoning permit shall be obtained prior to establishing this use on any site. Information submitted to obtain the permit shall identify compliance with the above standards.

## PART 8

## Nonconformities

**§27-801. Intent.**

It is the intent of this Chapter to recognize the right of nonconformities to continue, but to encourage that such lots, uses and structures be brought into conformity with this Chapter as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Part.

**§27-802. Nonconforming Lots of Record.**

- A. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area and/or width that are applicable in the district; provided, that all other yard dimensions and requirements of the lot shall conform to the regulations for single-family detached dwellings in the Single-Family Residential District. Such nonconforming lot must be in separate ownership and not abut other lots under the same ownership.
- B. If two or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter and no portion of said parcels be used or sold in a manner which diminishes compliance with lot width or area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter. This subsection shall only apply when neither of the lots involved, which abut each other, contains a building. This subsection shall not apply to lots which are conforming to the zoning in effect as of the time of passage of this Chapter.
- C. Lots which fail to meet minimum width or area requirements may be expanded to include abutting lots under the same ownership.
- D. To uphold the long-established character and the district purpose of the Township's Rural Agriculture Zoning District, for any lot in the Rural Agriculture District between the acreage of 2.01 acres and 49.99 as established on record as of 2019, any agriculturally-oriented land use identified as permissible within the Rural Agriculture Zoning District shall be permissible as designated on Table §27-205.1.

**§27-803. Nonconforming Uses and Structures.**

Where a lawful use or structure exists which, on the effective date of this Chapter or subsequent amendment thereto, becomes nonconforming, such use or structure may be continued as long as it remains otherwise lawful, including subsequent sales of the property, subject to the following provisions:

- A. The existing nonconforming use shall not be changed to a different nonconforming use.
- B. No such nonconforming use or structure shall be altered or extended except if such complies with the following criteria and standards:
  1. To provide for a natural expansion which is not detrimental to public health, safety and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.

**Nonconformities**

2. Provided such does not constitute the addition of a new nonconforming use or structure.
  3. Provided such does not decrease yards when such already fail to meet minimum yard setback areas.
  4. Provided that the alteration or extension meets the district regulations for such use or structure as if same were being altered or extended in the district where such use is permitted. In cases where the use is permitted in two or more districts, the most restrictive district regulations shall apply.
- C. In the event that any nonconforming structure is destroyed or partially destroyed by any means to an extent of 75% or more of the market valuation of all structures and other improvements on the lot, as determined to be the fair market value as of the date of destruction, pursuant to an appraisal by a professional real estate appraiser licensed in the Commonwealth of Pennsylvania, and selected by the Board of Supervisors; such nonconforming structure and use thereof shall terminate and the lot shall thereafter be used only for conforming uses and structures, except if the use or structure is a farm use as herein defined. Essential services are exempt from the provisions of this subsection.
- D. When a nonconforming use or structure is discontinued or abandoned for a period of 1 year or more continuously, or replaced by a conforming use or structure, the premises shall not thereafter be used except in conformity with the regulations of the district in which it is located, except if the use is a farm use as herein defined.
- E. Provided that the requirements of §27-803.A to D are satisfied, a landowner need not obtain a variance prior to altering or extending a nonconforming structure if such alteration/extension would extend the nonconformity but not aggravate it. In such cases, the landowner would be required to obtain a fee zoning permit. *An example of the type of alteration permitted by zoning permit pursuant to this subsection is as follows: a 20 foot front yard setback requirement exists and the structure is already constructed 2 feet into the setback. The landowner proposes an addition to the nonconforming part of the structure which would continue along the line of that portion of the structure which is 2 feet into the setback.*

**§27-804. Registration of Nonconforming Uses, Structures and Lots.**

In administering and enforcing this Part and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Administrator may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the lot owner.

**§27-805. New Construction.**

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

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**Administration and Enforcement**

**PART 9**

**Administration and Enforcement**

**§27-901. General Provisions.**

For the administration and enforcement of this Chapter, the Board of Supervisors shall appoint a Zoning Administrator, who may not hold any elective office in the Township. The Zoning Administrator shall administer and enforce this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

- A. Duties of the Zoning Administrator. The duties of the Zoning Administrator shall be as follows:
  - 1. To examine, record and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses and structures which are in conformity with the provisions of this Chapter.
  - 2. To initiate enforcement proceedings.
  - 3. To receive all fees to the Township as required by this Chapter and to post a schedule of fees in the Township Municipal Building.
  - 4. To receive complaints and notify persons of violations of provisions of this Chapter.
  - 5. To conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit.
  - 6. Upon request of the Board of Supervisors, Planning Commission or Zoning Hearing Board, to present to such body facts, records and any similar information required to assist such body in its deliberations.
  - 7. To be responsible for keeping current copies of this Chapter and the Official Zoning Map for distribution to the public.
  - 8. To perform other duties in the administration and enforcement of this Chapter as may be directed by the Board of Supervisors.
- B. Fees. The Board of Supervisors shall establish a schedule of fees and a collection procedure for all permits, applications and appeals.
  - 1. The schedule of fees shall be available in the Township Municipal Building.
  - 2. All such fees shall be payable to Ferguson Township at the Township Municipal Building.
  - 3. No request for a zoning permit or certificate of nonconformity and no appeal or application to the Zoning Administrator, Zoning Hearing Board or Board of Supervisors shall be considered complete, nor shall it be filed or docketed, until all fees have been paid in full.

**§27-902. Zoning Permits.**

- A. A zoning permit shall be required prior to the erection, extension or alteration of any structure or portion thereof and prior to the use by a new landowner/tenant or change in the use of a structure or parcel of land. A zoning permit shall not be required prior to a change in residential ownership nor prior to a change in residential tenants.



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- B. Prior to the issuance of any zoning permit, the Zoning Administrator shall review the permit application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, §404, 33 U.S.C. 1344. No zoning permit shall be issued until this determination has been made.
1. No such zoning permit shall be required for normal maintenance activities and minor repairs which do not constitute an erection, extension or alteration as herein defined.
  2. In the Rural Agricultural Zoning District, a zoning permit shall be required for all agricultural uses and/or structures as follows:
    - a. A fee zoning permit is required for all principal and accessory uses and/or structures unless outlined below.
    - b. A fee zoning permit is required for residential structures, including houses, trailers, etc. and nonagricultural structures for principal uses including churches, other places of worship/assembly, parish houses or convents.
    - c. A nonfee zoning permit is required for other nonresidential primary farm use structures, barns, or other agriculture-related structures not requiring a land development plan.
    - d. A zoning permit shall not be required for structures accessory to nonresidential, agricultural principal uses including, but not limited to, corn cribs, lean-tos, calf booths, silos and similar storage structures.
  3. No such zoning permit shall be required for the alteration of any structure which meets §902.B.2.d for structures in the RA Zone.
  4. No such permit shall be granted by the Zoning Administrator for any purpose except in compliance with the provisions of this Part, or upon appeal, in compliance with a decision of the Zoning Hearing Board or the courts.
- C. Application for Zoning Permits. To apply for a zoning permit, the applicant shall submit an application for a zoning permit to the Zoning Administrator along with all required fees. When required by this Chapter, land development plans and other information shall accompany the application. When a land development plan is not required, the application for zoning permit shall show the manner by which §27-709 and §27-902 in this Chapter will be complied with.
- D. Review of the Application. Except when a land development plan is required, in which case a land development plan shall be submitted in accordance with Chapter 22, all applications for zoning permits shall be granted or denied by the Zoning Administrator within 30 days from the date of receipt of the application and fees for such. The Zoning Administrator shall notify the applicant in writing of all action taken on the application for a zoning permit within said 30-day period. If the application is denied, such notification shall specify the provisions of this Part with which such application does not comply. If, for any reason, the Zoning Administrator fails to notify the applicant of all action taken in the manner and time limit set forth above, such application shall be considered approved as submitted.
- E. When a land development plan is required, the following provisions shall apply:
1. The land development plan shall be prepared in accordance with Chapter 22 the Township's

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- Subdivision and Land Development Ordinance and submitted 28 days or more prior to the Planning Commission meeting at which it shall first be considered.
2. Approval or disapproval is required by the Board of Supervisors within 90 days following the date of the regular meeting of the Planning Commission at which the land development plan may be first considered; provided, that should said Planning Commission meeting occur more than 30 days following the filing of the application and following a desk check for completeness, then approval or disapproval shall be within 120 days from the filing of the application.
- F. No zoning permit for erection, extension or alteration of any structure or portion thereof shall be valid for more than 2 years from the date of issue unless work at the site is commenced within such period. No zoning permit for use of building or land shall be valid for more than 2 years from the date of issue unless such use is established within the 2-year period; provided, however, that where such use is dependent upon the erection, extension or alteration of a structure, the zoning permit shall continue in force if erection, extension or alteration is started within the 2 year period and completed in an expeditious manner. Any erection, extension or alteration shall be completed within 2 years of commencement.

**§27-903. Rezoning.**

- A. Purpose of Rezoning.
  1. The purpose of rezoning is to protect the safety, capacity and efficiency of Ferguson Township's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Centre Region Comprehensive Plan.
  2. Rezoning requests shall be evaluated on the basis of the projected benefits and/or detrimental effects to Ferguson Township as a whole.
- B. Rezoning Application Forms.
  1. All Applicants submitting rezoning applications shall be required to prepare a series of plans, impact analyses and summary reports as enumerated in §27-903.E, Impact Analysis, to demonstrate the compatibility of a rezoning proposal.
- C. Review of rezoning applications.
  1. The Applicant shall meet with the Planning and Zoning Department Staff and Planning Commission for a pre-rezoning review. The purpose of said review shall be to discuss the general intent of the proposed rezoning and outline the necessary components of the re-zoning application.
  2. The Director of Planning and Zoning shall review the rezoning application in compliance with the following procedural guidelines:
    - a. Upon receipt of a rezoning application, the Director of Planning and Zoning will perform a desk check review of the package to determine the completeness of the application.
    - b. The Director of Planning and Zoning will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
    - c. If the Director of Planning and Zoning finds the application to be incomplete or insufficient, the rezoning application will be returned to the Applicant.

- d. Finding and Facts Report. When the rezoning application is found to be complete, the Director of Planning and Zoning, Township Staff or its designee shall prepare an evaluation assessment identifying concurrencies and/or differences and summarize this assessment in a report. This report shall identify the impacts and potential manners in which the resolution of issues could be addressed. The completed application package and report shall be forwarded to the Planning Commission for review.
3. As part of the rezoning approval process, the Planning Commission and Board of Supervisors shall consider the motivation and implications of each plan, analysis and report.
4. Ferguson Township shall review the application in compliance with the following procedural guidelines:
  - a. If the rezoning proposal is found to be generally consistent with the Township's element of the Centre Region Comprehensive Plan and the community development objectives of the Zoning Ordinance, the Planning Commission shall consider the findings reported as part of the Applicant's Impact Analysis to determine any projected beneficial and/or detrimental effects on Ferguson Township. The Planning Commission may host a hearing on the application if they deem it applicable.
  - b. The rezoning proposal shall be reviewed through the context of the Center Region Planning Agency's rezoning guidelines to ensure that the rezoning conforms to the requirements
  - c. Based on these analyses, the Planning Commission shall submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Centre Region Comprehensive Plan.
5. The final recommendation of the Planning Commission shall be forwarded to the Board of Supervisors.
6. Upon receipt of the Planning Commission's final recommendations, the Board of Supervisor's shall host a hearing on the application. The provisions within the Municipalities Planning Code as related to the procedures associated with a zoning map amendment shall apply. The Board of Supervisors shall compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. The Board of Supervisors may deny the rezoning proposal and shall provide a brief summary explanation of the decision to the Applicant.
7. The Township shall make the decision for approval or denial of the requested rezoning within one hundred fifty (150) days of receipt of a completed rezoning application, which includes the impact analysis. Approval cannot be based on a contingency or condition of resolving potential negative impacts. If no decision is made by the Township after this time period, then the application will be deemed approved.
8. At any time, an Applicant may request an extension of time or removal of an application from Township consideration.
9. Upon approval of the rezoning proposal the Planning and Zoning Department shall update the Ferguson Township Zoning Map accordingly.
10. See also Rezoning Approval Process Diagram and §609 of the Pennsylvania Municipalities Planning Code.

**Administration and Enforcement****D. Application Criteria.**

1. Application Requirements. The plans and reports that a landowner and/or developer are to submit shall include:
  - a. Conceptual Site Development Plan.
  - b. Topographic survey.
  - c. Site conditions report.
  - d. Existing zoning of surrounding parcels and closest adjacency of zoning district identical to request.
  - e. Classifications of existing roadways/streets adjacent to and within three hundred (300) feet of the perimeter of the proposed site.
  - f. The percentage of proposed dwelling units and any associated limitations that are specific to a particular segment of potential residential demographics/socio-economics.

**E. Impact Analysis.**

1. As part of the rezoning application, the Applicant shall prepare and submit an Impact Analysis to identify the benefits and detrimental effects of the proposed rezoning application.
2. Impact Analysis Requirements. The following outlines the information that is required as part of the rezoning application. Information shall be presented as a comparison of the impacts that are created by the existing zoning district and the proposed rezoning classification. In all instances, the land use permitted in the proposed zoning classification that creates the greatest impact shall be utilized in the comparison analysis. Required information includes:
  - a. Off-Street Parking Requirements.
  - b. Density/Floor Area Ratio
  - c. Maximum Building Height
  - d. Geotechnical/stormwater run-off analysis (associated with impervious surface).
  - e. Traffic (Average Daily trips and Peak Hour Demand for both weekday and weekends based on Conceptual Site Development Plan).
  - f. Fiscal Impact Analysis projecting tax rate changes associated with the Municipality, the County and the School District.
  - g. Student Impact Analysis projecting potential increase to school district population because of proposed rezoning.
  - h. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
  - i. Estimated Impacts to safety services (police department services, fire department services) based on proposed infrastructure (roadways) expansion.
  - j. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
  - k. Depending upon the location of lot access, infrastructure service/demands and impacts identified on adjoining lots, the Board of Supervisors may require a landowner and/or developer to prepare other potential related studies.

1. Within the Impact Analysis, the Application shall identify impacts that need mitigation but does not need to propose remedy/resolution for identified impacts.
- F. Additional Information.

The Planning Commission and the Board of Supervisors reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

**§27-904. Traditional Town Development Plan Process and Procedure.**

- A. Eligibility. The site must be zoned TTD, be located within the regional growth boundary and within a planned public service area. Public sewer and water must not only serve the site, but sufficient capacity must also be available.
1. The site proposed for development shall be under single ownership and shall be developed according to a single master plan that depicts build-out of the site with common authority and responsibility.
- B. Approvals. Any TTD proposal within the zoning district shall follow the procedures outlined below which shall include each of the following steps:
1. Initial Conference.
  2. General Master Plan.
  3. Specific Implementation Plan.
- C. Initial Conference. A Traditional Town Development or Mixed Residential Area involves the creation of a coordinated and comprehensive plan for a site as well as its integration with surrounding development. To ensure that each submission addresses site development from this perspective, an applicant shall meet with Township Planning and Zoning Department staff for an initial conference prior to final preparation and/or submission of a general master plan for approval. At the initial conference, the applicant should be prepared to present, at a minimum, plans which represent the required evaluation of open space, the design for transportation, and utilities for the specific site as required by §27-303.C.1, .2, and .3 of this Part. In addition, the applicant shall prepare a narrative which details the design pattern and/or innovative design concepts proposed; an explanation of how this approach will preserve natural features and existing amenities of the site as well as protecting scenic vistas; the structure or organization anticipated to be necessary to maintain public areas and/or common open space; and the expected development schedule for the project including any phasing associated with the build-out of the plan. Other issues for discussion at this stage of the review may include the design proposal's ability to satisfactorily address specific elements of the TTD criteria related to pedestrian generation and streetscape design; community building and the development of community focal points and destinations; the consideration of the environmental context of the site and the resultant design provisions; and the ability of the applicant to comprehend and ultimately implement the TTD concepts as envisioned by the Township and enumerated by the ordinance standards and associated Design Manual (See Chapter 22). Such plans, although in a sketch plan format, shall not be binding on either the applicant or the Township at this stage. However, consensus on the proposal's ability to meet the Township's goals must be reached with staff prior to the project moving forward. As a result, such conference should take place as early as possible in the process to eliminate unnecessary expenditures for design and engineering. A list of possible questions to which each applicant should be prepared to respond is included in Appendix L .

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- D. General Master Plan. The next step of the approval process involves the preparation and submission of a general master plan. Preparation of the plan shall be in accordance with the requirements as outlined in Section H and shall be commensurate with the preliminary plan as provided for in Article V of the MPC.
1. The general master plan shall include all adjacent land owned, equitably owned, or otherwise controlled by the applicant within this zoning district. If the land extends into an adjacent municipality or district, then it is requested that the general master plan also include such areas so as to plan for coordinated transportation, infrastructure and open space systems. If a TTD exists, is or could be proposed, or has been approved on an adjacent tract, then the applicant's general master plan shall be coordinated with the development of such adjacent land.
  2. Approval Process. See Approval Process Diagram.
  3. Plan Requirements. A general master plan shall be deemed to have been submitted for review and approval when the applicant has furnished to the Township Department of Planning and Zoning a package consisting of all of the following documents:
    - a. A completed application for subdivision or land development plus payment of all application and escrow fees.
    - b. Written notice of acceptance of the design proposal by staff as a result of the required initial conference.
    - c. Five black (or blue) on white prints of the general master plan and 10 reduced (11"x17") copies of all plan sheets prepared in conformance with all provisions of this Part and the associated design guidelines.
      - 1) Such plan shall be drawn at a legible scale and shall include a key map showing the location of the site in relation to adjacent properties and the larger neighborhood, adjacent zoning, and road system connections with existing and proposed roads within 1,000 feet.
      - 2) All dimensions of the site shall be in feet and decimals; bearings shall be in degrees, minutes, and seconds. Lot line descriptions shall read in a clockwise direction. The survey of the site shall not have an error of closure greater than 1 foot in 10,000 feet.
      - 3) This plan shall be legible in every detail and shall identify the proposed project name, the name and address of the owner of the tract, the developer/subdivider, and the firm that prepared the plan, as well as the plan date and the date of all plan revisions.
      - 4) The plan shall show the entire existing tract boundary with bearings and distances and identify the total acreage of the entire existing tract, the district, lot size and/or density requirements of the applicable zoning regulations, and the location of existing lot line markers along the perimeter of the entire existing tract as well as the general location of all existing manmade features including any historic structures, utilities, adjacent land uses, adjacent roadways, and other existing public infrastructure such as sewer and water mains, fire hydrants and stormwater management facilities.
      - 5) The presence of existing natural features including, but not limited to, soil types, unique vegetation, all tree masses and trees in excess of 4 inches in caliper, rock outcroppings, closed depressions, sinkholes, watercourses, floodplains, steep slopes, archaeological sites, burial sites, wetlands, solid waste disposal areas and topography of the site shall be included on the plan. In addition, any proposed disturbance, encroachment, or alteration to such features shall be indicated.

