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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."

(*Ord. 224, 3/15/1981, §101*)

§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.*

(*Ord. 224, 3/15/1981, §102*)

§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, vehicle parking and loading space, 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. 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. [*Ord. 820*]

(*Ord. 224, 3/15/1981, §103; as amended by Ord. 820, 12/8/2003*)

§27-104. Community Development Objectives.

The Community Development Objectives of this Chapter are the goals, objectives and policies of the Centre Region Comprehensive Plan, as applicable to the purposes of this Chapter.

(*Ord. 224, 3/15/1981, §104; as amended by Ord. 820, 12/8/2003*)

§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 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 9.

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.

(Ord. 224, 3/15/1981, §105)

Part 2**District Regulations****§27-201. Establishment of Districts.**

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

<u>District</u>	<u>Map Symbol</u>
Rural Districts	
Agricultural Research	AR [Ord. 820]
Rural Agricultural District	RA
Rural Residential District	RR
Forest/Gamelands District [Ord. 738]	FG
Residential Districts	
Single-Family Residential District	R-1
Suburban Single-Family Residential District	R-1B
Two Family Residential District	R-2
Townhouse Residential District	R-3
Multi-Family Residential District	R-4
Village District	V
Mobile Home Park District	MHP
Planned Residential Development District	PRD
[Ord. 411]	
Commercial Districts	
Office Commercial District	OC
General Commercial District	C
Industrial Districts	
General Industrial District	I
Light Industry, Research and Development District	IRD

(*Ord. 224*, 3/15/1981, §201; as amended by *Ord. 411*, 12/5/1989, §1; and by *Ord. 738*, 10/18/1999, §2; as amended by *Ord. 820*, 12/8/2003)

§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.

(*Ord. 224*, 3/15/1981, §202)

§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 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. 224 of the Township of Ferguson, Centre County, Pennsylvania," together with the date of enactment of Ordinance No. 224. 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. [*Ord. 820*]

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 , _____ 19____ , as parts of Ordinance No. _____ of the Township of Ferguson, Centre County, Pennsylvania," together with the date of adoption of the resolution.

(2) 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 subsections .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 subsections .D(1) through .D(6), above, it shall be the function of the Zoning Administrator to interpret and apply the map. [Ord. 820]

(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.

E. Said Zoning Map may be created, reproduced and distributed in an electronic or digital format for viewing or display on personal computers, posting on a local area computer network, wide area computer network or the world wide web. In the event of such creation, reproduction and/or distribution, said electronic or digital format shall be verified or certified in the manner set forth in subsections .A, .B, and .C, above. And, in the event of any discrepancy between the Zoning Map adopted as provided in subsection .A, amended as provided in subsection .B, or replaced as provided in subsection .C, said paper or hard copy of the Zoning Map shall prevail. [Ord. 820]

(Ord. 224, 3/15/1981, §203; as amended by Ord. 820, 12/8/2003)

§27-204. Use Regulations.

The use of land and structures shall be limited to only the primary and accessory uses permitted in each zoning district, unless specifically permitted, exempted or otherwise modified by this or other Sections of this Chapter. All other uses not expressly permitted are prohibited. In addition to the regulations stipulated for each use in Part 3 through Part 8, the following use regulations shall apply:

A. *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 customarily found in connection with, a particular principle use. Residential uses may be accessory to nonresidential uses only as provided for below. Such arrangement provides opportunities for the provision of workforce housing as well as vibrant mixed-use town centers. Except where otherwise permitted by this Chapter, all accessory structures, which house accessory uses, shall comply with the lot, yard setback and maximum height requirements for the primary use to which it is accessory. Accessory uses may include, but are not limited to, the following:

(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 in Tables 501 and 502, 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 subsection may not exist on a floor or level of the structure on which a primary use exits.

(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.

[Ord. 900]

(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.

(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.

[Ord. 902]

A-1. *Accessory Structure.* A building subordinate to and detached from the principal building on a lot, used for purposes customarily incidental to those of the principal building. The only instance when more than two accessory structures can be located on the same lot is in the RA and RR zones, as noted below.

(1) On residential lots of 2 acres or less, the combined square footage of all accessory structures may not exceed 25% of the gross usable floor area of the principle building. Maximum of two accessory structures.

(2) On nonresidential lots or, those residential lots larger than 2 acres, the combined square footage of all accessory structures shall not exceed 50% of the area of the principle building on the same lot. Maximum of two accessory structures.

(3) In the Rural Agricultural and Rural Residential Zoning Districts, the

accessory structure size and number of limitations shall not apply to any structure accessory to the agricultural use of the property.

(4) 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.

(5) 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.

[Ord. 900]

B. *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.

C. *Automobile Service Stations.* In addition to the district regulations specified, all automobile service stations shall meet the following regulations:

(1) The dismantling of motor vehicles shall be performed within a completely enclosed building.

(2) All dismantled motor vehicles and parts thereof, shall be stored within completely enclosed buildings, except for motor vehicles which are currently licensed and inspected.

(3) Fuel pumps may be located within the front yard setback area provided such are at least 30 feet from any lot line.

D. *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:

(1) 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.

(2) 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.

(3) All paper, cloth and rags, and other fibers and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.

(4) All materials and activities not within fully enclosed buildings shall be surrounded by a fence or wall at least 6 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.

(5) 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.

(6) 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.

(7) The storage of material in piles shall not exceed 20 feet in height.

(8) 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.

(9) 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].

(10) No structure or material storage shall be allowed within 100 feet of a stream, water body or sinkhole.

E. *Child Care Facilities.* In addition to the district regulations specified, child care facilities shall meet the following requirements:

(1) *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:

(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.

(2) *Group Child Care Home.* Group child care shall be permitted as a conditional use which is accessory to a residence in the RA, RR, R1 and R1B districts as long as the group child care home meets the following requirements:

(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. [Ord. 820]

(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 *Ord. 241, 9/28/1982* [Chapter 10, Part 3].

(3) *Child Care Center.* A child care center shall be permitted as a primary use in the R3, R4, V, PRD, OC, C and IRD Districts 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:

(a) All district regulations as specified shall be followed.

(b) Child care centers shall be located only on lots with direct motor vehicle access onto a public street.

(c) 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.

(d) The child care center shall comply with all licensing requirements of the Commonwealth of Pennsylvania.

(e) A zoning permit shall be obtained from the Ferguson Township Zoning Administrator. [*Ord. 820*]

[*Ord. 680*]

F. *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.

G. *Convenience Food Stores.* Convenience food stores, which retail food and beverages primarily to the immediate surrounding population, are defined as small stores permitted in the RR, V and PRD Districts. 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 the flexible buffer yard regulations, §27-807.15. [*Ord. 820*]

(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.

H. *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. [Ord. 820]

I. *Farm Uses.* 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. (See §27-803.2).

J. *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:

(1) No golfing green or fairway shall be closer than 100 feet to any lot line.

(2) Golfing tees and greens for the same hole may not be separated by a public street.

(3) Driving ranges shall have screens or fences of a height and location sufficient to prevent golf balls from landing on the property of another.

K. *Flag Lots.* In addition to the district regulations specified, in the Rural Agricultural, Rural Residential, Single-Family Residential, Two Family Residential and Townhouse Residential 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. [Ord. 820]

(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 subsection (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 subsection (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 subsections (1) through (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 purposes of subsections (1) through (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 subsections (6)(a) and (6)(b), above.

(d) Creation of the flag lot will reduce the loss of tillable acreage associated with a farm parcel that has no additional subdivision potential. [Ord. 865]

(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. [Ord. 820]

(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. [Ord. 820]

[Ord. 295]

K-A. *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:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference with radio or television reception, which is detectable in the neighborhood.
- (6) 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.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not include any illegal activity.
- (9) 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.
- (10) 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.

[Ord. 861]

L. *Home Occupations.* Home occupations 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:

- (1) 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. [Ord. 703]

(2) 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. [Ord. 703]

(3) 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. [Ord. 703]

(4) 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.

(5) Articles sold or offered for sale shall be limited to those produced on the premises.

(6) No repetitive servicing by truck for supplies and materials shall be required by the home occupation.

(7) 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 area as specified by the Sign Ordinance [Chapter 19] and there shall be no exterior storage of materials.

(8) 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.

(9) All parking shall be off street and two off street spaces shall be provided in addition to that required of the residence unit.

(10) 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. [Ord. 703]

(11) One home occupation only may be carried on in a residence.

(12) 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 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. [Ord. 820]

(13) 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.

(14) Any storage of equipment and supplies by any person engaged in a home occupation under this subsection must be in an enclosed building. [Ord. 703]

[Ord. 334]

M. *Surface Mining Controls.*

(1) *Specific Intent.* It is the purpose of this subsection to allow surface mining and its related processing procedures in rural districts by special exception.

(2) *Permits.*

(a) Use of land for surface mining in the rural districts shall be permitted as a special exception, provided the Zoning Hearing Board 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 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 Zoning Hearing Board 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 Zoning Hearing Board shall forward one copy of all applications for a special exception 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 Zoning Hearing Board by an authorized representative of the Ferguson Township Planning Commission during the public hearing held on the application for special exception. 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.* Application for a special exception permit from the Zoning Hearing Board 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. [Ord. 820]

(4) *Limitations.*

(a) No surface mining shall be conducted closer than 100 feet of any public right-of-way or within 300 feet of any property line.

(b) 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.

(c) *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.

N. *Adult Business Uses as Conditional Uses.* Adult business uses are prohibited in the following districts: RA, RR, FG, AR, R-1, R-2, R-3, R-4, V, MHP, PRD, R1B, OC, I and IRD. Adult business uses are permitted in the C (General Commercial) zoning district as a conditional use, as expressed in this and other applicable ordinances, subject to the following:

(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 §27-1003: [Ord. 820]

- 1) The adult business use intended.
- 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 adjunct play areas.

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.* Flexible Buffer Yard D, in accordance with the Township's Landscaping Ordinance [§27-807], 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.[Ord. 820]

(b) A conditional use permit may be modified subject to the criteria and procedures established in this Chapter.

[Ord. 757]

O. *Public and Private Nurseries, Kindergartens, Elementary and Secondary Schools.* Public and private nurseries, kindergartens, elementary and secondary schools shall locate in districts where they are permitted uses only when adjacent to the following street classifications:

(1) Nurseries, kindergartens and elementary schools shall be located only on lots with direct motor vehicle access onto public streets.

(2) Secondary schools shall be located only on lots with direct motor vehicle access onto collector or arterial streets.

P. *Potable Water Well Pump Facilities as a Conditional Use in All Residential Zones and the FG Zone.* In all residential zones and the FG Zone, potable water well pump station facilities, in any form, above or below ground level, shall be permitted as a conditional use by the Board of Supervisors after receiving a recommendation from the Planning Commission if the following standards and criteria are met: [Ord. 738]

(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 pump station is located shall be no more than 55 decibels (dbA).

(2) All items used in the pump station shall be stored within the wellhouse, pump house or a separate storage building. The potable water well location shall not be used for general storage of pipes or other materials not needed for the general functions of the well.

(3) A land development plan shall be prepared in accordance with §27-1003 of this Chapter. [Ord. 820]

(4) An elevation drawing of any structure to be constructed on the

premises shall be provided.

(5) A landscape buffer in accordance with buffer yard C of the flexible buffer yard regulations, §27-807.15, shall be provided between any onsite buildings and the property line. The adjacent buffer is to screen onsite buildings from adjacent properties. A landscaping plan shall be submitted and approved by the Board of Supervisors as a condition of its approval. [Ord. 820]

(6) A minimum 400 foot setback zone from all adjacent property lines shall be provided on the lot where the potable water well is located. The minimum 400 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 400 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.

(7) An erosion and sedimentation control plan shall be prepared and approved.

(8) A plan describing the method to be used to handle the water runoff from the 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. [Ord. 820]

(9) The potable water well site may not be used as a water testing lab. A water storage tower may be placed on the site as a conditional use with approval by the Board of Supervisors.

(10) The Board may also consider placing limitations on signage, access, parking, lighting, height and lot coverage.

(11) Any other conditions the Board of Supervisors may desire to consider.

[Ord. 701]

Q. Athletic Facility Uses as Conditional Uses. Private recreation areas, arenas and stadiums shall be located in the districts where they are permitted as conditional uses by the Board of Supervisors after receiving a recommendation from the Planning Commission if the following standards are met:

(1) Requirements for all athletic facility uses:

(a) A land development plan shall be required for all athletic facility uses pursuant to §§27-1002 and 27-1003 of this Chapter.

(b) A buffer yard in accordance with the Township's flexible buffer yard regulations set forth at §27-807.15 shall be provided.

(c) The hours of operation shall be limited to between 7 a.m. and 9 p.m. Sunday through Thursday and between 7 a.m. and 10 p.m. on Friday and Saturday. Special occasion events that would exceed the hours of operation shall require Board approval. To request Board approval, a

letter must be submitted a minimum of 1 week prior to the Board meeting at which the request will be acted upon.

(d) Loudspeakers or a public address system shall not be permitted except with Board approval.

(e) Field lighting shall not be permitted except with Board approval. Any lighting that is approved by the Board shall be allowed only during the permitted hours of operation set forth at clause (c) above.