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- 6) The proposed general lot layout shall be shown on the plan including the location of the various types of land uses and approximate location of lot lines; building setback measurements; the approximate location, use, height and bulk of buildings; the proposed units of occupancy and resultant density calculation; the approximate location and size of recreational areas, parks, schools, and other facilities which are intended for public use; the approximate floor space and general configuration of nonresidential uses and the provisions for access and parking.
  - 7) The general layout of streets, alleys, and sidewalks, including cartway and right-of-way widths shall be identified by the plan. A typical street cross-section and a street centerline profile shall be provided for each type of street and proposed street names shall be identified.
  - 8) A professional land surveyor certification as to the accuracy of the plan information shall be provided.
- d. In addition, the following material shall be submitted:
- 1) Two copies of a conceptual landscaping plan identifying the type of materials and general design concepts for the treatment of both public and common open space. The design and provision of appropriate landscaping is integral to the value and function of the open space provided. Therefore, the required landscape plan shall be prepared by a registered landscape architect and, although a detail of the quantity, and size of proposed vegetation is not required at this stage, the plan must identify the location and amount of existing vegetation within the site that will be retained as well as where landscaping will be used to enhance the development. The plan shall address all portions of the proposed open space, as well as those public areas that will be designed as part of the overall development plan. In addition, areas required to be landscaped by other Sections of this Part (such as parking areas, dumpster locations, etc.), proposed street plantings, and the type of street trees to be provided throughout the development shall be included. Standards associated with such auxiliary plantings are found in §27-707.
  - 2) All trees and shrubs shall be planted in accordance with the “Ferguson Township Regulations and Standards for Arbor Work” and all landscape material shall meet or exceed the provisions of §27-707.G.1 - .6.
  - 3) Two copies of a public utility plan identifying connections to and extensions of public sanitary sewer and public water as well as stormwater management controls and all associated easements. Documentation shall be provided to support the feasibility of the proposal for water supply, control of stormwater, erosion and sedimentation control, and for the sanitary sewage treatment, including sewer authority and public water authority ability and capacity to serve the development in its entirety.
  - 4) The location of all other existing and proposed utilities shall be addressed, and the information submitted shall specifically identify which improvements are intended to be dedicated to and maintained by the Township, and which are to be owned and maintained by a property owner’s association. Additionally, any easements or restrictive covenants associated with such infrastructure shall be identified.
  - 5) Two copies of a general grading and sedimentation and erosion control plan.

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- 6) Two copies of an open space plan that, in addition to identifying the project's conformance with the open space requirements and any associated design incentives, highlights the anticipated location of transit amenities, bicycle paths, and sidewalks within the site, as well as adjacent bikeways, sidewalks, parkland and open space.
- 7) Two copies of a traffic impact study as per the adopted Township standards.
- 8) Two copies of a phasing plan indicating:
  - (a) The phases in which the project will be built including dates when the specific implementation plan for each phase of development will be submitted and an indication of the number and type of units to be developed in each phase. This phasing plan must be updated on a yearly basis in accordance with §508(4)(v) of the Municipalities Planning Code.
  - (b) A timetable for construction of the project including when the first phase of construction is anticipated to begin and sufficient information to ensure the coordinated installation of infrastructure on the site.
  - (c) The area, type, and location of public space, and open space to be provided with each phase.
  - (d) The phasing plan shall ensure the coordinated installation of all public infrastructure as well as the timely construction of required street connections and any other traffic mitigation installations as may be required. In addition, the Township reserves the authority to approve the number, size, and timing of all phases of the project, as well as the composition of each phase. In general, any non-residential portions of the site shall be contained within the first phase of development.
- 9) Two copies of a lighting plan that generally identifies the type and location of lighting standards proposed within the public right-of-way. A detail of the proposed lighting fixture(s) need not be included at this stage. However, to the degree that they are related to the community context, a general depiction shall be provided. Associated levels of illumination as well as the final placement of fixtures within public space or private property shall not be required until the specific implementation plan is filed.
- 10) Two copies of any architectural standards or pattern books that are intended to guide development within the site as per the provisions found in the Design Manual. This material shall provide an explanation of the character of the development and a discussion of the criteria used in site planning including the preservation of natural features and scenic vistas, the consideration of and coordination with adjacent land uses, the inclusion of community facilities, and a description of the networks developed for open space, transportation, and utilities/infrastructure.
- 11) Two copies of the draft text of all covenants, grants, easements, or other restrictions intended to be imposed upon the use of the land, buildings or structures, including proposed easements or grants for public utilities.
- 12) Two copies of the draft text of all agreements, declaration of easement(s) or other legally binding documentation which specifies the form of organization proposed to own and maintain the stormwater management facilities and any associated infrastructure or improvements. With regard to maintenance of these facilities, they



must be maintained by a private entity (e.g., homeowners association or individual(s) that own the land) in accordance with the terms of an agreement, declaration of easements or other legally binding and recorded documentation approved in form by the Township's Solicitor. The agreement, declaration of easement(s) or other legally binding documentation shall provide that the Township shall have the right to:

- (a) Inspect the facilities at any time.
- (b) Require the private entity to take corrective measures and assign the private entity reasonable time periods for necessary action, authorize maintenance to be done, and lien all costs of the work against the properties of the members of the private entity responsible for maintenance.

Upon review, the Township may require the agreement to contain provisions requiring the posting and/or periodic payment of escrow funds by the private entity to guarantee proper maintenance of the facilities. All of these documents may be in draft form at this juncture.

- 13) Two (2) copies of the draft text of a written description of the disposition of ownership of the open space and public areas. This is an essential element of the retention of the open space network. Therefore, all ownership options must perpetually restrict future subdivision or land development through establishment of a permanent easement which becomes part of the property title. In addition, one or more of the ownership options listed below must be selected for all portions of the open space provided:

- (a) The Township may, but shall not be required to, accept dedication in the form of fee simple ownership. All areas to be offered for dedication shall be so designated and shall be provided, without compensation, for public use provided that:
  - i. Such land is accessible to all residents of the Township.
  - ii. The Township agrees to and has access to maintain such lands.
  - iii. Any infrastructure located within such area shall be subject to a separate agreement for maintenance and/or replacement.
- (b) A property owner's association may be established to own and maintain the open space areas, as well as any infrastructure located therein. If this option is selected, a complete description of the organization to be established or designated to own and maintain the open space and, the methods by which this organization is to be established and maintained must be submitted. Documentation to this effect shall include:
  - i. Articles of incorporation and registry statement for the association; declaration of protective covenants describing the improvements and membership and voting rights in the association, property rights in the area under common ownership and covenants for maintenance assessments.
  - ii. Bylaws of the association; and proposed language to be included in the deeds of conveyance of lots in the development, requiring each lot owner to become a member of the association and be obligated to contribute towards the maintenance of the areas under common ownership through the association.

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- (c) In addition, prior to final approval of the general master plan, the developer shall provide an affidavit setting forth the obligation to:
- i. Create the corporation.
  - ii. Record the declaration of protective covenants prior to conveyance of the first lot.
  - iii. Include in the deed of each purchaser a requirement that the purchaser join the association and be obligated to contribute towards the maintenance of the common area improvements through the association.
- (d) A third option is to transfer fee simple title to the open space, or any portion thereof, to a private, non-profit organization among whose purposes is the conservation of open space land and/or natural resources provided that:
- i. The conveyance is made to a bona-fide conservation organization with a perpetual existence which is acceptable to the Township.
  - ii. Appropriate deed restrictions in favor of the Township are provided in language acceptable to the Township's Solicitor.
  - iii. The conveyance contains adequate provisions for proper retransfer or reverse in the event that the organization becomes unable to continue to carry out its assigned functions.
  - iv. A maintenance agreement, acceptable to the Township and its Solicitor is entered into by the developer, the chosen organization, and the Township.
4. Distribution and Review. Copies of this information shall be distributed to all appropriate agencies including, but not limited to the Board of Supervisors, Township Planning Commission members, the Centre Region Planning Agency, the Township Engineer, the Centre County Conservation District, CATA, and the PA DEP regional office.
- a. The grant of approval of the general master plan shall be by official written communication and shall, in the case of a plan which proposes development over a period of years, include sufficient terms and conditions to protect the interests of the public and of the residents of the proposed development in the integrity of the general master plan.
- E. Development Timetable. In the event that the general master plan is granted approval with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final plan approval, as signified by submission of a specific implementation plan, shall be filed; or, in the case of a general master plan that provides for development over a period of years, the periods of time within which applications for final approval of each part/phase thereof shall be filed. Except upon consent of the Board of Supervisors, the time frame established for submission of all phases of the master plan shall not exceed the vesting protection established by Article V, §508(4)(v)-(vii), of the MPC. Any extension of said time frame shall be established at the time of approval of the general master plan.
1. Status after General Master Plan Approval. Approval of the general master plan shall not qualify a plat of the Traditional Town Development or associated Mixed Residential Area, for recording, nor authorize development, the sale of lots, or the issuance of any building permits. A general master plan which has been given approval shall not be modified or revoked, nor otherwise impaired by action of the Township pending the filing of an application or applications for a specific implementation plan, without the consent of the landowner, provided

that applications are filed within the periods of time specified above, or, upon the extension of such time frame, in accordance with the official written communication granting approval of the general master plan.

2. Revisions to the General Master Plan after Approval. The Township may accept a specific implementation plan revised to reflect a change to the site or surroundings which occurs after approval of the general master plan. Any changes to the approved general master plan that are proposed prior to the submittal of the specific implementation plan shall be presented to the Board of Supervisors for consideration and determination as to whether or not the changes are substantial enough to require a modification to the approved general master plan. If the Board determines that a modified plan is not required, a specific implementation plan may be submitted to signify the request for final plan approval. If the Board of Supervisors determines that the general master plan must be modified, the process outlined in § 27-904.D above shall be followed. Upon approval of the revised general master plan, the applicant shall provide the Township with at least two copies of the revised plan for their record.

Any revisions to the specific implementation plan, or during construction subsequent to approval of that plan, shall follow the same procedures which are set forth for such circumstances in the PRD provisions of §27-302.G.2(a), (b).

- F. Specific Implementation Plan Approval. An application for specific implementation plan approval may be for all of the land included in the general master plan or, for a specific phase as set forth and approved by the Board of Supervisors during their consideration of the general master plan. Application shall be made to the Board of Supervisors within the time or times specified by the phasing plan approved as part of the general master plan, but not until after any conditions established as part of the approval of the master plan have been satisfactorily addressed. In addition, a specific implementation plan may not be submitted for final Township review until after all improvements indicated on the general master plan have been installed or, in lieu of the completion of the improvements, subject to deposit with the Township of a corporate bond or other security acceptable to the Board of Supervisors in accordance with the Subdivision and Land Development Ordinance, §22-304.2.

1. The application for specific implementation plan approval shall conform to the approved general master plan including all conditions and modifications attached thereto and shall include:
  - a. A completed application for subdivision or land development and payment of all application and escrow fees.
  - b. Five black (or blue) on white prints of the plan and 10 reduced (11"x17") copies of all plan sheets prepared in conformance with all provisions of this Part and the associated design guidelines.
2. Plans shall contain the information required for general master plan approval with the following exceptions and additions:
  - a. All locational information shall no longer be approximate but shall conform to the accuracy requirements and/or be field verified for precision. This shall include, but not be limited to, the following information: existing environmental or topographic features, existing and proposed easements and rights-of-way, existing sanitary sewer and water supply mains, fire hydrants, and stormwater management facilities which effect stormwater runoff on the subject tract(s).

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3. Additional plan information required includes the following:
  - a. Complete description of the centerline and right-of-way line for all new streets. This description shall include distances and bearings with curve segments composed of radius, tangent, arc, and chord.
  - b. Proposed lot lines with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance.
  - c. The location and configuration of proposed buildings, parking compounds, streets, driveways, landscaping and all other significant facilities.
  - d. Total number of lots, units of occupancy, density, and proposed land uses.
  - e. Building setback lines, with distances from the street right-of-way line.
  - f. Typical cross section for each proposed street. Each cross section shall include the entire right-of-way width.
  - g. Curb radii at intersections.
  - h. Curbs and gutters, location, cross-section and typical design.
  - i. Vegetation, including street trees, to be planted between curb or shoulder and right-of-way line.
  - j. Sidewalks and shared use paths, including location, width, grades and ramps for handicapped.
  - k. Location of street lights.
  - l. Proposed street address and address for each unit if applicable.
  - m. Location, size and material of sewer and water mains and laterals to each lot.
  - n. Final vertical and horizontal alignment for each proposed street, sanitary sewer, and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material.
  - o. Source of title to the land included within the subject application as shown by the Centre County Recorder of Deeds, and a copy of said ownership documentation.
  - p. Final street names.
  - q. Location and material of all permanent monuments and lot line markers provided in conformance with the provisions of the Subdivision and Land Development Ordinance.
  - r. A grading plan that includes finished land contours and grades, directions of water movement, type of soils, location of water bars or silt fences and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the specific implementation plan.
  - s. Identification of any lands to be dedicated or reserved for public, semi-public, or community use.
  - t. The location, face area and height of signs as regulated by the Sign Regulations [Chapter

19, Part 1].

- u. Space for approval signatures by the Chairman and Secretary of the Planning Commission including date of such approval.
- v. Space for approval signatures by the Chairman and Secretary of the Board of Supervisors including date of such approval.
- w. The following certificate for execution by the Township Engineer:

I, \_\_ , have reviewed and hereby certify that the plan meets all engineering design standards and criteria of the Ferguson Township Code of Ordinances.

In the case of a plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following plan note:

“A Highway Occupancy Permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a State Highway is permitted. Access to the State Highway shall only be as authorized by a Highway Occupancy Permit, and the Township’s approval of this plan in no way implies that such permit can be acquired.”

- 4. In addition, the following material shall be submitted:
  - a. Two (2) copies of a landscaping plan identifying the materials and design for the public and common open space. The required landscape plan shall be prepared by a registered landscape architect, and shall specify the quantity, type and size of proposed vegetation, as well as identifying the location and amount of existing vegetation within the site that will be retained. The plan shall include all portions of the proposed open space, as well as those public areas that will be designed as part of the overall development plan. In addition, areas required to be landscaped by other sections of this Part (such as parking areas, dumpster locations, etc.), proposed street plantings, and the type and location of street trees to be provided shall be included. Standards associated with such auxiliary plantings are found in §27-707. The landscaping plan submitted shall conform to the requirements of §27-707.D.1, .2, .3, and .4.
  - b. All trees and shrubs shall be planted in accordance with the “Ferguson Township Regulations and Standards for Arbor Work,” and all landscape material shall meet or exceed the provisions of §27-707.G.1 - .6.
  - c. Two copies of a public utility plan identifying connections to and extensions of public sanitary sewer and public water as well as stormwater management controls and all associated easements. Documentation shall be provided to support the proposal for water supply, control of stormwater, erosion and sedimentation control, and for the sanitary sewage treatment, including sewer authority and public water authority ability and capacity to serve the development in its entirety.
  - d. Two copies of a grading and sedimentation and erosion control plan with approval from the Centre County Conservation District.
  - e. Two copies of an open space plan that, in addition to identifying the project’s conformance with the open space requirements and any associated design incentives, identifies the location of transit amenities, bicycle paths, and sidewalks within the site, as well as adjacent bikeways, sidewalks, parkland and open space.

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- f. Two copies of the approved traffic impact study, as per the adopted Township standards. The design of the proposed street network shall be in conformance with the study results.
- g. Two copies of a lighting plan that identifies the type and location of lighting standards proposed within the public right-of-way. A detail of the proposed lighting fixture(s) shall be included. Associated levels of illumination as well as the final placement of fixtures within public space or private property shall be provided.
- h. Two copies of the final version of all covenants, grants, easements, or other restrictions intended to be imposed upon the use of the land, buildings or structures, including proposed easements or grants for public utilities.
  - 1) Two copies of the final version of all agreements, declaration of easement(s) or other legally binding documentation which specifies the form of organization proposed to own and maintain the stormwater management facilities and any associated infrastructure or improvements.
  - 2) Two copies of the final documents describing the disposition of ownership of the open space and public areas.
5. Upon receipt of the material listed above, the Township Department of Planning and Zoning shall forward one copy of the plan and associated information to the Township Solicitor; the Centre Regional and Centre County Planning Commissions; the Township Engineer; and the Alpha Fire Company Chief.
6. The review of the specific implementation plan shall be conducted by the Board of Supervisors in the same manner as review of the general master plan prescribed by §27-904.4.B.
7. In the event that the specific implementation plan submitted contains variations from the approved general master plan, the Board of Supervisors may refuse to grant approval of the specific implementation plan and shall, within 45 days from the filing of the application for approval of the specific implementation plan, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more said variations are not in the public interest. Provisions for requesting approval of amendments to the approved general master plan are outlined by § 27-904.H.2.
8. Conditions for Approval of the Specific Implementation Plan. The Board of Supervisor's may grant approval of a specific implementation plan with or without conditions. If the Board of Supervisors desires to attach conditions to a plan, it shall include the conditions in the motion of acceptance. The conditions imposed by the Board of Supervisors shall be delivered in writing to the applicant, at the address given with the final plan, by first-class mail, postage prepaid, within seven (7) days of the vote on the plan by the Board of Supervisors.

Such notice shall include a period of time, of not more than ten (10) days, within which the applicant may either accept all of the conditions imposed by the Board of Supervisors or reject any or all of the conditions. In the event that the applicant rejects any or all of the conditions or does not respond or notify the Board of Supervisors of the decision to accept or reject the conditions, then the conditions shall be deemed to be rejected by the applicant. In the event that any or all of the conditions are rejected by the applicant, then the approval of the plan by the Board of Supervisors shall be automatically rescinded.

The Board of Supervisors may render a decision disapproving the plan, which decision will be the decision of the Board of Supervisors if the applicant does not accept all of the conditions attached to the plan by the Board of Supervisors.