(f) Direct access to a collector or arterial street shall be required. In the event that an athletic facility borders both an arterial and a collector street, the Township Engineer shall designate which street shall be accessed.

(g) A traffic study shall be required if a facility is to be constructed in an area where there are traffic concerns, even if the peak hour trips are not met. The study will be used to identify traffic needs, such as the number of access points. It shall be the responsibility of the Township Engineer to determine if a traffic study is required.

(h) Prior to plan approval, the Township Manager shall determine whether the facility will be hosting events that will require the use of fire or Township police to control the flow of traffic in and out of the event.

(i) Impervious parking shall be limited to a maximum of 50 spaces. Additional impervious parking may be approved by the Board after receiving a recommendation from the Planning Commission.

(j) Gravel parking shall be treated the same as impervious parking.

(k) Pervious parking must have a surface that is designed for vehicular traffic and shall have a run-off coefficient equal to or less than 0.30. The Township Engineer must approve the design of the pervious parking. The location of the pervious parking must be defined on the plan.

(l) The sale of any goods, concessions, food or drink shall not be permitted unless a license for an eating and drinking establishment has been obtained pursuant to other applicable ordinances and regulations of Ferguson Township.

(m) Any other conditions that the Board may wish to require.

(2) Requirements for private recreation area uses (in addition to the requirements listed above):

(a) Temporary toilet facilities must be provided. The location of such facilities shall be shown on the land development plan. The Board shall approve the installation and removal of such facilities.

(b) No land development plan shall be required where a land development plan exists with the required parking and adequate area for the private recreation area use, or the property owner has adequate area available for a private recreation area use and has the required parking

on the existing lot and the primary use on the property existed prior to the Township requirement that a land development plan be filed. In each of these instances, the property owner shall be required to submit a zoning permit application with a sketch plan to scale showing the location of the proposed use; the existing required parking; the location of the required plantings and temporary toilet facilities; and any other required information. [Ord. 672].

(c) Private recreation area uses may be located in stormwater detention basins. Stormwater detention basins shall not be altered by the proposed private recreation area uses. No private recreation area uses, structures or accessory uses may be erected in the stormwater detention basin, except temporary spectator stands, baseball backstops, soccer nets, football goalposts or other structures approved by the Township Engineer that will not interfere with the primary purpose of the stormwater detention basin.

[Ord. 821]

R. *Uses Omitted and Prohibited.* This Chapter is intended to apply to all conceivable uses and structures. If there is any doubt as to the classification of a particular use or structure under this Chapter, the Zoning Administrator shall interpret this Chapter by determining the district in which the use or structure shall be permitted and the lot, yard setback, height and other regulations which shall apply to the particular use or structure. Under no circumstances, however, shall the following uses be permitted in any district in the Township: [Ord. 820]

(1) Any dumping, depositing or filling with refuse, garbage or building debris not in accordance with State regulations.

(2) The removal of topsoil and sod, except as part of the construction, grading or alteration of an approved building, street, construction site or other structure, the normal preparation and maintenance of lawns, mining and quarrying, or the removal of sod as part of a recognized farm or garden use.

S. *Uses Permitted.* One single-family detached dwelling is permitted on a minimum 1 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.

T. *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.

(1) *Temporary Uses Permitted.* The following temporary uses are permitted according to the requirements specified and only for the period of time prescribed below:

(a) *Outdoor Retail Sales (Other Than Vehicles as per §27-809 (F), 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 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.

(2) *Motor Vehicle Code Access Requirements.* The above temporary uses shall meet the Motor Vehicle Code access requirements set forth in §27-808 of this Chapter. 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.

(3) *General Requirements.*

(a) All temporary uses shall be provided with adequate sanitary facilities.

(b) At the end of the permitted time period, the temporary use and accompanying structure, signs, etc., shall be removed.

(c) 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]

(d) 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.

(e) 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.

(f) 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 §27-1003.4. shall not apply. [Ord. 820]

(g) 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.

(h) The above-permitted temporary uses shall be required to provide off-street parking spaces in accordance with §27-809 of this Chapter, but shall be exempt from the following subsections of §27-809.A(2)(d), .A(5), .C(5), .C(6), .C(8) and .D.

(i) The temporary uses permitted by this Section shall provide the following number of parking spaces:

<u>Use</u>	<u>Number of Spaces</u>
Outdoor retail	1 per 250 square feet of retail space

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

(a) Sale of produce if grown on the property where the sale occurs.

(b) *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.

(c) 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.

(d) *Garage and Yard Sales on Residential Property.* May be held for a period of 3 days or less, not more than five times per year.

[Ord. 733]

U. *Large Personal Care Homes.* A conditional use permit for a large personal care home (as defined in Part 12 of this Chapter) shall be issued by the Board of Supervisors, providing the following specific conditions are satisfied:

- (1) Minimum Lot Size: 2 acres.
- (2) Minimum Lot Width: 150 ft. at building setback line, 100 feet at street line.
- (3) Maximum Building Coverage: 30%.
- (4) Maximum Impervious Coverage: 50%.
- (5) Front Yard Setback: 50 feet.
- (6) Side Yard Setback: 50 feet.
- (7) Rear Yard Setback: 75 feet.
- (8) Maximum Height: Relevant district requirements apply.
- (9) Off-street parking shall be prohibited in the front yard setbacks, the required setback for the parking lot shall be 25 feet for the side yard and 35 feet for the rear yard.
- (10) The use is prohibited at the portion of any cul-de-sac that exceeds the cul-de-sac length limit.
- (11) All portions and sides of the residentially occupied buildings for this use that have sides and walls visible from a street or any adjacent residentially occupied property shall be covered with the same and/or compatible materials as are used on the designated "front." Furthermore, these surfaces shall be of materials compatible with single-family homes in zones of V, RR, R-1, R-2 and R-1B. [Ord. 820]
- (12) The perimeter of the parking lot shall be screened in accordance with the applicable commercial buffer yard section of this Chapter, §27-206.I.
- (13) The number of persons per rooming unit shall be provided on the land development plan.
- (14) An interior floor plan shall be provided with the land development plan.

[Ord. 646]

V. *Private Kindergarten and Elementary Schools.*

(1) Private kindergarten and elementary schools when sited within the IRD zone shall possess at least one tract border adjacent to a residentially zoned area.

(2) Private kindergarten and elementary schools when sited with the IRD District shall, to the extent possible, have vehicular access to roads not primarily used by industrial traffic and trucks. [Ord. 741]

(3) 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.

(4) The required side yard and rear yard setbacks for the private kindergarten or school use in the IRD zone shall be doubled for any portion of the school/kindergarten that is used for public assembly whether indoor or outdoor. A school/kindergarten facility shall be considered as being used for public assembly if it possesses bleachers, permanent seating for viewing events or a cafeteria.

[Ord. 658]

W. *Model Home.* One model home shall be permitted per subdivision in the R-1, R-1B, R-2, R-3 and R-4 zoning districts as a conditional use, in accordance with the following conditions: [Ord. 820]

(1) The model home shall be constructed for eventual occupancy as a residence within the subdivision. During the time period the building serves as a model home, it shall not be used as an office unrelated to the subdivision for which it is a model home.

(2) The model home shall provide sufficient off-street driveway parking for four cars.

(3) The maximum period of time for which a model home use may be maintained shall be predicated on a ratio of 1 year in use for every ten homes the relevant subdivision is to contain.

(4) The model home may be installed within any section of the subdivision, and it may be moved to different sites in the subdivision provided that each different site proposed satisfies the conditional use criteria set forth herein.

(5) The model home is required to be converted to a residence within the subdivision upon the earlier of the following two events: (a) there are less than ten remaining unsold house lots; or, (b) the period of time stipulated in subsection (3), above, is exhausted.

(6) The minimum number of residential lots needed to qualify a subdivision for a model home is twenty.

[Ord. 671]

X. Bed and Breakfast as Accessory Uses.

(1) A bed and breakfast which contains one to three rooms shall be permitted as an accessory use to an owner-occupied single-family dwelling unit in the RA, RR, V and R1 Districts 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.

(a) One paved off-street parking space shall be provided per guest room in addition to the spaces required for the dwelling unit. In the RA and RR zones, if the existing driveway and parking spaces are not paved, the additional parking spaces required by this Section do not have to be paved. These parking spaces may not be stacked and must comply with this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22].

(b) 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.

(c) 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.

(d) The bed and breakfast shall comply with all building and fire code regulations.

(e) The bed and breakfast is permitted one sign in accordance with the Township sign regulations for home occupations.

(f) 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.

(g) A home occupation permit application (including a sketch plan and floor plan) shall be supplied to and approved by the Township Zoning Administrator.

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

(a) 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.

(b) 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 6 feet shall be provided around the perimeter of the parking lot.

(c) The lot and yard requirements shall be in accordance with the underlying zoning district.

(d) 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.

(e) 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.

(f) All areas of the bed and breakfast facility shall comply with all building and fire code regulations.

(g) 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 5 feet in height and shall serve only to identify rather than advertise the bed and breakfast.

(h) 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.

(i) 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.

[Ord. 917]

Y. *Campgrounds.* Campgrounds shall be permitted in the FG District as a conditional use, in accordance with the following conditions:

(1) Adequate sewer and water facilities must be provided.

(2) No camper, trailer, tent or recreational vehicle may be placed permanently on the site.

(3) Onsite administration and security must be provided.

(4) Landscape screening must be provided to screen the campground from adjacent noncompatible uses as defined by the Board of Supervisors.

(5) A plan which identifies the original vegetative cover to remain shall be approved by the Board of Supervisors.

(6) Access must be provided from a public collector road.

(7) Appropriate fire prevention measures must be provided.

(8) Solid waste disposal must be provided.

(9) The Board of Supervisors must approve all recreational facilities onsite.

[Ord. 738]

Z. *School Zone Signage.* School zone signage shall be provided for all schools and all roads in accordance with Title 67, Pa.Code. [Ord. 741]

AA. *Air Quality Learning Centers.* Air quality learning centers shall be permitted as a conditional use in the RA zoning district if the following conditions are satisfied:

(1) The size of the facility shall not exceed 1 acre.

(2) The facility shall not be located any closer than 200 feet from any adjoining residential zoning district.

(3) The mechanical equipment at the facility shall not produce noise which can be heard at the property line of any residential dwelling.

(4) The facility shall not exceed 25% impervious coverage.

(5) A land development plan shall be submitted to and approved by the Township.

(6) During design, the natural drainage of the site should be maintained.

(7) No structure within the facility shall exceed 40 feet in height.

(8) Security lighting at the facility shall be permitted in accordance with the Township lighting ordinance.

(9) Traffic shall be limited to a maximum of 50 trips per day to the facility.

(10) A vegetative screening shall be provided around the leased area or disturbed site to minimize views from adjacent properties. Flexible buffer yard "C" shall be used and will satisfy the buffer yard requirement for the property.

(11) Any electric power extended to the site shall be underground.

(12) The following yard setback requirements shall apply for this use: Front yard = 50 feet; side yard=50 feet; and rear yard=50 feet.

(13) Any other reasonable conditions as proposed by the Board.

[Ord. 797]

BB. *Riding Stable and/or Academy.* A riding stable and/or academy shall be

permitted as a conditional use in the RA zoning district if the following conditions are satisfied:

- (1) All applications for a riding stable and/or academy conditional use permit shall be accompanied by a land development plan prepared in conformance with the provisions of §27-1003.
- (2) A minimum lot size of 50 acres shall be required.
- (3) The maximum impervious cover, exclusive of access, shall be 100,000 square feet or 10% of the lot size - whichever is less.
- (4) All required off street parking spaces and aisles shall consist of 6 inches of crushed and compacted stone.
- (5) A lot width of 150 feet is required - measured at the street line. The lot shall maintain frontage on a public street.
- (6) Front, side and rear setbacks shall be a minimum of 50 feet.
- (7) 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.
- (8) Maximum building height shall be 40 feet.
- (9) The site shall be subject to all code requirements in Chapter 5 of the Township Code of Ordinances.

[Ord. 852]

CC. *Eating and Drinking Establishments.* Eating and drinking establishments shall be permitted as a conditional use in the OC Zoning District if the following conditions are satisfied:

- (1) The site will be designed to promote a pedestrian orientation with service designed to accommodate the immediately surrounding population.
- (2) Gross floor area shall not exceed 1,200 square feet.
- (3) No direct access to an arterial street shall be permitted.
- (4) The sale and/or service of alcoholic beverages shall be prohibited.
- (5) The site may not abut lots which are zoned for residential use.
- (6) No establishment shall be open for business between the hours of midnight and 7 a.m.
- (7) All sales and displays shall be within completely enclosed buildings, and there shall be no display or storage of any material outside such buildings.
- (8) 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.

[Ord. 870]

DD. *Kennel*. Kennels shall be permitted in the RA and RR Districts subject to conformance with the following:

(1) The owner must be licensed and at all times in conformance with the kennel provisions of the Pennsylvania Dog Law, 3 P.S. §459-101 *et seq.*, and the Animal Welfare Act, 7 U.S.C.A. §2131 *et seq.*

(2) Any site that abuts residentially occupied property must provide adequate screening and noise abatement.

[Ord. 888]

EE. *Pet Care Facility*. Pet Care Facilities shall be permitted in the RA, RR, and IRD Districts subject to conformance with the following:

(1) Maximum number of dogs at any one time is 20.