- a. As a condition of approval of all plans filed, the applicant shall permit the Township Engineer to make periodic site inspections of such nature and extent as is necessary to insure that the required improvements are being installed and constructed in conformity with the design standards contained herein or otherwise specified in approval of the general master plan.
9. Disapproval of the Specific Implementation Plan. The Board of Supervisors may render a decision disapproving the plan, which shall also constitute the decision of the Board of Supervisors if the applicant does not accept all of the conditions attached to the plan by the Board of Supervisors.
- G. Record Plan. Once the specific implementation plan has been given final approval, it shall be so certified without delay by the Board of Supervisors and shall be filed on record forthwith in the Office of the Recorder of Deeds of Centre County, in accordance with the provisions of §509 and §513 of the Pennsylvania Municipalities Planning Code, together with any restrictive covenants and agreements or other provisions which govern the use and maintenance of the TTD and its common open space and infrastructure.
- H. Corporate Bonds and Maintenance Guarantee. Approval of the specific implementation plan may be subject to posting a performance bond covering up to one hundred ten percent (110%) of the cost of developing common open spaces, planting plans, public improvements, and other improvements as deemed appropriate by the Board of Supervisors. Such financial security may include, among others, a lending institution letter of credit or a restrictive escrow account in a lending institution. Such bond, or other security, shall provide for, and secure to the public, the completion of any improvements which may be required within a stated period which shall not be longer than five (5) years from the date the plan received general master plan approval. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion of the improvements to be estimated as of ninety (90) days following the date scheduled for completion. The basis for the determination of the costs shall take into account and be based upon the estimated costs as would be experienced by the Township if it were to bid and complete the project subject to the restrictions of the Home Rule Charter, any prevailing wage requirements or other material and labor requirements on the Township. Each year, the Board of Supervisors may adjust the amount of financial security required by comparing the actual costs of improvements which have been completed and the estimated costs for the completion of the remaining improvements as of the expiration of ninety (90) days after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to such adjustment, the Board of Supervisors may require the applicant to post additional security in order to assure that the financial security equals 110%. Any additional securities shall be posted by the applicant in accordance with the Municipalities Planning Code and this Part. In determining the adjustment annually, the Board of Supervisors shall take into account the restrictions contained above. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by the applicant and prepared by a professional engineer licensed in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost.
1. Upon final approval of the plan, if requested by the applicant and in order to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating final approval of the plan contingent upon the applicant obtaining satisfactory financial security. The final plan shall not be signed nor recorded until the appropriate financial security is supplied to the Township. In such case, the motion passing the final approval of the plan shall be contingent upon receipt of satisfactory financial security within 90 days of the date of the motion (unless a written extension is granted by the Board of Supervisors).

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In the event that satisfactory financial security is not provided within the said 90 days or within the time granted by written extension by the Board of Supervisors, then the motion granting the contingent approval shall expire and shall be deemed to be revoked, and the contingency of the motion granting final approval of the plan shall be deemed to be not satisfied.

2. Upon written application signed by the obligor and surety of a performance guarantee in a form approved by the Board of Supervisors, the governing body may at their discretion extend said period provided that satisfactory security for the completion of the improvements within the extended time is provided, or when the improvements have been partially completed reduce proportionally the amount of the bond or other form of security by formal resolution.
3. In the event that any improvements which may have been required in accordance with the finally approved plan have not been installed, the Board of Supervisors may enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Board of Supervisors may install part of such improvements in all or part of the subdivision or land development or cause the same to be installed and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

All the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

4. Release from the bond or other security shall be granted by the Board of Supervisors contingent upon review and report by the Township Engineer in accordance with procedures outlined above.
  5. Prior to final approval of a plan by the Township, the Board of Supervisors may require the applicant to deliver to the Township Secretary a maintenance guarantee in an amount of not less than fifteen percent (15%) of the estimate of the cost of all required improvements, guaranteeing that the applicant shall maintain all such improvements in good condition for a period of one (1) year after completion of construction and installation of all such improvements.
  6. A separate maintenance guarantee shall be provided by each applicant to ensure the health and vitality of all plant material within the site, whether part of the open space or associated public space, for a period of eighteen (18) months from planting. Any of the landscaping that dies or is removed within this time frame shall be replaced with vegetation of the same size and species. It shall also be the responsibility of each applicant to assure the proper care and maintenance of all plant material within the open space areas for the duration of these eighteen (18) months and until such time as appropriate provisions for the perpetual maintenance of the open space areas are provided in a manner described by this Part and acceptable to the governing body.
- I. **Payment of Review and Professional Consultant's Fees.** Prior to final approval of a plan by the Board of Supervisors, the applicant shall pay all review fees, including fees for professional consultants and engineers for review and reports which were requested by the Township, either in the normal course of review or as a result of a problem or issue arising out of the normal review. The review fees and consultant's fees to be paid shall be based upon a schedule established by resolution by the Board of Supervisors.



- J. Use Regulations. All development within a Traditional Town Development or associated Mixed Residential Area shall proceed in accordance with the standards of §27-303.A, §27-303.B, and §27-303.C, and the associated Design Manual adopted as a part thereof. The amount and type of uses shall be as specifically prescribed by these standards.

#### §27-905. Occupancy Permits.

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 (7) 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 (7)-day time limitation.
- B. If the action fails to comply with the regulations of this Chapter, the Zoning Administrator shall notify the applicant, in writing, of the reason for not signing the permit card or signing off on the project and shall state the provisions of this Chapter with which the action does not comply. The applicant may correct the defects cited in the denial of the Zoning Administrator for final approval. If, upon notification by the applicant and inspection of the premises, the Zoning Administrator finds that the defects have been corrected and that no additional defects have been created, final approval shall be immediately permitted.
- C. Failure of the Zoning Administrator to properly grant or deny occupancy approval in the manner and time period stipulated above shall constitute an approval of the application for occupancy, and the premises may be occupied or otherwise used as stipulated in the zoning permit.
- D. Temporary Occupancy. Temporary occupancy may be granted in the manner prescribed above, pending the completion of a structure to allow for partial occupancy; issuance of said temporary occupancy shall be at the discretion of the Zoning Administrator. In the event that a temporary occupancy permit is issued, the applicant shall provide financial security (which may be an irrevocable letter of credit with a Federal or Commonwealth chartered lending institution, a restrictive escrow account in such lending institution, or a personal bond; the nature of which shall be at the discretion of the Zoning Administrator) in an amount sufficient to guarantee the completion of the improvements within the prescribed time period and in an amount as set by the Zoning Administrator. The permit shall be valid only until such time as the action for which the zoning permit was issued is complete, or for a period of six (6) months after issuance, whichever is less. Upon expiration of the temporary occupancy permission, the applicant shall apply for permanent occupancy or, if the action remains incomplete, may apply for one additional temporary occupancy. If granted, temporary occupancy shall be for a period of time determined by the Zoning Administrator but shall be for no more than six (6) months after issuance.
- E. Prior to occupancy of a building, other than a single or two-family dwelling, an emergency contact card shall be completed for the police department.

#### §27-906. Violations and Penalties.

Failure to comply with any provisions of this Chapter shall be a violation of this Chapter.

- A. Complaints Regarding Violations. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a complaint to the Zoning Administrator stating fully the causes and basis thereof. The Zoning Administrator shall record such complaint, immediately investigate and take action thereon as provided by this Chapter.

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- B. Notice of Violation. If the Zoning Administrator shall find a violation, he shall initiate enforcement proceedings by sending an enforcement notice as provided herein:
1. The enforcement notice shall be sent to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
  2. An enforcement notice shall state the following:
    - a. The name of the owner of record and any other person against whom the Township intends to take action.
    - b. The location of the property in violation.
    - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
    - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
    - e. That the recipient of the notice has a right to appeal to the Zoning Hearing Board within thirty (30) days by filing a request for appeal in writing with the Zoning Hearing Board within the said thirty (30) days period.
- C. That failure to comply with the notice within the said thirty (30) days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions, which may be as much as five hundred dollars (\$500) per day of each violation plus all court costs, including reasonable attorney fees the Township incurs as a result of prosecution of such violation.
- D. Civil Enforcement. The Zoning Administrator may institute civil enforcement proceedings as a means of enforcement if authorized by the Manager or the Board of Supervisors.
- E. Enforcement Provisions and Causes of Action. Remedies for violation of this Chapter are as set forth in §616.1 and §617.1 and §617.2 of Article VI of the Pennsylvania Municipalities Planning Code, as amended.

**§27-907. Appeals.**

Any appeal from a decision or action of the Board of Supervisors or of any officer or agency of the Township in matters pertaining to this Chapter shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code, as amended.

**§27-908. Amendments.**

The regulations, restrictions and district boundaries set forth in this Chapter may, from time to time, be amended through action of the Board of Supervisors in the manner provided by §609 through §611 of Article VI of the Pennsylvania Municipalities Planning Code, as amended.

**§27-909. Source Water Protection Administration.**

- A. The Zoning Administrator is hereby designated as the Township official responsible for the administration and enforcement of this Ordinance. The Ferguson Township Zoning Hearing Board shall hear variances and/or appeals from the written determinations and orders of the Zoning Administrator regarding applications, enforcement notices, cease and desist orders, and other matters, and shall also hear substantive and procedural challenges to the validity of this

Ordinance.

- B. Uses of lots or tracts of land in existence on the date of enactment of this Ordinance which are Regulated Land Uses and Activities described in Table 405.G.1 shall be deemed to be "Nonconforming Uses" of land under the terms of this Ordinance. Such Nonconforming Uses of land may be continued by the present or any subsequent owner as long as:
1. Such use is and remains otherwise lawful and in compliance with all federal, state and county environmental, pollution control, hazardous material, and drinking water laws and regulations;
  2. Such Non-Conforming use has not been and is not discontinued for a period of twelve (12) consecutive months;
  3. Such Nonconforming Use is not, after the date of enactment of this Ordinance, materially altered, changed or expanded;
  4. Such Nonconforming Use is not an actual known source of groundwater contamination as a result of a specific violation notice from the PA Department of Environmental Protection, the United States Environmental Protection Agency, or any other pertinent county, state or federal regulatory agency;
  5. Such use shall upgrade its technology on a regular basis, as the technology required by applicable law is changed, or upon request of the Township, in order to minimize the risks associated with such use to the community water resources. Such upgrades shall be a necessity to support the right to continue with the Nonconforming Use.
- C. A Regulated Land Use and Activity under Table 405.G.1 shall be deemed to be new or materially altered, changed or expanded if:
1. The land use which constitutes the Regulated Land Use and Activity was not previously present and conducted upon the lot or tract of land in question;
  2. The production and/or storage capacity of the Regulated Land Use and Activity is increased except for fluctuations resulting from the delivery of supplies to replenish stocks up to previously reported levels and the decrease attributable to proper use of the substances;
  3. The types of any substances which give rise to the Regulated Land Use and Activity is changed;
  4. The number of types of substances which give rise to the Regulated Land Use and Activity is changed;
  5. The quantity of any substances which give rise to the Regulated Land Use and Activity is materially increased; or
  6. The land area subject to the Regulated Land Use and Activity is enlarged in any respect.
- D. Application for a Special Exception shall be made to the Ferguson Township Zoning Hearing Board in writing on such form as may be prescribed by the Zoning Administrator, and such application shall include, at a minimum, a detailed description of each of the activities to be conducted upon the lot or tract of land in question which constitute a Regulated Land Use and Activity, including a listing of all substances which are to be stored, handled, used, or produced in connection with each Regulated Land Use and Activity being proposed, and which substances are subject to regulation by federal, state, and/or county governmental authorities.
- E. The Ferguson Township Zoning Hearing Board shall issue a written determination approving or

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disapproving the application for a Special Exception, or conditioning the granting of the Special Exception upon adherence to any or all of the following requirements by the applicant for the Special Exception, where the Zoning Hearing Board has found that such adherence is reasonably necessary to fulfill the groundwater protection purposes of this Ordinance:

1. The installation of containment facilities and systems so as to prevent the contamination of groundwater by substances regulated by federal, state, and/or county governmental authorities;
  2. The preparation and filing (with the Zoning Administrator) of a Spill Contingency Plan addressing the means by which any potential contamination of groundwater will be controlled, collected, and remediated, including emergency contacts and identification of potential contaminants;
  3. Regular inspection and/or monitoring by the owner, occupant, the Zoning Administrator, and/or third parties of the Regulated Land Use and Activity area;
  4. Compliance by the applicant with the provisions of the Ferguson Township Subdivision and Land Development Ordinance pertaining to sanitary sewage disposal, water supply, storm water management, and easements.
- F. Other items that may be required to characterize environmental or physical conditions of the subject property.

**PART 10**  
**Zoning Hearing Board****§27-1001. Administration.**

The Board of Supervisors shall appoint a Zoning Hearing Board, whose membership, organization, procedures and functions shall be those as set forth in Article IX of the Pennsylvania Municipalities Planning Code, as amended.

**§27-1002. Hearings.**

The Board shall conduct hearings and make decisions in accordance with the procedures stipulated in §908 of Article IX of the Pennsylvania Municipalities Planning Code, as amended. Notice shall be given to the public, the applicant, the Zoning Administrator, the Township Manager and to any person who has made timely request for the same. Notice shall be given at such time and in such manner as shall be prescribed by the rules of the Board. Notice shall also be conspicuously posted on the affected tract of land for at least seven (7) consecutive days prior to the hearing. The posting shall consist of a sign at least thirty (30) inches by thirty (30) inches.

**§27-1003. Functions.**

The Zoning Hearing Board shall have the functions set forth in §§909.1, 910.2 and of Article IX of the Municipalities Planning Code, as amended.

**§27-1004. Parties Appellant Before the Board.**

Appeals under §27-907 as applicable and as amended, may be filed with the Board in writing by the land owner affected, and any officer or agency of the Township, or any person aggrieved.

**§27-1005. Zoning Appeals to Court.**

Appeals to court from any decision of the Board may be taken by any party aggrieved within the time frame and in accordance with the manner provided by Article X-A of the Municipalities Planning Code, as amended.

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**Zoning Hearing Board**

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**PART 11****Definitions****§27-1101. Language Interpretation.**

For the purposes of this Chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- C. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.
- D. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- E. The words “used” or “occupied” include the words “intended, designed, maintained, or arranged to be used or occupied.”

**§27-1102. Definitions.**

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.

**ACCESS DRIVE** – A means of approach or entry to or exit from a lot, a site or a parcel to a street.

**ACCESSORY DWELLING UNIT** – A dwelling unit which has been authorized to be established pursuant to this Chapter, which is occupied by a person or persons related by blood or marriage to the resident/owner of the dwelling unit to which the accessory dwelling unit is subordinate, or which is occupied by a person or persons employed to provide health care, domestic housekeeping or horticultural services to the resident/owner of, and on the site of, the resident/owner's dwelling unit.

**ACCESSORY STRUCTURE, BUILDING** – A detached subordinate structure, the use of which is clearly incidental to the principal structure and/or principal use of the land.

**ACCESSORY USE** – A use conducted on the same lot as, and subordinate to, a principle use to which it is related. The use must be clearly incidental to and found in connection with a particular principal use.

**ACCESSORY USE CUSTOMARILY INCIDENTAL TO THE SPECIFIED PRINCIPAL USE** – See ACCESSORY USE.

**ADDITION** – See "extension."

**ADMINISTRATIVE OFFICE BUILDING** – A building or facility where administrative activities are conducted or social or educational services are provided to the general public.

**ADULT ARCADE** – An establishment where, for any form of consideration, one or more motion

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picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities.

**ADULT BOOKSTORE** – An establishment which, for any form of consideration, has as a substantial or significant portion of its stock in trade, any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photography, films, motion pictures, videocassettes, slides or other visual representations that are characterized by an emphasis upon the depiction of specified sexual activities or specified anatomical areas.
- B. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

**ADULT BUSINESS USE** – Any adult bookstore, arcade, cabaret, motion/mini motion picture theater, theater and massage parlor, as defined herein, and which, under the State Obscenity Code, must exclude minors or may not knowingly admit or disseminate to minors.

**ADULT CABARET** – A cabaret, nightclub, bar, restaurant, tavern, theater or club which regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, videocassettes, slides or other photographic reproductions in which a substantial portion of the presentation time is devoted to the showing of material that is characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas as defined herein.

**ADULT MOTION/MINI MOTION PICTURE THEATER** – An establishment where for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas, as defined herein.

**ADULT THEATER** – Any theater, concert hall, auditorium or similar establishment, indoor or outdoor, which exhibits a motion picture show or other presentation which, in whole or in part, depicts specified anatomical areas or specified sexual activities as defined herein.

**ADVANCED AGRICULTURAL RESEARCH** – An indoor outdoor educational agricultural research area conducted by an institution of higher education. Uses, structures and activities may include, but are not limited to, events and activities such as exhibits, displays, programs, research, structures, equipment, livestock, poultry, horses, field demonstrations, tours, shows, clinics and workshops related to agriculture, research, extension or education.

**AGE-RESTRICTED UNITS** – Housing that restricts ownership and/or residency to individuals of a certain age range.

**AGRIBUSINESS** – Any business involved in the processing of farm products.

**AGRICULTURE** – Any use of land or structures for farming, dairying, pasturage, land tilling, horticulture, floriculture, arboriculture or animal or poultry husbandry or as otherwise defined by the Pennsylvania Department of Agriculture and/or the United States Department of Agriculture.

**AGRICULTURE RELATED PRODUCTION** – A farm that is actively producing agricultural products for purchase and sale. It may include any farm marketing or agricultural tourism endeavor such as farm markets, farm direct marketing, farm stays, farm visits, roadside markets or stands, U-Pick operations, community supported agriculture, rural tourism, farm museums, corn mazes, cider mills, vineyards and



wineries, pumpkin patches, petting farms, on-farm retail meat shops, on-farm retail dairies and creameries, on-farm woolen goods shops, maple syrup farms, Christmas tree farms, multi-farmers' markets, on-farm retail nurseries, on-farm gift shops, on-farm flowers, herbs and spices stores, on-farm bakeries, on-farm restaurants or cafes, and other value-added production facilities.

**AGRICULTURAL EROSION AND SEDIMENTATION CONTROL PLANS** – A site specific plan identifying BMPs to minimize accelerated erosion and sedimentation from agricultural runoff, required by Chapter 102 (relating to erosion and sedimentation control). The agricultural erosion and sediment control components of a conservation plan may meet this requirement, if allowed under Chapter 102.

**AGRICULTURAL OPERATION** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

**AGRICULTURAL SERVICE BUSINESS** – A business engaged in providing services for agricultural operations, including sales and service of farm implements, fertilizer/pesticide/herbicide, agricultural product storage and distribution facilities, testing services, and seed and feed operations.

**AGRICULTURE/ENVIRONMENTAL EDUCATION PROGRAM** – The hosting of day and overnight events for students and or guests for farm education.

**AGRITOURISM** – The practice of visiting an agribusiness or agricultural operation for the purpose of recreation, education, purchase or involvement in the operation. These operations include those that are for-profit and those that are provided free of charge.

**AIRPORT/HELIPORT**– An area of land or water or a structural surface which is designed, used or intended to be used for the landing and take-off of airplanes or helicopters, and any appurtenant areas which are designed to be used for airplane or helicopter support facilities, such as maintenance, refueling and parking.

**AIRPORT ELEVATION** – The highest point of an airport's usable landing area measured in feet above sea level. The airport elevation of the airport identified as "University Park Airport" in all locations is 1231 feet.

**AIRPORT HAZARD** – Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

**AIRPORT HAZARD AREA** – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this section and the Pennsylvania Aviation Code, Act 164 of 1984.

**AISLE** – A corridor used for access within a parking lot by motor vehicles to the parking spaces.

**ALLEY** – A street, usually located to the rear or side of properties otherwise abutting a street, used primarily for vehicular service access and which does not typically provide primary frontage for a building.

**ALLEY/LANE** – A narrow vehicular access to the rear of lots providing service areas, utility easements, and access to parking and outbuildings.

**ALLUVIAL** – An alluvial deposit; relating to, composed of or found in alluvium.

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**ALLUVIUM** – Clay, silt, sand, gravel or similar detrital material deposited by running water.

**ALTERATION** - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another, also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance. This term shall not apply to agricultural plowing and tilling activity.

**ALTERATION, STRUCTURAL** – Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

**AMBULANCE SERVICE** – A facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

**AMENDMENT** – Any change or revision of the text of this chapter or the Zoning Map.

**AMUSEMENT ARCADES** – A principal use of a building in which player-operated amusement devices, such as pinball machines, video games, coin-operated games, or other similar devices are used by the general public.

**ANIMAL EQUIVALENT UNIT** – 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individuals comprising the unit. Animal weights shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

**ANIMAL, LARGE** – For the purposes of this ordinance, Large Animals are considered livestock of the bovine, equine, sheep, goat or camelid families.

**ANIMAL, SMALL** – For the purposes of this ordinance, Small Animals are considered including chickens, fowl, game birds, and any other animal which is by size and/or nature of a similar character to the aforementioned animals

**APARTMENT COMPLEX** – A group of two or more buildings occupying a lot in single ownership, with each building used by three or more families.

**APPLICANT** – A subdivider, landowner or developer who has filed an application for development, including the landowner's or developer's heirs, successors and assigns.

**AQUIFER** – A water-bearing layer of rock that will yield water in a usable quantity to a well or spring.

**ARCHERY AND SHOOTING RANGES, INDOOR** – A totally enclosed building that is equipped for the practice of shooting, including archery, where no activity associated with shooting is conducted outside the building.

**ARCHIVAL LIBRARY** – A location used for the collection and preservation of books, journals, manuscripts, maps and other materials which are of limited use and circulation. Because use of the materials is strictly controlled, the traffic and public use is on a much lesser scale than a typical public library.

**ASSISTED LIVING FACILITY** – A residential building or group of buildings designed to provide multifamily dwelling units for elderly or physically or mentally disabled persons who are independently mobile and are not in need of the level of service provided by a personal-care home, but that provides on-site supervision and assistance available to the residents on an occasional, as-needed basis, and where at least one meal each day is provided in a common dining area, and that includes certain design

features associated with the needs of the elderly that are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

**AUTO COURT** – A functional automobile and pedestrian area that is surrounded by a cluster of homes and paved with decorative brick or stone pavers. Auto courts use permeable paving systems, allowing runoff to percolate into and undergo filtration by the subsoil underlying the pavers.

**AUTO WRECKING, JUNK AND SCRAP ESTABLISHMENT** – The use of land and structures for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form, including metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes.

**AUTOMOBILE SERVICE STATIONS AND GARAGE** – The use of land and structures engaged in the retail sale of gasoline, oil, grease, batteries, tires and other motor vehicle accessories, which may also provide minor mechanical repairs and servicing of motorized vehicles.

**AVERAGE RIPARIAN BUFFER WIDTH** – The total area of the riparian buffer in Zone One along the length of the stream or body of water divided by the total linear length of the stream for the case where buffer averaging is permitted.

**AVERAGE TOTAL RIPARIAN BUFFER WIDTH** – The total area of the riparian buffer (Zones One and Two) along the length of a stream or body of water divided by the total linear length of the stream for the case where buffer averaging is permitted.

**BANK AND FINANCIAL ESTABLISHMENT** – Business including, but not limited to, banking, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

**BASE FLOOD ELEVATION** – The water surface elevation of the flood level that has a 1% or greater chance of occurrence in any given year.

**BASEMENT** – Any area of the building having its floor below ground level on all sides.

**BASIC CONVENIENCE COMMERCIAL GOODS AND SERVICE** – Retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location.

**BED AND BREAKFAST** – An owner-occupied single-family detached dwelling in which rooms, all without cooking facilities, are rented to guests on a daily basis in which breakfast may be served to the guests by the proprietor of the facility.

**BEE KEEPING** – as defined and regulated by the PA Bee Law and defined by the Pennsylvania Department of Agriculture.

**BEST MANAGEMENT PRACTICES (BMPs)** – Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Additionally, agricultural practices are intended to be consistent with the Pennsylvania Nutrient Management Chapter.

**Definitions**

**BEVERAGE PRODUCTION USE** – See Brewery, Brewery Pub/Tap Room, Storage facility, Limited distillery, Limited winery, brewed beverage manufacturer.

**BIORETENTION** – The process in which contaminants and sedimentation are removed from stormwater runoff. Stormwater is collected into the treatment area which consists of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. Runoff passes first over or through a sand bed, which slows the runoff's velocity, distributes it evenly along the length of the ponding area, which consists of a surface organic layer and/or ground cover and the underlying planting soil. The ponding area is graded, its center depressed. Water is ponded to a depth of 15 cm (5.9 in) and gradually infiltrates the bioretention area or is evapotranspired. The bioretention area is graded to divert excess runoff away from itself. Stored water in the bioretention area planting soil exfiltrates over a period of days into the underlying soils.

**BIOSWALE** – A landscape element, often a planted strip along a street or parking lot, for the purpose of capturing surface water runoff and filtering out silt and pollution before the stormwater enters the drainage system or groundwater.

**BIRD AND WILDLIFE SANCTUARY** – An area maintained in a natural state for the preservation of both animal and plant life.

**BOARD OF SUPERVISORS** – The governing body of the Township of Ferguson, Centre County, Pennsylvania.

**BOUNDARY** – A line marking the limit, or border, of a lot or district.

**BOWLING ALLEY** – An entertainment/recreational venue generally geared to hosting events for the sport of bowling

**BREWERY** – A facility which holds a license to manufacture, store and distribute brewed or malt beverages and which may include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

**MICRO BREWERY** – A brewery manufacturing fifteen thousand (15,000) barrels (US barrels) or less per year or as otherwise defined by the the National Brewers Association.

**LARGE BREWERY** – A brewery manufacturing greater than fifteen thousand (15,000) barrels (US barrels) per year or as otherwise defined by the National Brewers Association.

**BREWERY PUB/TAP ROOM** – A portion of an establishment which holds a brewery license as regulated by the Pennsylvania Liquor Control Board, which is open to the public for the sale of brewed and malt beverages for on- site and/or off- site consumption and which also offers food to patrons, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

**STORAGE FACILITY** – A portion of a warehouse or a separate structure, owned and maintained by a person or entity which holds a license that permits the temporary storage of brewed or malt beverages and which may also include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

**DISTRIBUTOR** – As defined by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.

**IMPORTING DISTRIBUTOR** – As defined by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.

**LIMITED DISTILLERY** – An establishment licensed by the Pennsylvania Liquor Control Board to operate a distillery that shall not exceed production of one hundred thousand (100,000) gallons

of distilled liquor per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.

**LIMITED WINERY** – An establishment licensed by the Pennsylvania Liquor Control Board to operate a winery that shall not exceed production of two hundred thousand (200,000) gallons per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.

**BREWED BEVERAGE MANUFACTURER** – An establishment which produces brewed and/or malt beverages for on- site or off- site sale and distribution, and which may include a brewery pub or tap room on the premise, or as otherwise defined as “Manufacturer” by Chapter 47, the Pennsylvania Liquor Code, as amended. See *Brewery*.

**BUILD-TO LINE** – A line, located a specified distance from the front lot line, along which the front of a structure must not transcend.

**BUILDING** – A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

**BUILDING-INTEGRATED SYSTEM** – A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

**BUILDING SETBACK LINE** – The line within a lot defining the required minimum setback distance between any structure and the adjacent street line as well as side and rear lot lines.

**BUS PASSENGER STATION** – A facility or location in which the principal use is the handling, receiving and transfer or passenger traffic, and may include as an accessory use the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement, or transfer of freight, as well as all equipment and facilities associated with such activities.

**BUSINESS, PROFESSIONAL AND FINANCIAL OFFICE** – A use in which the affairs of a business, profession, or service are conducted including administration, record keeping, consulting, clerical work and similar functions, but not including manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of goods or products, or the sale of goods or products which are physically located on the premises. See also Professional Office.

**CALIPER** – As defined by the American Standards of Nursery Stock. Typically, the diameter of a tree at the height of 6 inches from the top of the root ball. In the case of a multi-stem tree, the caliper is determined by the average of the stems.

**CAMPING GROUND** – The use of land and structures by campers for seasonal, recreational, and temporary living purposes in cabins, tents or outdoor recreational vehicles.

**CANOPY TREE** – A tree, either single-stemmed or multi-stemmed (clump form), which has a caliper of at least 2 inches at planting and is of a species which, at maturity, shall reach a height of at least 30 feet with a spread of at least 30 feet. See the Township's official plant list for a listing of permitted canopy trees.

**Definitions**

**CAR WASH** – A building on a lot, designed and used exclusively for the washing and polishing of vehicles.

**CARBONATE** – A sediment formed by the organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical in CO<sub>3</sub>, the principal element in limestone and dolomite strata.

**CARTWAY** – The portion of a street right-of-way designed or intended for vehicular use.

**CEMETERY** – Land used or dedicated to the burial of the dead, including, mausoleums, necessary sales and maintenance facilities.

**CENTER LINE** – A line running parallel to and equidistant from both sides of a street.

**CENTRE COUNTY CONSERVATION DISTRICT** – The County Conservation District, created under authority of state law to administer soil and water conservation work within Centre County, with the technical assistance of state and federal agencies.

**CERTIFICATE OF REGISTRATION** – The written approval, as issued by the Pennsylvania Department of Environmental Protection, authorizing a person to operate and maintain a mobile home park.

**CERTIFICATE OF USE AND OCCUPANCY** – The certificate issued by the Centre Region Code Office, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

**CHANNEL** – The bed of a single or braided watercourse that commonly is barren of above-water vegetation and is formed of modern alluvium. Channels may be enclosed by banks or splayed across and slightly mounded above a fan surface and include bars and dumps of cobbles and stones.

**CHANNEL BANK** – The sloping land bordering a channel. The bank has steeper slope than the bottom of the channel and is usually steeper than the land surrounding the channel.

**CHANNEL CAPACITY** – The maximum rate of flow that may occur in a stream without causing overbank flooding; the maximum flow which can pass through a channel without overflowing the banks.

**CHESAPEAKE BAY TRIBUTARY STRATEGY (CBTS)** – Pennsylvania's Chesapeake Bay Tributary Strategy is a catalog of measures that, if applied to the state's Susquehanna and Potomac Watersheds, will generate appreciable sediment and nutrient reductions in order to provide cleaner water resources in the state and downstream at the Chesapeake Bay.

**CHICKEN COOP** – Any fully enclosed and covered henhouse providing a predator-resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all-season protection from the elements, designed to be easily accessed and cleaned where poultry and/or chicken lives.

**CHICKEN HEN** – A domesticated female chicken considered a chick, pullet or adult.

**CHICKEN RUN** – A covered, secure enclosure that allows chicken hens access to the outdoors.

**CHICKEN TRACTOR** – A movable fully enclosed structure commonly used for pastured chicken hens that graze on fresh grass daily. The chicken tractor is moved every day or week as needed for the chicken hens to have fresh grass underneath them. Chicken tractors can be used as permanent or temporary housing for chicken hens and are considered a type of chicken coop.

**CHILD/DAY CARE CENTER** – Any facility/structure in which out-of-home care is provided as a principal or accessory use, at any one time, for part of a twenty-four-hour day to seven or more children, 15 years of age or younger, including, care provided to a child at the parent's work site when the parent is not present in the child care space; care provided in private or public, profit or nonprofit facilities; care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens as well as care provided in or in association with places of assembly, whether or not the care is offered during the same or different hours of operation.

**CIDERY** – Any place or premises wherein cider (alcoholic or non-alcoholic) is manufactured and/or bottled for local, regional or national distribution as well as package sales.

**CIGAR, HOOKAH, AND/OR VAPOR LOUNGE** – A business establishment specializing in selling patrons flavored tobacco, tobacco-like or tobacco-inspired products to be consumed on the premise, and which may sell food and non-alcoholic beverages as a secondary function.

**CIVIC** – The term defining not-for-profit organizations dedicated to the arts, culture, education, recreation, and/or government.

**CIVIC BUILDING** – A building designed specifically for a civic function.

**CLEAR SIGHT TRIANGLE** – An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

**CLUBS, LODGES AND FRATERNAL ORGANIZATIONS** – The nonprofit use of land and structures for social activities among a group of people and their guests associated or formally organized for a common purpose, interest or pleasure, usually cultural, religious or entertainment, with regular meetings, membership requirements, fees and dues and a constitution and/or by-laws. A club, lodge or fraternal organization can include groups such as, but not limited to, the Elks Club, Moose, Masonic Lodge, Lions Club, VFW, American Legion, Kiwanis Club, Knights of Columbus, Rotary Club, Odd Fellows, Optimist Club, Womens Club, Junior Womens Club, Boy Scouts, Girl Scouts, 4-H, YMCA, Boys Club of America and Demolay. A club, lodge or fraternal organization shall not include the following: 1) a men's or women's student organization (college fraternity or sorority) formed chiefly for social purposes having secret rites and a name consisting of Greek letters.

**CLUSTER** – A grouping together of lots with a minimum perimeter.

**CO-LOCATION** – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement, or modification of accessory equipment within a previously approved communications facility building.

**COMMERCIAL HUNTING PRESERVE** – An area of land designed to provide a profit for the owner/operator who furnishes hunting opportunities to those willing to pay for it and open to the public on a daily fee basis or on a membership basis.

**COMMONS** – A spatially defined element of usable open space distributed strategically within a community such that it provides a focal point for residences as well as a gathering place for residents and an assembly area for community functions. Permanent structures directly related to the intended function of a commons may be included in this space in addition to landscaping and lighting elements which are essential to its function.

**Definitions**

**COMMUNICATIONS ANTENNA** – Any structure or device used for the purpose of collecting or transmitting electromagnetic waves including, but not limited to, directional antennas such as panels, microwave dishes, satellite dishes and omnidirectional antennas such as whip antennas. Communications antennas shall not include tower-based wireless communications facilities as defined below. Not included are antennas and supportive structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this chapter.

**COMMUNICATIONS FACILITY** – The building in which electronic receiving and relay equipment for a tower is housed. Receiving and relay equipment can include, but are not limited to, in-ground and above-ground cabling and any equipment associated with the provision of wireless services.

**COMMUNICATIONS TOWER** – A structure designed and constructed to support one or more antennas used by commercial wireless communications facilities and includes all appurtenant devices attached to it.

**COMMUNITY CENTER** – A facility designed to provide one or more community services to a clientele from the surrounding neighborhood.

**COMMUNITY GARDEN** – An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**COMMUNITY-SCALE SOLAR** – A solar-electric system that, through a voluntary program, provides power and financial benefit to, or is owned by, multiple community members.

**COMMUNITY SUPPORTED AGRICULTURE** – A system that connects agricultural producers and consumers by allowing consumers to subscribe to the harvest of a certain farm or group of farms for a fee.

**COMMUNITY SUPPORTED AGRICULTURE DELIVERY STATION ACCESSORY TO FARM LOT** – A community supported agriculture delivery/pickup site located on the lot where the agricultural products were harvested.

**COMMUNITY SUPPORTED AGRICULTURE DELIVERY STATION ON DIFFERENT LOT THAN FARM** – A community supported agriculture delivery/pickup site located at a different location than where the agricultural products were harvested.

**COMPLETELY DRY SPACE** – A space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONDITIONAL USE** – A use permitted in a particular zoning district pursuant to approval being granted by the governing body.

**CONFERENCE CENTER** – A facility that is constructed for and devoted to accommodating meetings by providing meeting space.

**CONICAL SURFACE** – An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown as part of the Airport Hazard Overlay, is based on the conical surface.



**CONSERVATION AREA** – A defined area which is being held for the purpose of natural resource protection and/or the raising and protection of game. Activity within these types of areas may include, but is not limited to, hunting, trapping, walking paths and educational centers.

**CONSERVATION EASEMENT** – An area designated for public access to a conservation area so that maintenance may occur.

**CONSTRUCTION** – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONVENIENCE FOOD STORE** – Small stores which retail food and beverages primarily to the immediately surrounding population.

**COOL ROOF** – A cool roof reflects and emits the sun's heat back to the sky instead of transferring it to the building below. "Coolness" is measured by two properties, solar reflectance and thermal emittance. Roofs with a Solar Reflectance Index (SRI) value greater than or equal to 78 for low-slope roofs, and 29 for steep-slope roofs, covering at least 75% of the roof area. A lower SRI is allowed if more than 75% of the roof is covered, using a weighted formula. A cool roof surface may also be installed in concert with a vegetated roof. See the U.S. Green Building Council's LEED Green Building Rating System for details.

**COUNTRY CLUB** – A club, not otherwise defined by this ordinance, that may include a combination of outdoor and indoor recreation, dining and/or supporting facilities for members, their families, and invited guests.

**CURB RETURN** – A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

**DAY AND OVERNIGHT CAMPING** – See AGRICULTURE/ENVIRONMENTAL EDUCATION PROGRAM.

**DATA COLLECTION UNIT** – Any ground-mounted structure that is designed and constructed primarily for the purpose of data collection including self-supporting lattice towers, guyed towers or monopole towers. The term includes structures used to wirelessly read utility meters and for other remote monitoring purposes. For the purposes of this chapter, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

**DECK** – A structure which may or may not be enclosed and which projects out from the main wall of a building or structure and does not have a roof.