(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) Must provide an area for outside exercise which must include access to shade and must be enclosed/gated.

(4) Indoor play areas, if provided, must include a minimum of 75 square feet per dog.

(5) Any facility within 1000 feet of a residentially occupied site must identify how noise from the site will be controlled to prevent a nuisance situation.

(6) Facilities may operate on a 24-hour basis.

[Ord. 888]

FF. *Pet Day Care Facility*. Pet Day Care Facilities may be permitted in the General Commercial District subject to conformance with the following:

(1) Maximum of 20 dogs permitted at any one time.

(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) Must provide an area for outside exercise which must include access to shade and must be enclosed/gated.

(4) Any indoor play area provided must include a minimum of 75 square feet per dog.

(5) No portion of the facility may be located within 1000 feet of a residential zoning district or within 500 feet of any food service establishment.

(6) Any portion of the site that abuts residentially occupied property must provide a 6-foot landscape screen and/or fencing.

(7) Hours of operation are limited to those between 7 a.m. and 7 p.m.

- (8) No in-home pet day care is permitted.

[Ord. 888]

GG. *Veterinary Office / Clinic.* Veterinary Office/Clinic are permitted in the Rural Agricultural, Rural Residential, General Commercial, and Office Commercial Districts subject to conformance with the following:

- (1) A minimum of one licensed veterinarian must be on staff.
- (2) Dogs may not be left outdoors for any extended period of time.
- (3) Emergency facilities may operate on a 24-hour basis.
- (4) Any facility within 1000 feet of a residentially occupied site must identify how noise from the site will be controlled to prevent a nuisance situation.

[Ord. 888]

HH. *Public Recreation Area(s).* Public recreation areas are permitted in the Rural Agricultural Zoning District, subject to conformance with the following:

- (1) The lot shall have access to a public street.
- (2) The lot size shall be at the discretion of the Board of Supervisors.
- (3) Adequate sewer and water facilities shall be available upon development of the site.

[Ord. 898]

II. *Golf Course(s).* Golf courses shall be permitted in the (RA) Rural Agricultural Zoning District as a conditional use subject to the following conditions:

- (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 §27-1003.
- (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:

- i. Restaurant, snack bar, or lounge.
- ii. Locker and rest rooms; classrooms; and instructional space.
- iii. Pro shop.
- iv. Administrative offices.
- v. Golf cart and maintenance equipment storage and service facilities.
- vi. 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:
 - i. Driving range.
 - ii. Practice putting green.
 - iii. Picnic tables, pavilions and park benches.
 - iv. Snack shacks.

[Ord. 900]

JJ. *Group Home*. Group homes shall be permitted in the RA, RR, R-1, R-2, R-3, R-4, OC, and C Districts subject to conformance with the following:

- (1) The use shall meet the definition.
- (2) A group home shall not include any use meeting the definition of a treatment center.
- (3) A group home shall include the housing of a maximum of six unrelated persons except:
 - (a) The number of bona fide paid professional staff at the unit shall not count towards such maximum.
 - (b) As may be approved by the Zoning Hearing Board
- (4) The applicant shall provide evidence that there is adequate trained staff supervision for the number and type of residents.
- (5) The applicant shall provide evidence of compliance with any applicable Federal, State or County licensing or certification to the Zoning Officer.
- (6) No services for non-residents shall be conducted from the dwelling unit other than limited after-care for prior residents.
- (7) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- (8) The persons living on site shall function as a common household unit.
- (9) The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- (10) Adequate parking to accommodate the use shall be provided on-site. At a minimum this shall include compliance with the provisions of §27-809 based on dwelling unit type and any required overflow spaces.

[Ord. 908]

KK. *Treatment Center.* Treatment centers shall be permitted as a conditional use in the C District subject to conformance with the following:

(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.

[Ord. 908]

LL. *Outdoor Furnaces.* One outdoor furnace shall be permitted through the procedures contained herein given that the following requirements are met:

(1) *Fuel Substances.*

(a) *Permitted.* Combustion of the following fuel substances shall be permitted in outdoor furnaces: natural gas, propane, heating oil, coal, firewood, untreated lumber, wood pellets and processed biomass pellets.

(b) *Prohibited.* Combustion of the following fuel substances is strictly prohibited: industrial waste, rubber, plastics, used motor oil, toxic chemicals, contaminated waste, yard waste, household garbage, cardboard and wastepaper, animal waste and any material prohibited for combustion by Federal or State statute.

(2) *Permitted Zoning Districts.* Outdoor furnaces shall be permitted to be located only in the Rural Agriculture (RA), Rural Residential (RR), and Forest and Gameland (FG) zoning districts where such districts are located outside of the Regional Growth Boundary (RGB).

(3) *Setbacks.* Outdoor furnaces shall be set back no less than 200 feet from the nearest lot lines.

(4) *Vegetation.* An area of not less than 20 feet in any direction around the outdoor furnace shall be kept free of any vegetation with the exception of grass no greater than 4 inches in height.

(5) *Installation and Use.* Outdoor furnaces shall be installed and used in accordance with manufacturer's installation and operating instructions including proximity to the structure being heated.

(6) *Spark Arrestors.* All outdoor furnaces shall be equipped with properly functioning spark arrestors.

(7) *Stack or Chimney Height.* The outdoor furnace shall have a chimney

that extends at least 15 feet above the ground surface. If there are any residences, schools, churches or other occupied structures, excluding agricultural operation buildings, within 500 feet of the outdoor furnace, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such buildings.

(8) *Emission Standards.* All outdoor furnaces, both existing and any future installed units, shall meet current emission standards required by the Environmental Protection Agency (EPA) or Department of Environmental Protection (DEP) for existing furnaces or those standards required by the EPA or DEP at the time of installation on any units in the future.

(9) *Existing Furnaces.* Any outdoor furnace in existence upon adoption of this paragraph shall be permitted to remain provided the owner applies for and receives a zoning permit as required by §27-1002 within 1 year of the effective date of this paragraph. The provisions of paragraph .LL(1)(a) and (b) shall apply immediately to existing outdoor furnaces. If an owner of an existing outdoor furnace does not receive a permit within 1 year of the effective date of this paragraph or within 60 days of notice by the Township, whichever is later, the outdoor furnace shall be removed.

(10) *Suspension of Permit.* A permit issued for an outdoor furnace may be suspended by the Ferguson Township Zoning Officer if it is determined to be necessary to protect the public health, safety and welfare of the residents of Ferguson Township if any of the following conditions occur:

(a) Failure to meet applicable emission standards as set forth by DEP and EPA.

(b) Malodorous air contaminants from the outdoor furnace are detectable outside the property lines of the person on whose land the outdoor furnace is located.