**DENSITY** – The computation of overall residential dwelling units per acre of land. This figure shall be rounded to the nearest tenth and shall not include the area of lands intended for non-residential purposes, including churches or other civic/public uses within the development, nor shall it include dwelling units accessory to residential or non-residential uses. Open space shall however, be included in the computation.

**DEP** – The Pennsylvania Department of Environmental Protection (“DEP”), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

**DESIGNATED WELL SITE** – Any potable water well within Ferguson Township which has obtained the necessary local, state and federal approvals and permits.

**DETENTION BASIN** – An impoundment structure designed to manage stormwater runoff by

**Definitions**

temporarily storing the runoff and releasing it at a predetermined rate.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations. For the purposes of Part 8 only, the definition of development shall also include the storage of equipment or materials.

**DIRECT RAY** – When used in regard to illumination, that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

**DIRECTLY ADJACENT** – Immediately contiguous, sharing at least one boundary.

**DISTRICT** – All land and watercourses located within designated boundaries on the Official Zoning Map; a zoning district.

**DOLOMITE** – A rock that contains a variable portion of magnesium carbonate and calcium carbonate.

**DRAINAGEWAY** – An area of land, in its natural state or disturbed, within which stormwater runoff flows. Usually long, channel like topography, but can be a low lying flat area which collects stormwater and may or may not be well defined.

**DRIVE-IN COMMERCIAL USE** – The use of land and structures in which goods or services are dispensed directly to the patron in a motor vehicle by any means which eliminates the necessity for the patron to exit the motor vehicle.

**DRIVE-THROUGH** – A facility or portion of a facility that permits goods or services to be dispensed directly to a patron in a motor vehicle by any means which eliminates the necessity for the patron to exit the motor vehicle.

**DRIVEWAY** – A vehicular accessway from a street into a lot.

**DUPLEX RESIDENTIAL UNIT** – Single family semi-detached dwelling unit.

**DWELLING** – Any building or portion of a building designed and used as a residence(s) and having separate living, cooking and sanitary facilities, used as living quarters.

**DWELLING UNIT** – A dwelling used by one family or single housekeeping unit.

**SINGLE-FAMILY DWELLING** – A single dwelling unit occupying the building from ground to roof.

**DETACHED** – Each dwelling unit has open space on all sides.

**ATTACHED** – Both side walls of all except the dwelling units at the ends of the building are party walls.

**SEMI-DETACHED** – One side of each dwelling unit is a party wall in common with an adjoining dwelling unit.

**TWO-FAMILY DWELLINGS** – Two (2) dwelling units, one above the other.

**MULTI-FAMILY DWELLINGS** – Three (3) or more dwelling units, with the units stacked one above another.

**EATING AND DRINKING ESTABLISHMENT** – A place open to the general public for the sale and consumption on the premises of food and/or beverages, which includes restaurants, bars, and tavern

establishments.

**EATING AND DRINKING ESTABLISHMENT, SIT-DOWN** – An eating and drinking establishment where the principal business is the sale of food and beverages with waited table service or where less than one-third (1/3) of sales are to patrons for off-premise consumption (carryout or delivery). Menus for such restaurants are often provided individually to on-premise patrons at their tables, or food may be selected from a buffet table or cafeteria line.

**EATING AND DRINKING ESTABLISHMENT, TAKE-OUT** – An eating and drinking establishment where the principal business is the rapid preparation, turnover, and sale of food and/or beverages without waited table service and where over one-third (1/3) of sales are to patrons for off-premise consumption (carryout or delivery). Menus for quick-service restaurants are posted, and food and beverages served at such restaurants are usually ordered at a counter and contained in disposable containers or packaging, with on-premise patrons typically expected to clean up after themselves.

**ELDER COTTAGE/IN-LAW QUARTERS/CARRIAGE HOUSE (ACCESSORY DWELLING UNIT)** – An apartment, not less than 600 square feet, sharing utility connections with a principal building. Such unit(s) may be within an outbuilding (usually located toward the rear of the same lot as the principal building). These accessory dwelling units do not count toward density calculations.

**EMERGENCY SERVICES, PRIVATE** – A building, structure and/or lot used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide private rescue or ambulatory services, fire and/or police services.

**EMERGENCY SERVICES, PUBLIC** – Any service to citizens for injury or life-threatening events, including but not limited to ambulance, paramedic or fire and rescue services provided by a public agency.

**EQUESTRIAN FACILITY** – Services for equestrian-related business including but not limited to boarding, riding, show ring and/or tack shop.

**ERECTION** – Construction or assembly.

**ERICACEOUS/BROAD LEAF EVERGREEN** – plants such as rhododendron, azaleas, holly, mountain laurel and blueberries. If these plants are to be used onsite, soil pH testing must be completed to determine the required amendment of the soil.

**EROSION AND SEDIMENTATION** – Erosion, the process by which the land surface and/or subsurface is worn away by the action of natural elements; sedimentation, the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity.

**ESSENTIALLY DRY SPACES** – A space that will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**ESSENTIAL SERVICES, TYPE 1** – A structure, building or appurtenant facility owned and maintained by a utility for the operation and maintenance of a utility's service. For the purposes of this chapter, such Type 1 facilities include building or structures such as electric substations, water towers/tanks/reservoirs, and other similar structures. Facilities for the distribution of utility services, including gas, electric, steam, , telephone and similar services are also included in this definition. Treatment Power-generation facilities, resource- extraction activities and communication antennas are not included in this definition.

**Definitions**

**ESSENTIAL SERVICES, TYPE 2** – A structure, building or appurtenant facility owned and maintained by a utility for the operation and maintenance of a utility's service. For the purposes of this chapter, such Type 2 facilities include building or structures such as water pumping stations and/or treatment and sewage disposal pumping plants and/or treatment. Power-generation facilities, resource-extraction activities and communication antennas are not included in this definition.

**EXHIBIT HALL AND MUSEUM** – A facility for the public display of items, materials, or information that is related to some historic, educational, cultural, entertainment, or scientific purpose or a building whose structure itself is of historic, architectural or cultural significance and whose interpretation relates primarily to the building's architecture, furnishings and history. This term includes related accessory uses (e.g. restaurant, gift shop, etc.) so long as these remain incidental to the primary exhibit hall or museum use.

**EXISTING USE** – The use of a property as of the date this ordinance was adopted.

**EXPANSION** – An increase in the size of an existing structure or use, including the physical size of a property, building, parking lot, and other improvements.

**EXTENSION** – An addition to the floor area of an existing structure, an increase in the size of a structure, or an increase in that portion of a lot occupied by an existing use; an enlargement.

**EXTRAORDINARY DEVELOPMENT PROPOSAL** – A land development plan application that exceeds the prescribed 90-day time limit. Approval of Plats as stipulated within the Act of 1968, P.L. 805, No. 247, the PA Municipalities Planning Code.

**EVERGREEN TREE** – *A tree, either single-stemmed or multi-stemmed (clump form), which is a minimum of six (6) feet tall at planting and is a species which at maturity can be expected to reach a height of at least 20 feet. See the Township's official plant list for a listing of permitted evergreen trees.*

**FAA** – Federal Aviation Administration of the United States Department of Transportation.

**FACING WALLS** – (1) Walls of a structure opposite to and parallel with one another, or (2) wall lines, or wall lines extended of opposite walls intersecting at angles of less than 65°.

**FAMILY** – (1) A person; (2) two or more persons, all of whom are related by blood, marriage, parentage or adoption (including foster children), living together as a single housekeeping unit. In addition to the family, two or fewer unrelated persons may reside with the housekeeping unit in the dwelling unit. For dwelling units in multifamily buildings containing three or more dwelling units (other than those in vertical mixed use buildings in the Terraced Streetscape zone) the number of persons permitted to occupy a unit shall be determined by the Centre Region Code Office in accordance with the provisions of the Ferguson Township Housing Code.

**FAMILY CARE** – The provision of care in accord with regulations of the appropriate state agency(ies) for up to three mentally ill or disabled children or adults or elderly persons in a dwelling unit by a provider who resides in that unit.

**FAMILY CHILD CARE HOME** – A residence in which out-of-home care is provided, as an accessory use, at any one time, for part of a twenty-four-hour day, for up to and including six children who are not related to the operator and who are 15 years of age or younger. This definition does not apply to: care provided in the home of someone who is a relative to all of the children being cared for or care provided by a relative in the home of children whom are all related to each other and to the relative.

**FARM** – A lot or parcel consisting of the minimum number of acres required herein and used for agricultural operations.

**FARM-BASED BUSINESS** – A scale of operation essential to farm activities and based on production of products. This use shall be considered of similar nature and function as a Home-Based Business.

**FARM CAFE** – An eating establishment that prepares and serves food grown on-site and within Region 5 as defined by the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm cafe is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and empowering farmers to undertake entrepreneurial endeavors which augment, support and highlight local agriculture.

**FARM MARKET** – The offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of enclosed and open-air facility.

**FARM STAND** – A stand that sells fresh agricultural produce.

**FARM STRUCTURES, TRADITIONAL-SCALE** – buildings and facilities 25,000 square feet and less in area that are typically for farm-related activity and typically found on land designated to farm-related activity.

**FARM STRUCTURES, NON-TRADITIONAL-SCALE** – buildings and facilities greater than 25,000 square feet that are typically for farm-related activity and typically found on land designated to farm-related activity.

**FARM USE** – The use of land and structures for one or more of the following: the tilling of the land, the raising of crops, fruits and vegetables, and the raising and keeping of livestock and poultry; horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, and other plant materials; forestry uses related to the harvesting of lumber products.

**FAST-FOOD RESTAURANT** – Any establishment whose principal business is the sale of food or beverages with rapid turnover to customers in a ready-to-consume state for consumption either within the building or for carryout off the premises, and whose design or principal method of operation includes the following - foods and beverages are usually served in disposable or edible containers; it is self-service, with customers expected to clean up after themselves; and, menus are posted.

**FENCE** – A fabricated barrier used to enclose an area of land.

**FISH HATCHERY** – A facility for the artificial breeding, hatching and initial growing of finfish and shellfish.

**FIREWOOD** – Trunks and branches of trees and bushes, not including leaves, needles, vines or brush smaller than three inches in diameter.

**FLICKER** – A repeating cycle of changing light intensity.

**FLOODPLAIN** – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPLAIN CONSERVATION DISTRICT** – The area along a natural watercourse which is periodically overflowed by water therefrom, and which is designated as such on the Flood Hazard Boundary Map for Ferguson Township, January 5, 1996, or the most recent revision prepared by the Federal Insurance Administration, Federal Emergency Management Agency. In addition, it shall include local alluvium soils such as Nolin silt loams, designated by map symbol "No" on the "Soil Survey of Centre County, Pennsylvania," August 1981, prepared by the Soil Conservation Service, U.S. Department of Agriculture, in cooperation with the Pennsylvania State University and the Pennsylvania

**Definitions**

Department of Environmental Protection.

**FLOODWAY** – The designated area of floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this section, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**FLOOD WATER** – Waters which escape from streams or other bodies of water and over low adjacent lands, as distinct from runoff.

**FLYWAY BARRIER** – A solid wall, fence, dense vegetation or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.

**FOOD CATERING** – A business establishment which prepares and serves meals or refreshments for entertainment primarily off the premises.

**FOOD TRUCK** – 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.

**FORESTRY** – The management of forest and timber lands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FOWL** – a domestic bird of any kind, not including chickens.

**FRACTURE TRACE** – Natural, linear-drainage, soil-tonal and topographic alignments, usually visible on aerial photographs, which are commonly the surface manifestations of corresponding zones of fracture concentration within underlying bedrock. Particularly in soluble rocks (e.g., limestone and dolomite), fracture zones cause increased bedrock porosity and permeability, resulting in rates of groundwater movement that are greater than the surrounding bedrock.

**FREIGHT AND TRUCKING TERMINAL** – a facility for the receipt, transfer, short-term storage and dispatching of freight and goods transported by truck.

**FRONTAGE** – The portion of a lot boundary abutting a street.

**GAME FARM** – A farm where a variety of wild animals are kept or bred, often with facilities for visitors to observe and/or hunt.

**GENERAL NATURAL RESOURCE RESEARCH** – Activity related to:

- A. **AGRICULTURAL ENGINEERING RESEARCH** – Systematic investigation to establish new facts and principles for improvement of the engineering needs of modern agriculture and agribusiness. Includes digital mapping, frost protection research and soil erosion and nutrient transport research.
- B. **GENERAL AGRICULTURAL RESEARCH** – Systematic investigation to establish new facts relating to agriculture, agribusiness, rural communities and institutions. Includes general farming, land tillage, cultivation, irrigation, fertility, insect/plant interactions and pest management. Fertilizers, compost, manures and pesticides are applied as needed.
- C. **GENERAL FARMING** – One or more areas of land operated as a unit as a principal use for

- the purpose of producing agricultural, horticultural, floriculture, vegetable and fruit products of the soil, livestock, meats, poultry, eggs, dairy products, nuts, honey, wool and hides, but shall not include the breeding, raising, or maintaining of furbearing animals, or abattoirs, riding academies, livery stables or animal kennels.
- D. GENERAL FISH AND MAMMAL RESEARCH – Systematic investigation to establish new facts relating to fish and mammals in various ecosystems. Includes experiments on biology, including reproduction and growth.
- E. GENERAL FORESTRY RESEARCH – Systematic investigation to establish new facts relating to forest ecosystems.
- F. GENERAL SOIL, IRRIGATION AND BIOLOGICAL ENGINEERING RESEARCH – Systematic investigation to establish new facts and principles relating to the qualities of our soil and biology.
- G. GENERAL SOIL, IRRIGATION AND WATER RESEARCH – Systematic investigation to establish new facts and principles relating to the qualities of our soil and water resources. Includes general farming, land tillage, cultivation, irrigation, fertility and pest management. Fertilizers, manures and pesticides are applied as needed.

GENERAL STORAGE TO INCLUDE BOAT AND RV – a structure, enclosed on a minimum of three (3) sides constructed prior to the adoption of this ordinance, where the structure is used of storing motorized or non-motorized watercraft and/or recreational vehicles.

GENERAL WEATHER, RADIO AND SATELLITE RESEARCH – Systematic investigation to establish new facts relating to meteorological information, antenna design and research and radio propagation research.

**GOLF COURSES:**

- A. CONVENTIONAL GOLF COURSE – A golf course with a minimum of 2,800 yards of play in nine holes.
- B. SPECIAL GOLF COURSE – Any form of golf which is not included under the definition of conventional golf course, such as, driving ranges, disc golf, foot golf, or pitch-and-putt, but excluding miniature golf.

GRADING – The act of excavating and/or filling land for the purpose of changing natural slope.

GREEN SPACE – A spatially defined element of usable open space designed to serve a variety of outdoor leisure and assembly needs. Greens may be distributed throughout the open space network to enhance the form, appearance and function of this element of the community. Landscaping, lighting, and accessory structures integral to the function of the green shall be inclusive elements of the definition.

GREEN ROOF – A roofing system that utilizes vegetation to absorb rain water and reduce heat reflection.

GROCERY STORE – Retail location for the purveying and/or selling of predominantly food stuffs and other related living essentials.

GROSS – The total amount.

GROSS FLOOR AREA (GFA) – The sum total of the floor areas of all floors of a building as measured

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from the exterior walls, inclusive of hallways, restrooms and other space ancillary to the proposed use.

**GROUND-MOUNTED SYSTEM** – A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

**GROUP CHILD CARE HOME** – A residence in which out-of-home care is provided, as an accessory use, at any one time, for part of a twenty-four-hour day to more than six but fewer than 16 older school-age children or more than six but less than 13 children of any other age. This definition does not apply to: care provided in the home of someone who is a relative to all of the children being cared for or care provided by a relative in the home of children whom are all related to each other and to the relative.

**GROUP HOME** – A residence comprised of rooming units operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of such license and update must be delivered to the Zoning Administrator prior to the initiation and continuation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A group home shall not involve the housing or treatment of persons who:
  1. Could reasonably be considered a serious threat to the physical safety of others.
  2. Were previously convicted of a sexual felony.

**GUY CABLE** – Any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.

**HARNESS SHOP** – A shop that is open to the public for agricultural-retail trade of supplies, apparel, supporting accessories, repair and limited production.

**HAZARDOUS MATERIAL** – Materials which are classified by the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Protection as having the potential to damage health, impair safety, or pose a significant actual or potential hazard to water supplies if such material were discharged into land or water of the Township. Hazardous materials include but are not limited to: inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids (such as phenols and cresols) and their salts, petroleum products, pesticides, herbicides, solvents, thinners, fertilizers, and radioactive material.

**HEALTH AND ATHLETIC CLUBS** - A business establishment where patrons use weights, machines, or other such equipment or floor space for the purpose of physical exercise and/or wellness. Exercise and fitness centers may include health spas and concession stands.

**HEIGHT** – The maximum height of a building and/or structure measured from the average finished grade at perimeter of the base of the building and/or structure to the highest point of such building and/or structure. For the purpose of determining the height limits in all zones set forth and shown on the official supplementary Airport Overlay Zoning Map, the datum shall be mean sea level elevation



unless otherwise specified.

HERBICIDE – Chemicals developed to control or eradicate plants.

HIGHER EDUCATION – Study beyond the level of secondary education.

HISTORIC STRUCTURE – Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listings in the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior.
  2. Directly by the Secretary of the Interior in states without approved programs.

HOME BASED BUSINESS, NO-IMPACT – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business activity may not involve any illegal activity.

HOME OCCUPATION, TYPE 1 – An activity, intended to be financially gainful, conducted within a

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dwelling unit, the conduct of which is clearly incidental and secondary to the use of the dwelling unit, and, whereas, there shall be a maximum of one said accessory use within any one dwelling unit. Unlike a No-Impact Home Based Business, Home Occupations provide opportunity for on-site customers and therefore, also permit restricted signage opportunity.

HOME OCCUPATION, TYPE 2 – An activity, intended to be financially gainful, conducted within a farm structure, the conduct of which is clearly incidental and secondary to the use of the farm, and, whereas, there shall be a maximum of one said accessory use within any one farm structure. Unlike a No-Impact Home Based Business, Home Occupations provide opportunity for on-site customers and therefore, also permit restricted signage opportunity.

HONEYBEE – Honey bees are limited to European races of *apis mellifera*.

HONEYBEE APIARY – A place where honey bee colonies and/or lives, and other beekeeping equipment, are kept.

HONEYBEE COLONY – An aggregate of worker bees, drones, queen, and developing brood living together in a social family unit in a hive. The colony must be registered with the Pennsylvania Department of Agriculture. The colony must also be inspected by an apiary inspector for diseases.

HONEYBEE COMB – A mass of six-sided cells made of wax by honeybees in which a brood is reared and honey and pollen are stored; composed of two layers united at their bases.

HONEYBEE HIVE – A box or receptacle with movable frames, used for housing a colony of bees.

HORSE RIDING STABLES / RIDING ACADEMY – An establishment where horses are kept for riding or driving or are stabled for compensation as part of a club association, ranch or similar establishment. This may include providing instruction to individuals or groups as well as demonstrations or exhibitions by such students. Horse shows, or other competitive events involving horses not normally kept on the premises is expressly forbidden. In addition, this use may not include the sale of feed, tack, or any other goods and/or services associated with riding or showing horses.

HORTICULTURE USE – Activities and practices relating to the raising, propagating and selling of trees, shrubs, flowers, fruits, vegetables, and other plant materials.

HOSPITAL – An establishment for the diagnosis, treatment or other care of humans and having facilities for inpatient care; includes sanitarium, sanatorium and preventorium.

HOTEL – A building used primarily for providing more than 10 transient lodging accommodations on a daily rate basis to the general public in which the lodging rooms provide no cooking facilities.

HOUSEHOLD PET – Domesticated species of dog, cat, or other non-exotic animal generally weighing less than 150 pounds that resides within a dwelling unit and is not raised for production of products for sale.

HOUSE GUEST – A temporary occupant of a short-term rental living quarter within a dwelling unit.

HUNTING, FISHING AND GUN CLUB – A facility, whether open to the public or limited to members of a group, which offers activities such as game hunting, fishing, trap/skeet shooting, target shooting, target practice, game farms, and related uses such as assembly halls or sale of bait or equipment.

ICE CREAM TRUCK – A licensed vehicle which vends only prepackaged frozen dairy or frozen water-based food products, soft-serve or hand-dipped frozen dairy products or frozen water-based food products and prepackaged beverages.

**IMPERMEABLE** – Impervious, impenetrable to moisture.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)** – A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

**INCINERATOR** – A facility in which the process of the combustion of organic substances contained in waste materials through high-temperature waste treatment systems takes place.

Incinerator, Type 1 (Agricultural incinerator) – an incinerator generally for use as part of agricultural purposes.

Incinerator, Type 2 – An incinerator generally for use as part of non-agricultural purposes.

**INDUSTRIAL PARK** – An area planned for the integrated design of two or more primary industrial uses and structures on a lot held in single ownership.

**INSECTICIDE** – Chemicals developed to control or eradicate insects.

**INTEGRATED PEST MANAGEMENT PLAN** – A plan which provides for the use of multiple pest management tactics which minimize the risk of undesirable environmental and health effects.

**INTERMITTED OR VERNAL POND** - Transient surface water bodies formed in closed depressions after heavy precipitation due to poor internal drainage. This poor drainage may be due to residual clay.

**INTERMITTENT STREAM** – A body of water flowing in a channel or bed composed primarily of substrates associated with flowing water, which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges. Most intermittent streams are shown as thin blue lines on the most recent Streams Within the Centre Region, U.S.G.S. National Hydrologic Dataset (NHD) mapping as noted on attached Appendix E.

**JUNKYARD/SALVAGE YARD** – A lot used for the storage of any scrap material or junk, including without limitation, appliances, fixtures, nonworking automobiles, automobile parts, machines or machinery parts, equipment, containers and building materials.

**KARST** – A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions, sinkholes, caves, and underground conduit drainage.

**KEEPING OF LIVESTOCK, NON-COMMERICAL** – An accessory use to a dwelling unit involving the breeding, raising, caring for, housing, and principally the hobby (including agricultural clubs such as 4-H, FFA and the like); personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

**KENNEL** – A use as defined and classified in accordance with the PA Dog Law. Also commonly known as a boarding kennel.

**LAND DEVELOPMENT** –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving

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1. 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
  2. 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.
- B. A subdivision of land.
- C. Development in accordance with § 503(1.1) of the Pennsylvania's Municipalities Planning Code and the Township's Subdivision and Land Development Code.

**LANDSCAPE AND GARDEN CENTER- RETAIL** – Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines and other plants for on-site sale, including the buildings, structures and equipment customarily incidental and accessory to the primary use.

**LANDSCAPE AND GARDEN SERVICE – NON-RETAIL** – Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines and other plants for sale and distribution off-site, including the buildings, structures and equipment customarily incidental and accessory to the primary use.

**LANDSCAPE BUFFER** – A use of new or existing plants, earthen mounds, fences and/or walls located between two uses, or between one use and a public right-of-way, that is intended to lessen negative impacts, such as undesirable views, noise or light.

**LARGE DORMITORY** – A residence hall providing living facilities for 21 or more individuals.

**LARGER THAN UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**LAUNDROMAT** – A self-service facility containing clothes washing machines and dryers which are usually coin-operated and are open for use to the general public.

**LEVEL SPREADER** – A device used to disperse concentrated stormwater flow uniformly over the ground surface as sheet flow.

**LIGHT MANUFACTURING, ASSEMBLY, PROCESSING, PRODUCTION AND FABRICATION** – the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, distribution of such products.

**LIMESTONE** – A rock that by chemical precipitation or the accumulation of organic remains consists mainly of calcium carbonate.

**LIVE/WORK UNIT** – A combination of a dwelling unit and business space, such as an artisan shop or office that is open to the public for retail trade or personal or professional services. Work activities are conducted by one or more occupants of the unit (preferably on the street level) and the dwelling area (second floor and above) serves as their principal residence. All such units of occupancy are counted when establishing the density of development.

**LIVESTOCK** – those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or padlock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, alpacas, mules, swine, sheep, goats, chickens, and fowl.

**LIVESTOCK ENCLOSURE** – a fenced-in area that presents and adequate blockade around a field,

yard, or other such expanse of land for the purpose of containing livestock or prohibiting intrusions from outside.

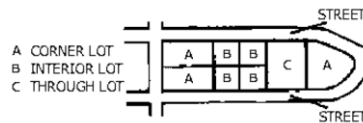
**LOCAL ALLUVIUM** – Alluvial materials that have eroded from uplands and been deposited in lower lying areas and drainageways.

**LOT** – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**CORNER LOT** – A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street where the interior angle is less than 135° and the radius of the street is less than 100 feet.

**INTERIOR LOT** – A lot with only one frontage on a street.

**THROUGH LOT** – A lot with front and rear street frontage.



**LOT COVERAGE** – The portion of the lot that may be impervious. This includes, but may not be limited to, both building footprint and parking area.

**LOT LINE** – A line generally established by metes and bounds, which, when combined with other lot lines, delineates a lot.

**FRONT LOT LINE** – The line separating the lot from the street right-of-way.

**SIDE LOT LINE** – Any lines which are not front or rear lot lines.

**REAR LOT LINE** – The line parallel to or within 45° of being parallel to a street line which defines the rear of the lot.

**LOT SIZE** – The area contained within the boundary lines of a lot.

**LOT WIDTH** – The horizontal distance between side lot lines:

**LOT WIDTH AT STREET LINE** – The minimum horizontal distance between side lot lines as measured at the street line.

**LOT WIDTH AT BUILDING SETBACK LINE** – The minimum horizontal distance between side lot lines as measured at the building setback line.

**LOW IMPACT DEVELOPMENT (LID)** – An innovative stormwater management approach with a basic principle that is modeled after nature: to manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Small, cost-effective landscape features located at the lot level, known as integrated management practices (IMPs), are the building blocks of LID. Almost all components of the urban environment have the potential to serve as an IMP. This includes not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians.

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**LOWEST FLOOR** – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage in an area other than a basement area is not considered the lowest floor of a building; provided, that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this section.

**MAIL-ORDER AGENCY** – The buying of goods or services by parcel or postal delivery.

**MANUFACTURED HOME** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" includes parked trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

**MANUFACTURED HOME PARK** – A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

**MANUFACTURING, PROCESSING OR BULK STORAGE OF NATURAL GAS** – The production and/or keeping of said material as defined by the Commonwealth of Pennsylvania.

**MASSAGE PARLOR** – An establishment for where any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation of the human body is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**MASSING** – The three-dimensional building form produced by combining building height and building cover. A massing envelope represents the maximum building volume that can be constructed on a lot.

**MAXIMUM IMPERVIOUS COVERAGE** – The percentage of lot area that may be covered in a manner that prevents the percolation of water into the ground.

**MEDIAN HOUSEHOLD INCOME** – The median income for Centre County as established and defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development.

**MEDICAL MARIJUANA** – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

**MEDICAL MARIJUANA DISPENSARY** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

**MEDICAL MARIJUANA GROWER/PROCESSOR** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

**MEDICAL MARIJUANA ORGANIZATION OR FACILITY** – A dispensary or a grower/processor of marijuana for medical purposes.

**MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE** – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processor and/or dispensaries.

**METEOROLOGICAL TOWER OR MET TOWER** – A structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables, and hardware, anemometers, wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**MICRO-DISTILLERIES/BREWERIES** – See **BREWERY**.

**MINERAL** – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINIMUM AVERAGE RIPARIAN BUFFER WIDTH** – The minimum value permitted for said width as identified by this Ordinance.

**MINIMUM AVERAGE TOTAL RIPARIAN BUFFER WIDTH** – The minimum value permitted in for said width as identified by this Ordinance.

**MINING AND QUARRYING** – The use of land for the purpose of extracting rocks and minerals for sale, exclusive of grading a lot preparatory to the construction of a structure for which a zoning permit has been issued.

**MIXED RESIDENTIAL AREA** – An area of development, associated with an existing or proposed Traditional Town Development, which is primarily residential with local retail, institutions, employment, and open space as permitted secondary uses.

**MIXED-USE BUILDING** – A building, other than an accessory structure, with more than one use in it. These may be non-residential structures with civic, commercial, or residential components or, multi-family residential structures that include commercial components.

**MOBILE HOME** – a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For the purposes of this Ordinance, mobile homes shall be required to meet any applicable regulations of the Floodplain Overlay, as indicated for a manufactured home. Under no circumstances shall a park trailer, travel trailer, recreational and other similar type vehicle be permitted to be placed on a mobile home lot, or within a mobile home park, and used as a permanent place of residency. Occupancy and compliance requirements of the applicable building code shall be approved by the Centre Region Code Office.

**MOBILE HOME LOT** – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOBILE HOME PARK SERVICE BUILDING** – A structure which contains operational, office, recreational, sanitary, maintenance or other facilities built for the use of the mobile home park residents or owner.

**MOBILE HOME SEWER CONNECTION** – All pipes, fittings and appurtenances from the drain outlet

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of the mobile home to the inlet of the corresponding sewer riser pipe.

**MOBILE HOME SEWER RISER PIPE** – That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home space.

**MOBILE HOME WATER CONNECTION** – All pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

**MOBILE HOME WATER RISER PIPE** – The portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

**MOBILE HOME WATER SERVICE PIPE** – All pipes, fittings, valves and appurtenances from the water main of the park distribution system to the water outlet of the distribution system within the mobile home.

**MODEL HOME** – A residential structure used initially for display purposes which typifies the type of unit that will be constructed within the same residential development.

**MOTEL** – See Hotel.

**MONOPOLE** – A wireless communications facility (WCF) or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications, antennas, and connective appurtenances. Connective appurtenances can include, but are not limited to, feeder cables, climb ladders, platforms, ice shields, and other accessory infrastructure associated with a WCF.

**MORTUARY** – an establishment providing services such as preparing the human dead for burial and arranging and managing funerals and which may include limited caretaker facilities.

**MOVING AND STORAGE PARCEL DELIVERY AND EXPRESS TRANSFER STATION** – An establishment intended for the keeping and/or distribution of consumer products.

**MPC** – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 et seq., as reenacted and amended.

**MULCH** – an organic or inorganic material used to cover the ground or a planting bed (i.e. tree bark, stones).

**NATURALIZED STORMWATER BASIN** – Stormwater control facilities that are planted with native vegetation rather than maintained as hardscape or lawn.

**NATURE EDUCATION CENTER** – A building and/or land dedicated to providing information and educational exhibits about the natural environment to the public.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after March 15, 1982, including any subsequent improvements thereto.

**NONCONFORMING LOT** – A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE** – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by



reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** – A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONCONFORMITY** – Any nonconforming lot, structure or use of land or structures.

**NON-PRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in non-precision instrument approach procedure has been approved or planned.

**NON-PUBLIC** – intended for specialized use other than for the general population to partake or participate.

**NON-TOWER BASED WIRELESS COMMUNICATIONS FACILITY** – All non-tower based wireless communications facilities including, but not limited to, data collection units, communications antenna and related equipment. Non-tower based WCF shall not include support structures for communications antenna and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this chapter.

**NURSING HOME AND/OR OTHER CONVALESCENT HOME** – A building with rooming units where persons are housed or lodged and furnished with meals, includes nursing care for hire, and which is licensed for such by the Pennsylvania Department of Human Services.

**NUTRIENT MANAGEMENT ACT** – The PA Nutrient Management Act of 1993, which is applicable to agricultural operations with over 2,000 pounds of animal weight per acre that generate or utilize manure. The act requires the development of a plan demonstrating that nutrients which are land applied do not exceed crop uptake.

**NUTRIENT/MANURE MANAGEMENT PLAN** – A plan prepared by a qualified professional establishing application rates for manure/fertilizer on agricultural lands to achieve a proper balance of nutrients and minimize nutrient contamination of groundwater.

**OBSTRUCTION** – Any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, floodplain or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**OFF-SITE SEWER SERVICE** – A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

**OFFICE, LABORATORIES, WORK AREAS RELATED TO ADMINISTRATIVE/RESEARCH ACTIVITIES** – Any office, laboratory, or work area used primarily for accounting, correspondence, research, editing, or other administrative functions accessory to the principal use of a research and testing facility, manufacturing facility, medical office, or other similar uses.

**ON-SITE SEWER SERVICE** – A sanitary sewage disposal system in which sewage is treated and discharged on the same lot as the use which it serves.

**OPEN-LOOP GEOTHERMAL SYSTEM** – A type of geothermal heating and/or cooling system that

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utilizes a water-supply well and a water pump to deliver ground water to a water-source heat pump. The discharge water from the water-source heat pump may be returned to the subsurface through a recharge well or infiltration bed, or may be discharged into a pond, lake, or stream. A spring may also be the source of the ground water supply.

**OPEN SPACE** – a parcel or parcels of land incorporated within a subdivision that is used for passive and unorganized play areas. This land may include floodplain, wetlands, steep slopes, stormwater basins and drainage areas. The land set aside as open space may not be used towards calculating the parkland requirements of the development.

**OUTDOOR FURNACE** – Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a space or water heating system in a building or structure, outside of which the unit is located.

**PARK AND OUTDOOR RECREATIONAL FACILITIES** – See PUBLIC RECREATION AREA.

**PEDESTAL** – The base and/or supporting structure, other than a building or tower, for the support of an antenna or sign.

**PENNDOT** – The Pennsylvania Department of Transportation (“PennDOT”), the Commonwealth agency responsible for overseeing and administering transportation laws and regulations within Pennsylvania.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE** – Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 et seq.

**PENNSYLVANIA STATE GAME COMMISSION** – The state agency responsible for the wildlife conservation and management in Pennsylvania.

**PERENNIAL STREAM** – A body of water flowing in a channel or bed composed primarily of substrates associated with flowing waters and capable, in the absence of pollution or other man-made disturbances, of supporting a benthic macro-invertebrate community which is composed of two or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by a United States Standard No. 30 Sieve (28 meshes per inch, 0.595mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system.

**PERMITTED USE** – An authorized use herein which, upon application to the Zoning Administrator, may be granted in accordance with the provisions of this Chapter.

**PERSONAL CARE HOME, LARGE** – a premise that is approved and licensed as a personal care boarding home by the Department of Human Services for which food, shelter and personal assistance or supervision are provided for a period exceed 24 hours to nine or more residents who are not relatives of the operator or owner and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration.

**PERSONAL CARE HOME, SMALL** – a premise that is approved and licensed as a personal care boarding home by the Department of Human Services for which food, shelter and personal assistance or supervision are provided for a period exceed 24 hours to four to eight residents who are not relatives of the operator or owner and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration.

**PERSONAL SERVICE ESTABLISHMENTS** – A business in which services are offered to an

individual relating to the hygiene or appearance of an individual such as, but not limited to, barber shops, hair salons, manicurists, acupuncturists, massage therapy, health spas, weight loss centers, tanning salons, hair replacement or removal facilities, and the like.

**PET CARE SERVICE FACILITY** - A building, structure or portion thereof designed or used for grooming, boarding, training, daycare or overnight boarding of domestic animals or other household pets. A portion of the facility used for the retail sale of pet products and food may be accessory to the primary Pet Care Service Facilities use.

**PET STORE** – A commercial retail facility that provides food and accessories for domestic and farm animals. Training and grooming areas may also be incorporated as well as the sale of individual household pets. Boarding and/or breeding at such facilities is prohibited. The sale of dogs and cats at such stores is prohibited.

**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.

*Community place of assembly* - a place of assembly as herein defined, that is designed to serve those within the surrounding community.

*Neighborhood place of assembly* - a place of assembly as herein defined, that is designed to serve those within one or more adjacent neighborhoods.

*Regional place of assembly* - a place of assembly as herein defined, that is designed to serve those in multiple communities.

**PLAN (GENERAL MASTER)** – A depiction of a proposed traditional town development or associated mixed residential area, indicating the overall design and approximate layout of the various elements required by the applicable provisions of this chapter. This plan shall serve as the basis for consideration of compliance with the design goals of the regulations prior to preparation of a specific implementation plan. This term is also used to identify the first step in the plan approval process for any development in the Terraced Streetscape Zoning District.

**PLAN (SPECIFIC IMPLEMENTATION)** – A complete and exact plan prepared for official recording and containing all elements of one specific phase of an approved general master plan as required by the procedures required by §27-903.H.1 through 9.

**PLANNED RESIDENTIAL DEVELOPMENT** – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

**PLANNING COMMISSION** – The Ferguson Township Planning Commission, Township of Ferguson, Centre County, Pennsylvania.

**PORCH** – A covered entrance to a building or structure which may or may not be enclosed and which projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**POTABLE WATER WELL** – Any well developed within Ferguson Township by a public or private company/authority which provides water supply to off-site customers and satisfies the requirements of

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the Safe Drinking Water Act.

**POTABLE WATER WELL PUMP STATION** – The facilities and related appurtenances utilized to extract water from a potable water well.

**PRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). Also included is a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planned document.

**PREPAREDNESS, PREVENTION, AND CONTINGENCY (PPC) PLAN** – A written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, which is developed and implemented to control potential discharges of pollutants other than sediment into waters of this Commonwealth.