(c) The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property of other residents.

(d) The emissions from the outdoor furnace cause damage to vegetation or property.

(e) The emissions from the outdoor furnace are or may be harmful to humans.

(f) Use of a prohibited fuel substance.

(11) *Reinstatement of permit.* A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Chapter and subject to penalties as provided for in §27-1005.

[Ord. 917]

MM. *Community Gardens.*

(1) *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.

(2) *Standards.* Community gardens shall be permitted in all residential zoning districts and in the IRD zone 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.

(3) *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.

(4) *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.

(5) *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.

(6) *Other Restrictions.*

(a) 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.

(b) 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.

(c) 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.

(d) The following are also prohibited:

- 1) Invasive plants.
- 2) Beekeeping.
- 3) Lighting.
- 4) Greenhouses, hoopouses or coldframes.
- 5) Keeping chickens or other livestock.
- 6) Encroachment within any easement of record.

(7) *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.

[Ord. 938]

(Ord. 224, 3/15/1981, §204; as amended by Ord. 268, 2/9/1984, §1; by Ord. 295, 5/14/1985, §§1,2; by Ord. 303, 11/12/1985, §1; by Ord. 334, 6/23/1987, §1; by Ord. 374,

1/18/1989; by Ord. 400, 7/25/1989, §23; Ord. 409, 11/14/1989, §1; by Ord. 491, 6/17/1991, §1; by Ord. 560, 6/7/1993, §§1,2; by Ord. 595, 9/19/1994, §1; by Ord. 614, 3/20/1995, §1; by Ord. 646, 4/1/1996, §1; by Ord. 658, 9/3/1996, §5; by Ord. 671, 5/5/1997, §1; by Ord. 672, 5/5/1997, §§1-3; by Ord. 680, 8/4/1997, §1; by Ord. 682, 10/20/1997, §1; by Ord. 701, 7/6/1998, §1; by Ord. 702, 7/6/1998, §1; by Ord. 703, 8/3/1998, §§1-5; Ord. 704, 9/8/1998, §1; by Ord. 710, 10/5/1998, §1; by Ord. 720, 12/7/1998, §2; by Ord. 733, 8/16/1999, §1; by Ord. 738, 10/18/1999, §4; by Ord. 741, 10/18/1999, §§1,2; by Ord. 757, 8/7/2000, §1; by Ord. 797, 8/5/2002, §1; by Ord. 820, 12/8/2003; Ord. 821, 12/8/2003, §1; by Ord. 852, 8/1/2005, §1; by Ord. 861, 2/6/2006, §1; by Ord. 865, 8/7/2006, §1; by Ord. 870, 11/6/2006, §2; by Ord. 888, 7/2/2007, §6; Ord. 898, 1/7/2008, §2; by Ord. 900, 2/4/2008, §1; by Ord. 902, 4/7/2008, §1; by Ord. 908, 8/18/2008, §8; by Ord. 917, 1/19/2009, §§1, 2; by Ord. 935, 5/17/2010, §2; and by Ord. 938, 7/19/2010, §2)

§27-205. 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 in subsection .C, below, or §27-406, "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. [Ord. 411]

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 25 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 developed portion of the tract.

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 §27-206.I(2) 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 restrictionlimiting 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.

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 he 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.

(*Ord. 224*, 3/15/1981, §205; as amended by *Ord. 342*, 9/22/1987, §§1-3; by *Ord. 411*, 12/5/1989, §2; and by *Ord. 576*, 1/17/1994, §2; and by *Ord. 820*, 12/8/2003)

§27-206. Yard Requirements.

No structure shall be placed in the front, side or rear yard setback areas specified for each use in Part 3 through Part 6 of this Chapter, 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 as defined in §27-1202 of this Chapter and described further in §27-209 of this Part.

(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.

[*Ord. 651*]

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. [*Ord. 804*]

D. Fences, walls and signs are permitted in any yard setback area unless otherwise restricted or prohibited by other provisions of this Chapter. [*Ord. 257*]

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. [*Ord. 820*]

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 or Forest Gamelands, as of the effective date of this Part, or thereafter, is later changed to a different zoning district classification, then a buffer yard of not less than 200 feet in width shall be provided on each side of the new district boundary where the rezoned land adjoins land zoned Rural Agricultural and/or Forest Gamelands. No buffer shall be required where the district boundary is coterminous with a public street, except when the public street is located within the Corridor Overlay District. When the property is located within the Corridor Overlay District, the buffer yard requirements of the Corridor Overlay shall take precedence. The buffer yard shall be parallel to and adjacent with the district boundary and shall include the required setback. No buildings or swimming pools shall be erected within the buffer yard.

(1) Where a lot exists of record as of the effective date of this Chapter, and as a result of a subsequent zoning change is required under this Section to have a buffer yard, then if the depth of that portion of the lot adjoining the new district boundary line is less than 600 feet, the required buffer shall be at least 1/3 of the depth of the lot from said district boundary line, but not less than the required applicable yard setback.

[Ord. 739]

J. 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. [Ord. 656]

(Ord. 224, 3/15/1981, §206; as amended by Ord. 232, 7/13/1982, §1; and by Ord. 257, 4/12/1983, §1; by Ord. 276, 9/27/1984, §1; by Ord. 411, 12/5/1989, §3; by Ord. 625, 10/2/1995, §4; by Ord. 651, 5/20/1996, §6; by Ord. 656, 6/17/1996, §1; by Ord. 681, 9/2/1997, §1; by Ord. 730, 6/7/1999, §1; by Ord. 739, 10/18/1999, §1; by Ord. 747, 12/13/1999, §2; by Ord. 804, 11/18/2002, §1; and by Ord. 820, 12/8/2003)

§27-207. Maximum Height Requirements.

No structure shall exceed the height limitations specified for the use in Parts 3 through 6, 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: [Ord. 820]

(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.

[Ord. 781]

(Ord. 224, 3/15/1981, §207; as amended by Ord. 725, 4/5/1999, §1; and by Ord. 736, 9/7/1999, §2; and by Ord. 781, 8/5/2002, §1; and by Ord. 820, 12/8/2003)

§27-208. Zero Lot Line Homes.

Zero lot line homes, pursuant to the definition found in §27-1202 of this Chapter, shall be permitted, provided that the following requirements are satisfied:

A. 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.

B. 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.

C. No doors or windows of any kind shall be permitted on the zero lot line sidewall of the dwelling/structure.

D. 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.

E. 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.

(*Ord. 224*, 3/15/1981, §209; as added by *Ord. 651*, 5/20/1996, §8)

§27-209. Communications Facilities and Towers.

1. *Intent.* The communications regulations are intended to achieve the following:

A. To provide a competitive and wide range of communications services while minimizing the impacts of the communications infrastructure in populated areas.

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

C. To ensure that new towers will be safe, placed in suitable locations and blend into the environment where located.

2. *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 omni-directional antennas such as whip antennas. 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 - a communications facility consists of equipment, buildings and structures involved in transmitting and receiving electromagnetic waves.

Communications tower - any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, towers used for research purposes and the like. The term includes the structure and any support thereto. Not included are towers 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 building - the building in which electronic receiving and relay equipment for a tower is housed.

3. *Review and Permitting.*

A. All applications for the location, subdivision, lease and licensing of sites for all new communications facility buildings and towers are subject to the requirements of this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22] and are subject to land development plan review by the Planning Commission and approval by the Board of Supervisors. [Ord. 820]

B. Communications facilities that cease to operate for 12 consecutive months shall be determined to have terminated operation and must be removed at the expense of the facility and/or property owner within 90 days after said determination is made.

C. Legally pre-existing communications towers and antennas will not be required to meet the following requirements unless specifically indicated.

4. *Location, Setback and Height Requirements.*

A. Communications towers are permitted in the following zoning districts:

RA (Rural Agricultural District)

RR (Rural Residential District)

C (General Commercial District)

OC (Office Commercial District)

I (General Industrial District)

IRD (Light Industry, Research and Development)

FG (Forest/Gamelands District) [*Ord. 738*]

B. *Maximum Height of Communications Towers.*

(1) Two hundred feet - measured from the average natural grade to the top point of the communications tower or antenna, whichever is greater.

(2) Communications towers constructed at a height greater than 200 feet but not to exceed 300 feet shall be permitted as a conditional use in the RA, RR, C, OC, I and IRD districts by the Board of Supervisors 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 communications tower to more than one provider. The document must describe the additional tower height that is required to provide 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 within 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 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 service. The purpose of this conditional use is to permit an increase in the height of one tower to reduce the need for additional towers.

C. *Minimum Setback for Communications Towers.* The minimum setback for communications towers shall be as required in the applicable zoning district. [*Ord. 801*]

D. *Minimum Lot, Lease Area, and/or License Area Size of Communications Facilities.* No minimum lot, lease area and/or license area size is required for a communications facility, however, as required in the applicable zoning district and subsection .C, above, the setbacks of the parent tract perimeter boundaries shall

apply.

E. *Evidence of Need for Communications Towers.* It is required that the applicant for the placement of a communications tower shall submit to Ferguson Township evidence of the need for the tower in the proposed location and that the applicant has exhausted all alternatives to locate on an existing tower or structure. 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, communications towers, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a 1 mile radius of the chosen location. Co-location is not possible if:

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

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

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

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

(5) Other reasons make it impractical to place the equipment planned by the applicant on existing and approved towers.

F. *Communications Antennas.* Communications antennas may be mounted on the ground or attached to any building or structure in all zoning districts including, but not limited to, a church, an apartment building, a municipal or governmental building or facility, an agriculture building, a building owned by a utility, communications tower, water tank and major electrical transmission lines. Pursuant to the following:

(1) Antennas shall not be permitted on single-family homes, townhomes, duplexes or quadplexes.

(2) Antennas shall conform to the minimum setback requirements of the applicable zoning district.

(3) Zoning and building permits shall be required.

(4) Antennas shall extend no higher than:

a) Fifteen feet above the height of the structure (i.e., attached to a water tower or roof of a building). When attached to a communications tower the antenna shall not extend higher than the maximum permitted height of the tower.

b) The maximum height permitted in the zone, above existing grade when mounted on the ground or mounting pedestal. The total height of the antenna shall include the height of the mounting pedestal.

(5) When mounted on a communications tower, the antenna shall not project further than 20 feet from the center of the tower.

5. *Design and Construction.*

A. Any proposed communications tower shall be designed structurally, electrically and, in all respects, to accommodate both the 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. Communications towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

B. The communications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EPA-222-F manual, as amended.

C. A soil report complying with the standards of Appendix I, Geotechnical Investigations, ANSI/EIA-222-F manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the communications tower and anchors for the guy wires if used.

D. Communications towers shall be designed and constructed to withstand wind gusts of at least 100 miles per hour.

E. A communications tower may not 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.

F. Guy wires are not permitted. The monopole must be self-supporting. [*Ord. 801*]

G. The applicant shall provide upon request, a statement from a qualified licensed and professional registered engineer that the NIER (Non-Ionizing Electromagnetic Radiation) emitted from the communications tower, when measured in conjunction with the emissions from all communication facilities 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 Federal Communications Commission (FCC) or the American National Standards Institute (ANSI).

H. Except as required by the Federal Aviation Administration, no tower may use artificial lighting or strobe lighting at night.

I. Upon request, the applicant shall provide to Ferguson Township, not more than once per year, information indicating that the approved communications tower or antenna remains structurally sound. The applicant shall bear the costs of any inspection necessary to determine the structural soundness of a communications tower or antenna.

J. The communications facility shall be designed in accordance with the Township's Noise Ordinance [Chapter 10, Part 3].

K. Lighting provided on the communications facility building shall be provided for security purposes only and shall be shielded and not shine outside of the fenced area.

L. All Federal, State and municipal environmental regulations regarding the placement of communications facilities must be followed in the design, review and construction processes.

6. *Fencing and Screening.*

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 communications facility. For the purposes of fencing, the communications facility shall not include an office building which is occupied on a daily basis. A fence of not less than 8 feet in height and not greater than 10 feet in height shall also completely enclose the anchored locations of the guy wires, if used. The fencing required in this subsection must also have a 1 foot barbed arm slanted at a 45 degree angle which runs along the entire top of the fence. [Ord. 741]

B. The applicant shall submit a landscaping plan. Sites in which communications towers are located shall be required to comply with the following landscaping 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 communications facility. 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 tower 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 communications tower or antenna. 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 permitted. In addition, no trespassing signs may be placed on the security fencing in accordance with the Township's Sign Ordinance [Chapter 19].

7. *Access and Parking.*

A. For a communications facility that is typically unattended on a daily basis, the applicant must demonstrate on the land development plan that parked vehicles at the facility will not impede traffic on the adjoining cartways.

B. In the event the communications facility is attended on a daily basis, one

off-street parking space shall be provided for each vehicle.

C. Internal access to the communications facility shall be provided by a minimum 12 foot wide cartway with a durable and mud-free surface, such as concrete or a bituminous concrete surface for a minimum of 50 feet from any public or private street unless the cartway is located off of an existing dirt or gravel cartway. The length of the cartway beyond this 50 feet shall, at a minimum, be surfaced with a durable and mud-free surface. The vehicular access to the communications tower and communications facility, shall meet the applicable municipal street standards for private streets and/or driveway standards.