**PRIME AGRICULTURAL LAND** – Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

**PRINCIPAL USE** – The main use of land, building(s) or structures(s) as distinguished from an accessory use.

**PRINTING ESTABLISHMENT** – a retail establishment that provides duplicating services using photocopying, blueprint, and printing equipment and may include the collating and binding of booklets and reports.

**PRIVATE** – Not publicly owned, operated or controlled.

**PRIVATE PARK AND OUTDOOR RECREATION FACILITY** – A facility in which organized forms of play and amusement occur outdoors. May include, but is not limited to, the discharge of firearms, fishing, horseback riding, hiking, biking, skiing, sledding, ice skating, walking, running, swimming pools. Accessory buildings such as pool houses, clubhouses, restroom facilities are permitted. Does not include indoor recreation such as, but not limited to, indoor swimming pools, bowling alleys, racquetball courts or basketball courts. Organized sanctioned or competitive snowmobiling, ATV or motorcycle use is not permitted.

**PRIVATE RECREATIONAL, SPORTS, AND ENTERTAINMENT FACILITIES** – A business establishment, owned by a private-sector entity(ies), generally intended to provide recreation or entertainment for use by a paying clientele.

**PROFESSIONAL OFFICE** – Any office of recognized professions, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others who, through training, are qualified to perform services of a professional nature. Includes business offices and offices for financial services.

**PUBLIC** – Intended for the general population to partake or participate.

**PUBLIC MEETINGS** – A forum held pursuant to notice under 65 PA.C.S.A. Ch. 7 (relating to open meetings).

**PUBLIC NOTICE** – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more

than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**PUBLIC OR PRIVATE CONSERVATION AREA** – A defined area of land that is either public or private lot which is being held for the purpose of natural resource protection and/or the raising and protection of game. Activity within these types of areas may include, but is not limited to, hunting, trapping, walking paths and educational centers.

**PUBLIC OR PRIVATE INSTITUTIONS OF HIGHER EDUCATION** – Colleges and universities as well as professional schools in such fields as law, theology, medicine, business, music, and art where, at the end of a prescribed course of study, a degree, diploma, or certificate is awarded.

**PUBLIC OR PRIVATE PARKING GARAGE** – A structure, other than for boat/RV storage, that is either public or private intended for the temporary storage of vehicles and motorcycles.

**PUBLIC RECREATION AREA** – A park or recreation area which is owned or proposed to be owned by Ferguson Township or Centre Region Government entity:

**COMMUNITY, PUBLIC PARK AND OUTDOOR RECREATIONAL FACILITIES** – A public recreation area designed to serve those within the surrounding community.

**NEIGHBORHOOD, PUBLIC PARK AND OUTDOOR RECREATIONAL FACILITIES** – A public recreation area designed to serve those within one or more adjacent neighborhoods.

**REGIONAL, PUBLIC PARK AND OUTDOOR RECREATIONAL FACILITIES** – A public recreation area designed to serve those in multiple communities.

**PUBLIC SPACE** – Public space is comprised of areas such as plazas, courtyards, walkways, market squares, civic spaces, and other such gathering places that, although landscaped, contain a substantial hardscape design element (e.g., sidewalks, retaining walls, seating areas, fountains, plazas, etc.). These sociable gathering/meeting places are designed for the purpose of inviting face to face contact and personal interaction within a human-scaled environment.

**PUBLIC UTILITY FACILITY** – For the purposes of this chapter, electric substations, automatic telephone exchanges, micro-relay stations and the like (but excluding public sewer and water facilities and radio and television transmitters and towers) and any other public utility corporation when exempted from the provisions of this chapter by state law.

**QUALIFIED PROFESSIONAL** – A person, who by education, experience, certification or licensure, has demonstrated expertise in a particular field. For the purpose of this ordinance, fields may include professional engineering, geology, hydrogeology and soil sciences.

**QUEUING STREET** – A street containing one parallel parking lane and one travel lane. In instances where cars park along the roadway, queuing streets require one car to wait temporarily in "queue" until the oncoming car passes.

**RACE TRACK** – A commercial establishment for the racing of animals or motorized vehicles.

**RADIO AND TELEVISION STUDIO** – A studio engaged in transmitting oral and visual programs to the public, but not including the transmitter and/or antennas for such broadcasting.

**RAIN GARDEN** – A planted depression that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be absorbed.

**RECREATION FACILITIES FOR EMPLOYEES, FACULTY AND STUDENTS** – A business establishment, owned by a private-sector entity(ies), generally intended for use by employees, faculty

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and/or students where said use provides recreation and entertainment related to the employee, faculty and/or student activities.

**RECREATIONAL VEHICLE** – A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for permitted recreational, camping, travel or seasonal use.

**RECYCLING COLLECTION FACILITY** – A location whose principal use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled from the public. Collection facilities may include reverse vending machines and small collection facilities.

**REDEVELOPMENT** – The reconstruction, reuse or change in use of any developed property including, but not limited to, the following: the demolition and clearance of any existing structures, any increase in the intensity of use of already developed land, such as an increase in the number of dwelling units in a structure or change to a commercial or industrial use from a less intensive use.

**REGULATED SUBSTANCE** – A product or waste, or combination of substances that, because of the quantity, concentration, physical, chemical, or infectious characteristics which if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a substantial present or potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment. Such hazardous materials include, but are not limited to, substances regulated under Federal or State environmental, pollution control, hazardous materials, and drinking water laws and regulations.

**REGULATORY FLOODWAY** – A channel of the watercourse and portions of the adjacent land areas that must be reserved without cumulatively increasing the water surface elevation, contained in a floodplain.

**RELEASE** – The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more Regulated Substances upon or into any land or water within the Source Water Protection Overlay District. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, swale, drainage way.

**REPAIR** – To restore by replacing parts or putting together what is torn or broken. Repair can be defined as an accessory or principal use.

**RESEARCH ENGINEERING OR TESTING LABORATORY** – An establishment engaged in research, development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instruments or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site shall be included in this land use.

**RESEARCH, AGRICULTURAL OR ANIMAL** – A structure or complex of structures designed or used for research, analysis and experimentation centered around agricultural activities, production and practices including but not limited to forage, forestry, entomology, livestock, vegetables, fruits and ornamental crops.

**RESTAURANT** – Any eating or drinking establishment, however designated, at which a principal use is to sell prepared food/beverages to the general public for consumption on and off the premises, including, but not limited to, a public dining room, lunchroom, diner, food court, luncheonette, café,

tea room, coffee house, coffee shop, tavern, grill, lunch counter, drive-through, snack bar, cafeteria, buffet, , etc. This does not include establishments that sell only treats (such as ice cream or candy), employee and/or student lunchrooms associated with a permitted principal use, or concession stands at active public recreation sites or public sporting events.

**RETAIL ESTABLISHMENT, AGRICULTURE SUPPORTED** – A commercial enterprise that provides goods and/or services for which the majority of the customer-base is non-public agriculture business-to-farm or business-to-business relationships.

**RETAIL ESTABLISHMENT, GENERAL** – A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**RETAIL ESTABLISHMENTS, VALUE ADDED AGRICULTURE** – A commercial enterprise that provides goods and/or services for which the majority of the customer-base is the general public as related to farm-to-business or farm-to-consumer relationships.

**RETENTION BASIN** – An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

**RETIREMENT COMMUNITY** – A facility licensed by the state designed to serve the housing needs of older persons in a continuum of care environment through facilities which relate both to dependent and independent persons; such facilities may include independent living units, sheltered care units, nursing care units and related support services.

**RIGHT-OF-WAY** – A corridor of land set aside for use, in whole or in part, by a street or other public purpose.

**RIPARIAN AREA** – (a) Areas adjacent to a stream that are saturated by ground water or intermittently inundated by surface water at a frequency and duration sufficient to support the prevalence of vegetation typically adapted for life in saturated soil. (b) The transition area between the aquatic ecosystem and the nearby, upland terrestrial ecosystem. These areas are identified by soil characteristics and/or plant communities and include the wet areas in and near streams, ponds, lakes, springs and other surface waters.

**RIPARIAN BUFFER** – Area of varying width adjacent to a water body where management practices that might affect water quality, fish, or other aquatic resources are modified. It is an area which acts as an effective filter and adsorptive zone for sediment; maintains shade; protects aquatic and terrestrial riparian habitats; protects channel and streambanks; and promotes floodplain stability. The buffer may be wider than just the riparian area.

**RIPARIAN BUFFER OVERLAY ZONING DISTRICTS** – Areas surrounding surface water bodies including, but not limited to, swales, creeks, streams, water bodies, intermittent watercourses and delineated wetlands as well as those encountered during subdivision and land development. These areas intercept surface water runoff, subsurface flow, and deep groundwater flows from upland sources and remove or "buffer" the impact of nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.

**RIPARIAN BUFFER WIDTH AVERAGING** – A technique for delineating the width of a buffer such that the buffer boundary can be narrower at some points along the stream and wider at others so that its average width meets the minimum criteria.

**ROOMING UNIT** – A space within a personal care home, nursing/other convalescent home or group

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home where said space is occupied by no more than two (2) people.

**RUNOFF** – The surface water discharge or rate of discharge of a given watershed after a fall of rain, snow or other form of precipitation that does not enter the soil but runs off the surface of the land.

**RUNWAY** – A defined area of an airport prepared for landing and takeoff of aircraft along its length.

**SCHOOL** – Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical or non-parochial governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**SEASONAL DWELLING** – A dwelling, generally for recreation purposes, unoccupied for three or more consecutive months during any one year period.

**SECONDAY CONTAINMENT AREA** – An additional layer of impervious material creating a space in which a release of a regulated substance from a storage tank may be detected before it enters the environment. This space permits a monitoring zone for leak detection methods.

**SEDIMENT** – Soil materials transported by wind or water as a result of erosion.

**SELF-SERVICE STORAGE FACILITY** – A facility consisting of one or more structures which contain separate enclosed storage spaces, for personal belongings, of varying sizes, leased or rented on an individual basis.

**SERVICE ESTABLISHMENT** – Any establishment whose primary activity is the provision of assistance, as opposed to products, though products may be sold secondarily to the services provided. Common service establishments examples are, but not limited to, barber shops, hair salons, beauticians, shoe repairs, reading rooms, tanning salons, drycleaners and tailors.

**SETBACK OR BUILDING LINE** – The line within a lot defining the required minimum or maximum setback distance between any structure and the adjacent street line.

**SHADOW FLICKER** – The on and off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

**SHORT-TERM RENTAL** – The act of offering temporary living quarters within a dwelling unit occupied by the owner or lessee for a negotiated price to a house guest with or without the mediating use of a rental housing exchange agency.

**SHRUB** – An ornamental plant with woody stems that is at least 2 gallons in depth at planting. See the Township's official plant list for a listing of permitted shrubs.

**SILO** – Tower or other structure on a farm used for feed/grain storage.

**SINKHOLE** – A localized, gradual, or rapid sinking of the land surface to a variable depth, occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a distinct breaking of the ground surface, and downward movement of soil into bedrock voids.

**SMALL ANIMAL** – For the purpose of this ordinance, small Animals are considered including chickens, fowl, game birds, and any other animal which is by size and/or nature of a similar character to the aforementioned animals.

**LARGE ANIMAL** – For the purpose of this ordinance, large animals are considered including bovine, equine, sheep, goat or camelid families. This shall also include emus and similar large birds.



**SMALL DORMITORY** – A residence hall providing living facilities for 20 or fewer individuals.

**SMALL WIND ENERGY SYSTEM** – A wind energy conversion system which has a rated capacity of up to 100 kilowatts and which is incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**SOLAR ENERGY** – Radiant energy (direct, diffuse and/or reflective) received from the sun.

**SOLAR ENERGY PROJECT** - A renewable energy project that either (a) generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site, or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy. A solar energy project will not include any project which has a disturbance zone of two or fewer acres, is mounted on or over an existing building or parking lot, or utilizes integrated PV only.

**SOLAR ENERGY SYSTEM (PSES)** – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

**SOLAR RELATED EQUIPMENT** – Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

**SOLAR ARRAY** – A grouping of multiple solar modules with the purpose of harvesting solar energy.

**SOLAR CELL** – The smallest basic solar electric device which generates electricity when exposed to light.

**SOLAR MODULE** – A grouping of solar cells with the purpose of harvesting solar energy.

**SOLAR SYSTEM, BUILDING AND/OR GROUND-MOUNTED** – A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to, solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

**SOURCE WATER PROTECTION AREA** – The surface and subsurface area surrounding a water well, well field, spring, or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source. The Source Water Protection Area shall consist of the following zones:

- A. Zone I: The protective zone immediately surrounding a well, spring, or infiltration gallery which shall be a one-hundred (100') to four-hundred (400') foot radius, depending on site-specific source and aquifer characteristics.

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- B. Zone II: The zone encompassing the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery. Zone II shall be one-half (1/2) mile radius around the source unless a more detailed delineation is approved.
- C. Zone III: The zone beyond Zone II that contributes surface water and groundwater to Zones I and II.
- D. For the purpose of this Ordinance, the Ferguson Township-Wide Source Water Protection Zone II Overlay District encompasses the entire area of Ferguson Township.

**SOURCE WATER PROTECTION OVERLAY DISTRICT** – Wellhead protection areas surrounding public water supply wells, including Zones I, II, and the Township-Wide Source Water Protection Zone II.

**SPECIFIED ANATOMICAL AREAS** –

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or breasts below a point immediately above the top of the areola.
- B. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** –

- A. Acts of masturbation, sexual intercourse, sexual bestiality or physical contact with a person's clothed or unclothed genitals, pubic areas, buttocks or breast.
- B. The condition of human genitals when in a state of sexual stimulation or arousal.
- C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- D. The showing of the human genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.

**SPORT AND FIELD COMPLEXES** – A recreational facility consisting of multiple fields and athletic venues, which may be either indoor or outdoor facilities. These facilities may include other elements, such as health and athletic clubs and other recreational, entertainment or sports facilities and concession stands.

**SPORTING AND ENTERTAINMENT ARENAS & STADIUMS** – A principal use that includes a structure with seats for spectators to observe sporting, recreational, or entertainment events.

**SPRING** – Place where a concentrated discharge of ground water flows at the ground surface, including perched water flow from the soil.

**SQUARE** – A spatially defined element of usable open space designed such that it directly abuts streets on two or more sides. Squares may be located throughout the required open space of a community in a manner which enhances the form, appearance and function of this element of the community. Landscaping and lighting must be provided to augment the function of this feature within the open space network.

**STACK OR CHIMNEY** – Any structure enclosing a flue or flues that carries off smoke or exhaust from a furnace located inside or outside of a structure.

**STAGING AREA** – An off-street facility used for the transfer of loads to, from or between trucks. This site is intended to be used for more than four (4) months out of a twelve (12) month period pursuant to stand-alone agreement with the property owner.

**STATE OBSCENITY CODES** – Section 5903, Title 18, Pennsylvania Consolidated Statutes, and as amended.

**STEALTH TECHNOLOGIES** – Camouflaging methods applied to wireless communications facilities, communications antenna and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted communications antenna, building-mounted communications antenna painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles, and light poles.

**STEEP SLOPE** – Land whose slope (surfaces at an angle to the plane of the horizon) is 25% or more a vertical difference of 25 feet or more per 100 feet of horizontal distance.

**STORAGE** – A space or place for storing materials and supplies for use by the principal use located on the same site. Includes the storage of goods which were produced on site. Storage is accessory to the principal use on the site.

**STORAGE TANK** – Any Aboveground (AST) or Underground (UST) storage tank which is used for the storage of any regulated substance.

- A. A tank of 1,100 gallons or less capacity used for storing motor fuel or motor oil for noncommercial purposes.
- B. A tank used for storing heating oil for consumptive use on the premises where stored.
- C. A pipeline facility, including gathering lines, regulated under:
  - 1) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A. App. §§1671 – 1687).
  - 2) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.A. §§ 2001 – 2015).
  - 3) An interstate or intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (A) or (B).
- D. A surface impoundment, pit, pond, or lagoon.
- E. A stormwater or wastewater collection system.
- F. A flow-through process tank including, but not limited to, a pressure vessel and oil and water separators.
- G. A nonstationary tank liquid trap or associated gathering lines directly related to oil and gas production or gathering operations.
- H. Tanks which are used to store brines, crude oil, drilling, or frac fluids and similar substances or materials which are directly related to the exploration, development, or production of crude

**Definitions**

- oil or natural gas regulated under the Oil and Gas Act (58 P.S. §§601.101 – 601.605).
- I. Tanks regulated under the Surface Mining Conservation and Reclamation Act (52 P.S. §§1396.1 – 1396.31).
  - J. Tanks used for the storage of products which are regulated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. §§6018.101 – 6018.1003).
  - K. Tanks regulated under the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003) including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management.
  - L. A tank of 1,100 gallons or less in capacity located on a farm used solely to store or contain substances that are used to facilitate the production of crops, livestock, and livestock products on the farm.
  - M. Tanks which are used to store propane gas.
  - N. Tanks containing radioactive materials or coolants that are regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2297).
  - O. Tanks regulated under the act of May 2, 1929 (P.L. 1513, No. 451), known as the Boiler Regulation Law (35 P.S. §§1301 – 1500).
  - P. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.
  - Q. A tank that contains a de minimis concentration of regulated substances.
  - R. An emergency spill or overflow containment tank that is expeditiously emptied after use.
  - S. Other tanks excluded by regulations promulgated under the Storage Tank and Spill Prevention Act.

**STORAGE TANK – ABOVEGROUND (AST)** – One or a combination of stationary tanks with a total capacity in excess of 250 gallons, including underground pipes and dispensing systems connected thereto within the emergency containment area, which is or was used to contain an accumulation of regulated substances, and the volume of which, including the volume of piping within the storage tank facility, is greater than 90% above the surface of the ground. The term includes tanks which can be visually inspected, from the exterior, in an underground area. The term does not include the following, or pipes connected thereto:

**STORAGE TANK – EXEMPTED** – Any tank or container which contains hazardous or petroleum substances, either above or underground, which is otherwise unregulated by the Storage Tank and Spill Prevention Act (STSPA), as amended. For the purpose of this ordinance, exempted tanks are limited to the following: on-premise heating fuel tanks, farm or residential motor fuel tanks with a capacity of 1,100 gallons or less, and tanks, drums, or containers with a capacity of less than 110 gallons which contain hazardous materials.

**STORAGE TANK FACILITY** – One or more stationary tanks, including any associated intrafacility pipelines, fixtures, monitoring devices, and other equipment. A facility may include aboveground tanks, underground tanks, or a combination of both. The associated intrafacility pipelines, fixtures, monitoring devices, and other equipment for an aboveground storage tank shall be that which lies within the secondary containment area.

**STORAGE TANK – UNDERGROUND (UST)** – Any one or combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10% or more beneath the surface of the ground. The term shall not include:

- A. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.
- B. Tanks used for storing heating oil for consumptive use on the premises where stored unless they are specifically required to be regulated by Federal law.
- C. A septic or other subsurface sewage treatment tank.
- D. A pipeline facility (including gathering lines) regulated under:
  - 1) The Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481, 82 Stat. 720, 49 U.S.C. App. § 1671 et seq.).
  - 2) The Hazardous Liquid Pipeline Safety Act of 1979 (Public Law 96-129, 93 Stat. 989, 49 U.S.C. § 2001 et seq.).
- E. An interstate or intrastate pipeline facility regulated under State laws comparable to the provisions of law in paragraph (4).
- F. Surface impoundments, pits, ponds, or lagoons.
- G. Storm water or wastewater collection systems.
- H. Flow-through process tanks.
- I. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.
- J. Storage tanks situated in an underground area (such as a basement, cellar, working mine, drift, shaft, or tunnel) if the tank is situated upon or above the surface of the floor.
- K. Except for tanks subject to the requirements of 40 CFR 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST), tanks regulated pursuant to the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management.
- L. Any underground storage tank system whose capacity is 110 gallons or less.
- M. Any other tank excluded by policy or regulations promulgated pursuant to this act. (Def. amended May 10, 1996, P.L.171, No.34)
- N. Fire Suppression Tanks

**STORAGE OF PASSENGER VEHICLES AND LIGHT TRUCKS** – A facility or structure intended for the temporary storage of passenger vehicles and light trucks.

**STORMWATER MANAGEMENT SITE PLAN (SWM SITE PLAN)** – The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with Chapter 26, Part 1. The contents of the SWM site plan are established in Chapter 26, Part 1, Subpart D, "Stormwater Management Site Plan Requirements," § 26-403, "Plan

**Definitions**

Submission."

**STORMWATER MANAGEMENT STRUCTURE** – A designed device, constructed or manufactured, used in a soil or water conservation or management system to retain, regulate or control the flow of water.

**STORY** – A habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Attics and raised basements are not considered stories for the purposes of determining compliance with regulations associated with Traditional Town Development or Mixed Residential Area development(s).

**STREAM** – A watercourse. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Centre County" mapping or as watercourses shown on a U.S.G.S., 75 minute quadrangle map as solid blue lines or as state open waters identified in a letter of interpretation issued by the Pennsylvania DEP. Streams are also shown as blue lines on the most recent Streams Within the Centre Region, U.S.G.S. National Hydrologic Dataset (NHD) mapping as noted in attached Appendix E.

**STREAM CROSSING** – A bridge, ford or structure installed across a stream or watercourse for temporary and/or permanent use as a means of ingress and egress, livestock, or construction and/or agricultural vehicles.

**STREET** – Includes a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified according to the functions they perform:

**RESIDENTIAL ACCESS STREET** – A street that provides access to abutting properties designed to carry no more traffic than that which is generated on the street itself. No section of the street shall carry an ADT volume greater than 200. Each half of a loop street may be regarded as a single local access street and the total calculated traffic volume on a loop street shall not exceed 400 ADT. These streets may intersect or take access from any street type. Both ends of a loop street, however, must intersect the same collecting street and be laid out to discourage through traffic.

**RESIDENTIAL SUBCOLLECTOR STREET** – A street that provides access to abutting properties and which may also conduct traffic from residential access streets that intersect it. Each subcollector street shall be designed so that no section of it will convey a traffic volume greater than 500 ADT. Each half of a loop subcollector street may be regarded as a single subcollector and the total traffic volume conveyed on a loop street shall not exceed 1,000 ADT. Subcollector streets shall be designed to exclude all external through traffic which has neither origin nor destination on the subcollector or its tributary residential access streets.

**COLLECTOR STREET** – A street that places more emphasis on land access than arterial streets and offers lower traffic mobility. A collector street often carries local bus traffic and provides intracommunity continuity but ideally does not penetrate identifiable neighborhoods. This system includes urban connections to rural collector roads. In the central business district, and in other areas of similar development and traffic density, the collector system may include the entire street grid.

**URBAN ARTERIAL STREET** – Identified as unusually significant in terms of the nature and composition of travel it serves. Its importance is derived primarily from service provided to through travel, from service provided to major circulation movements within the urbanized area, and from service provided to rurally oriented traffic. The urban arterial system serves the major centers of activity of urbanized areas, the highest traffic volume corridors, and the longest trip desires and carries a high proportion of the total urban area travel mileage. The system should be integrated

both internally and between major rural connections.

**RURAL ARTERIAL STREET** – Identified as streets with trip length and density suitable for substantial statewide or interstate travel. Rural arterial streets are those that provide linkage of cities, towns and other traffic generators that are capable of attracting travel over similarly long distances.

**RESIDENTIAL SUBCOLLECTOR STREET AND RESIDENTIAL ACCESS STREET** – Any street which is not defined herein as urban arterial, rural arterial or collector shall be classified as residential subcollector or residential access street based on the average daily traffic count set forth in the definitions of these classifications.

**STREET LINE** – The dividing line between a street and the lot; includes right-of-way line and front lot line.

**STREET WALL** – That portion of the building facade facing the arterial street at the back edge of the sidewalk.

**STRUCTURE** – An object, including a mobile object, includes without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmissions lines.

**STRUCTURES, TRADITIONAL-SCALE FARM** – Buildings and facilities, such as barns and silos, of under 25,000 square feet in area, that are used for farm-related activities.

**STRUCTURES, NON-TRADITIONAL-SCALE FARM** – Buildings and facilities, such as barns and silos, of 25,000 square feet in area or greater, that are used for farm-related activities.

**STRUCTURED PARKING (PARKING STRUCTURE, PARKING GARAGE, OR PARKING DECK)** – A building (or part thereof) which is designed specifically to be for automobile parking and where there are a number of floors or levels on which parking takes place.

**STUDIOS FOR INSTRUCTION OF MUSIC, PERFORMING ARTS** – An establishment used by an artist, dancer, photographer or similar occupant who may or may not offer classes and/or workshops at the studio.

**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.

**SUBSTANTIAL CHANGE** – (1) Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet for structures located outside of the rights-of-way, or 10 feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

**SUBSTANTIAL DAMAGE** – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before damage occurred.

**Definitions**

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement officials and which are the minimum necessary to assure safe living conditions.
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**SUGAR SHACKS FOR PROCESSING SAP FROM TREES ON DIFFERENT LOT** – A facility used for the processing of tree sap harvested at a different location than where it was harvested.

**SUGAR SHACKS FOR PROCESSING SAP FROM TREES ON LOT** – A facility used for the processing of tree sap harvested on the same lot as where it was harvested.

**SURFACE MINING** – Extraction for sale or other commercial use of any mineral which involves removal of the surface of the earth or exposure of the mineral or subsurface to the earth to wind, rain, sun or other elements of nature.

**SURFACE WATERS** – Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of a wastewater treatment process.

**SUSTAINABLE** – An ecosystem condition in which biodiversity, renewability, and resource productivity are maintained over time.

**SWALE** – A natural low-lying stretch of land or minor man-made conveyance channel which gathers or carries surface water runoff.

**TASTING ROOM** – A room or rooms open to the general public, primarily used for the retail marketing of beverage-related products controlled by the PA Liquor Control Board. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the business, as well as related items and other products that reflect or enhance the character or theme of the product(s). Rooms where wine tasting occurs, where beverage tasting is part of the normal business practice in the wholesale marketing of beverage products and that are not open to the public are not considered tasting rooms.

**TAXI AND LIMOUSINE SERVICES** – An establishment which offers transportation in passenger automobiles and vans to persons including those who are handicapped for a fee. The establishment may include facilities for servicing, repairing, and fueling the taxicabs, limousines or vans. For the purposes of this Ordinance, storage and/or test/research locations for driver services such as Uber, Lyft, or equivalent shall apply to this land use.

**TELECOMMUNICATIONS SWITCHING FACILITY** – A building or structure used exclusively for the transmission and exchange of telephone messages. The term shall not include wireless service towers.



TEMPORARY FACILITIES RELATED TO ADVANCED AGRICULTURAL RESEARCH – Supporting structures and or uses that are removed from the site as needed.

TEMPORARY USE – A use lasting for a limited time of seven days or less, unless specified as longer under a particular use. Does not include the construction or alteration of any structure.

THEATER – building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

TILLING – The agricultural preparation of soil by use of various mechanisms and tools.

TOTAL RIPARIAN BUFFER WIDTH – The sum of the widths of Zone One and Zone Two riparian buffers for the standard case where buffer averaging is not permitted.

TOTAL MAXIMUM DAILY LOAD (TMDL) – A tool for establishing the allowable loadings of a given pollutant in a surface water resource to meet predetermined water quality standards.

TOWER – A monopole, freestanding, or guyed structure that supports a wind generator.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY – Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes including self-supporting lattice towers, guyed towers or monopole towers. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

TOWER HEIGHT – The height above grade of the fixed portion of a wind generator tower, excluding the wind turbine and blades.

TOWNHOUSES – Three or more single-family dwellings connected by common side party walls to other single-family dwellings where all except the end units are connected on both sides by party walls. Also referred to as single-family attached dwellings (three or more dwelling units).

TOWNSHIP – The Township of Ferguson, Centre County, Commonwealth of Pennsylvania.

TOWNSHIP ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Ferguson Township.

TRANSMITTER – An electronic device that generates radio waves of various frequencies, modulates the radio waves' amplitude of frequency and sends them through space by means of an antenna using greater than 100 watts of power.

TREATMENT CENTER – A use (other than a prison or hospital) providing treatment and/or housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. Criminal rehabilitation, such as criminal halfway house.
- B. Addiction to alcohol or a controlled substance.
- C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

**Definitions**

**TTD OPEN SPACE** – Area which has been specifically designed or set aside to accommodate recreation, relaxation, or environmental preservation in accordance with the provisions of §27-303. This does not include yard areas, or setbacks associated with lots designated for uses other than open space uses.

**TURBINES** – The parts of a wind system including the blades, generator, and tail.

**TUTORING AND STUDY CENTER** – An operation which provides educational assistance to children in 1st through 12th grades based on a system of learning or instructional standards that supplement the child's primary school participation and attendance. The use and distribution of educational materials is anticipated as accessory to the operation of the center.

**UNDERGROUND INJECTION WELL** – A bored, drilled, driven, or dug well for the emplacement of fluids into the ground (except open loop geothermal heat pump systems).

**UNDERSTORY TREE** – a tree, either single-stemmed or multi-stemmed (clump form), which has a caliper of at least 1½ inches at planting and is of a species which, at maturity, can be expected to reach a height of at least 10 feet. See the Township's official plant list for a listing of permitted understory trees.

**UNIFIED DEVELOPMENT** – A development which is under single or multiple ownership and control at the time of land development approval and which is planned as an integral commercial unit, containing common, unified or interconnected parking facilities and served by a limited number of common or shared access driveways.

**UNREGULATED YARD AREA** – Area not within a building and not in a defined setback or yard area.

**UNTREATED LUMBER** – Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

**USABLE OPEN SPACE** – Open space which has been designed in accordance with those purposes for which it is intended to be used. This does not include unbuildable portions of the site unless they have been incorporated as a design feature such as a greenway, conservation area, or other passive park space.

**USE** – Any purpose for which a lot or structure may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a structure on a lot.

**USE, ACCESSORY**– See “Accessory Use”.

**USE, CONDITIONAL** – See “Conditional Use”.

**USE, PERMITTED** – See “Permitted Use”.

**USE, PRINCIPAL** – See “Primary/Principal Use”.

**USE, TEMPORARY**– See “Temporary Use”.

**USE BUFFER** – The land area to remain in its natural condition for the purpose of: (1) allowing normal surface water runoff to be filtered for sound environmental practice of maintaining good water quality, and (2) providing an activity of natural scenery preservation adjacent to the watercourse between the neighboring land use, serving as a corridor of water regime preservation.

**USUAL FARM STRUCTURES** – Buildings and facilities that are typically for farm related activity

and typically found on land designated to farm-related activity.

**UTILITY** – A corporation, enterprise, government entity or persons generating, transmitting, distributing, transporting and/or collecting in any manner, electricity, heat, steam, natural gas, propane, water, wastewater, or communications (cable, telephone and fiber optic) to the public, or any portion thereof.

**UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**VARIANCE** – A permissive waiver of terms and conditions of this chapter issued by the Zoning Hearing Board.

**VERTICAL CLOSED-LOOP BOREHOLE** – A borehole which is constructed to receive heat exchanger loop pipes and grout material. Fill material may be used below a minimum depth of 20 feet below grade as the subsurface conditions warrant.

**VERTICAL MIXED USE BUILDING** – A building with more than one use where the separate uses occupy separate floors of the structure.

**VETERINARY OFFICE/CLINIC** – An establishment used by a licensed veterinarian for the diagnosis, treatment or prevention of animal diseases. Temporary/limited boarding of animals, for the purpose of recovery or medical treatment may be included, as well as overnight boarding for short-term care. No outdoor boarding of animals is permitted. Facilities which offer emergency veterinary care are included.

**VILLAGE** – An unincorporated settlement that is part of a township where residential and mixed-use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institution uses exist or are permitted.

**VIOLATION** – The act of not meeting specific conditions or requirements of this Chapter.

**VISUAL RUNWAY** – A runway intended solely for the operation of aircraft using visual approach procedures.

**WALKING, HIKING, BICYCLING AND/OR HORSEBACK RIDING TRAIL** – A pathway designed for and used by equestrians, pedestrians and/or cyclists using non-motorized bicycles.

**WAREHOUSE** – A structure or room(s) for the storage of merchandise or commodities which are not produced on site and are not required for use on site. This use is typically found in conjunction with a distribution center.

**WATER BODY** – A natural or artificial lake, pond, reservoir, swamp, marsh, or wetland.

**WATERCOURSE** – A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATER PRODUCTION FACILITY** – A structure or building whose primary function is the production of potable water for public use. For the purposes of this chapter, such facilities include buildings or structures, including, but not limited to, water treatment facilities, watertowers /tanks/reservoirs or pumping stations and any appurtenant structures including, but not limited to, drying beds, back-up generators and fuel tanks, which are necessary for the operation of the water production facility and compliance with the Pennsylvania Department of Environmental Protection (DEP) regulations.

**WATER SOURCE HEAT PUMP** – A heat pump that uses a water-to-refrigerant heat exchanger to

**Definitions**

extract heat from the heat source.

**WATER TABLE** – Upper surface of the zone of saturation in soil or rock.

**WATER WELL** – A hole or shaft excavated, drilled, dug, or driven for the supply of industrial, agricultural, or potable water for general public consumption.

**WEDDING/CELEBRATION VENUE** – An area of land and/or structure that may be used for weddings/celebrations. Consumption on the premises of food and/or beverages shall occur at these venues.

**WELDING SHOPS, SMALL ENGINE REPAIR** – location for repairs and machine work to support technical operations related to engines, welding and the like.

**WETLANDS** – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**WHOLESALE DISTRIBUTION, WAREHOUSE** – A structure or room(s) for the distribution of merchandise or commodities.

**WIND ENERGY CONVERSION SYSTEM (WEC)** – Any device which converts wind energy to a form of usable energy.

**WIND ENERGY SYSTEM** – A wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries and/or other component necessary to fully utilize the wind generator.

**WIND GENERATOR** – Equipment that converts energy from the wind into electricity. Includes the rotor, blades, and associated mechanical and electrical conversion components necessary to generate, store, and/or transfer energy.

**WIND SYSTEM, BUILDING AND/OR GROUND-MOUNTED** – A device accessory to a principal use that converts wind energy to mechanical or electrical energy.

**WINERY** – Licensed facilities used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the refermenting of still wine into sparkling wine.

**WIRELESS SUPPORT STRUCTURE** – A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a non-tower based wireless communications facility if approved by the Township.

**WORKFORCE HOUSING** – Housing that is affordable for someone earning between 80% and 120% of the median household income in Centre County as determined by the latest Census data. These units shall not be segregated or clustered within a neighborhood or structure and, from the exterior, will provide no evidence that distinguishes them from market-rate units.

**WORKFORCE HOUSING DEVELOPMENT AGREEMENT** – A written agreement duly executed between the applicant for a development, the Township, and the designated third-party administrator of the workforce housing program..

**WORKFORCE HOUSING UNIT** – Housing that is affordable for someone earning between 80% and 120% of the median household income for Centre County as established by the

latest income guidelines defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development. Housing shall be deemed affordable provided that costs of such housing including mortgage, amortization, taxes, insurance, and condominium or association fees, if applicable, constitute no more than 30% of such gross annual household income for a household size that may occupy the unit in question.

**YARD** – An unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

**FRONT YARD** – An open space area extending along the full width of a lot parallel to the front property line or adjacent street right-of-way line, whichever is the closer to the property, which area is unoccupied and obstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

**SIDE YARD** – An open space area extending along the side of a lot parallel to the side lot line, which area shall extend from the front yard area to the rear yard area, except that in the absence of a rear or front yard area the side yard area shall extend the full length of the lot.

**REAR YARD** – An open space area extending across the full width of a lot parallel to the rear property line or adjacent street right-of-way line, whichever is closer to the property, which area is unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

**BUFFER YARD** – An open space inclusive of vegetation and designed to provide an area of separation between different districts or uses.

**YARD SETBACK AREA** – An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the ordinance for front, side or rear yard setbacks.

**ZERO LOT LINE HOME** – A building which is designed for and occupied by one family or group of persons, as with a single-family detached dwelling, living as a single household, with setbacks on three sides and one side built all or partially on a side property line. Structural attachments may be made to adjacent dwellings or garages with walls or fences to the side property line. Noncombustible material must be used when buildings are separated by 10 feet or less. Maximum occupancy shall be determined by the BOCA Building Code or this chapter, whichever is more restrictive. (See also "Zero Lot Line Homes," § 27-207.)

**ZONING ADMINISTRATOR** – The officially designated Zoning Administrator of the Township of Ferguson, Centre County, Commonwealth of Pennsylvania.

**ZONING DISTRICT** – A finite area of the Township, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings and structures. The regulations of a zoning district may be supplemented or altered by regulations imposed in an overlay zoning district.

**ZONING HEARING BOARD** – The Zoning Hearing Board of Ferguson Township.

**ZONING MAP** – The map setting forth the boundaries of the districts of this chapter and adopted by the Board of Supervisors of the Township.