(*Ord. 224, 3/15/1981, §209; as added by Ord. 693, 12/8/1997, §1; as amended by Ord. 738, 10/18/1999, §5; by Ord. 741, 10/18/1999, §3; by Ord. 801, 9/16/2002, §1; and by Ord. 820, 12/8/2003*)

§27-210. 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 1990 Centre Region Comprehensive Policy 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 Ferguson Township boundary adjoining the Borough of State College to the intersection with Scott Road.

- (a) From the intersection with Scott Road to the intersection with Owens 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) From the intersection with Owens Drive to the boundary of the Township adjoining the Borough of State College, 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 West College Avenue, on each side for a total of 880 feet.

(c) The boundary of this portion of the Corridor Overlay District shall be illustrated on the Official Zoning Map.

(2) The Corridor Overlay District requirements shall be applied along Blue Course Drive from Westerly Parkway to its intersection with Circleville Road and along Clinton Avenue from Circleville Road to 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.

(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 each side, for a total of 1,320 feet.

(c) From the intersection of Blue Course Drive and Circleville Road to the intersection of Clinton Avenue and 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 Road to Blue Course Drive.

(a) From the intersection with Foxpointe Road to the intersection with Blue Course Drive, 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 the Borough line, Science Park Road, Old Gatesburg Road from Foxpointe Road to Blue Course Drive and Blue Course Drive from Westerly Parkway to Atherton Street.

(6) Lots on which the sole existing use is single-family or two-family residential shall be exempt from all Sections of the Section with the exception of subsection .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 side 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 bikepath 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. [Ord. 820]

(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 §27-807 of this Chapter. [Ord. 747]

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 access 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 3/4 the height of the system. [Ord. 820]

H. *Signage.* Ground signage in the Corridor Overlay District shall be installed in accordance with §19-111.2 of the Sign Ordinance and applied to all uses. The ground pole shall not exceed 10 feet above grade except that the sign height is permitted to be an additional 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.

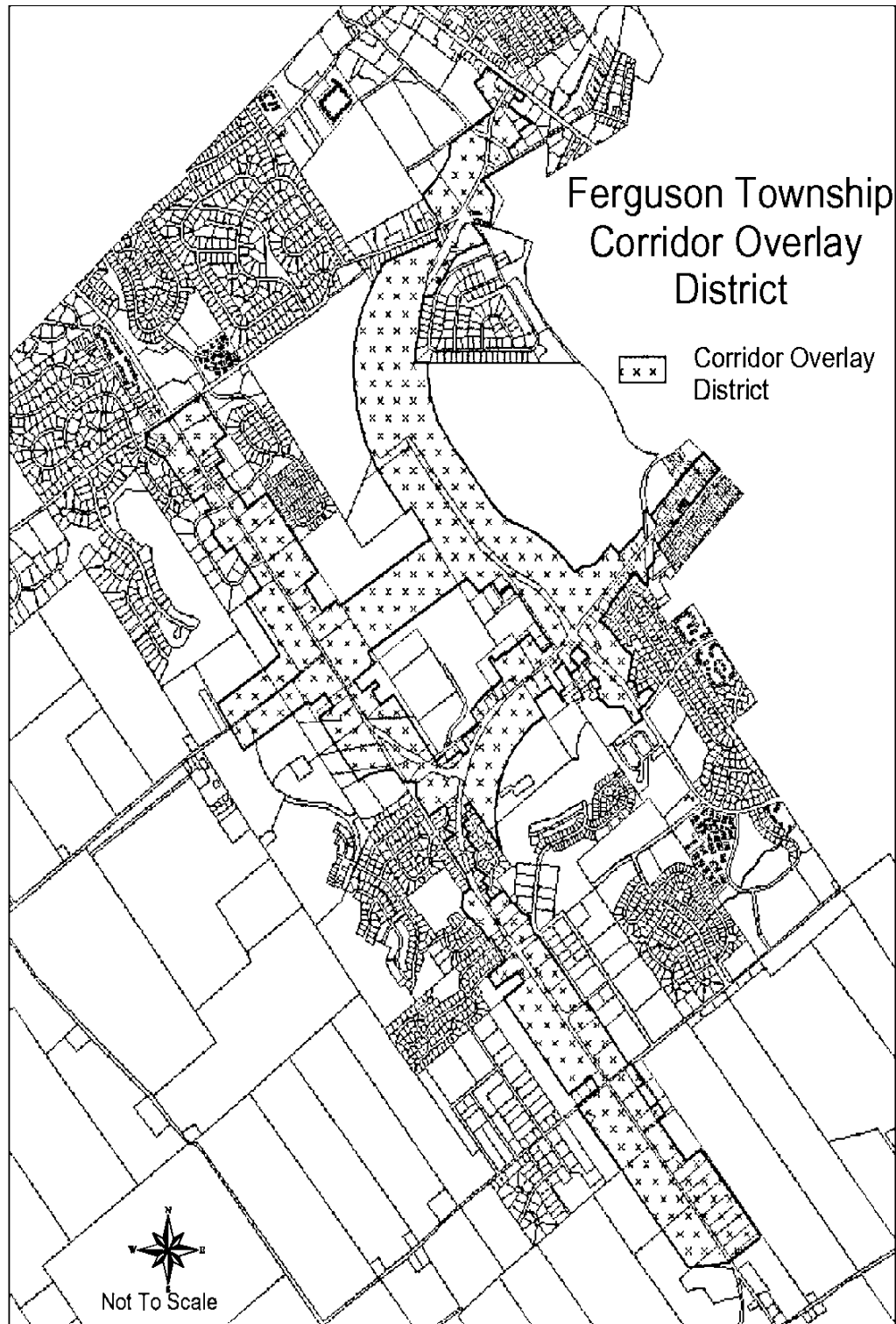
I. *Utilities.* All new development along the Western Inner Loop and Old Gatesburg Road from Science Park Road to Blue Course Drive (Western Inner Loop) is required to provide underground utility (electric, telephone, cable) service.

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.

(Ord. 224, 3/15/1981, §210; as added by Ord. 695, 3/2/1998, §1; as amended by Ord. 717, 10/19/1998, §1; by Ord. 747, 12/13/1999, §3; and by Ord. 820, 12/8/2003)



§27-211. 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 Official Zoning Map for Ferguson Township. This includes all lands zoned (RR) Rural Residential that are also outside of the established (RGB/VGB) Rural and Village Growth Boundaries, and outside of the sewer service area as of the date of enactment of this Section.

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 (subparagraphs (2) through (10)) below, or through the conditional use process provided for in paragraphs .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.

(b) 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.

(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 paragraph .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 25% of healthy trees on the site shall be maintained or replaced immediately following construction. Replacement trees 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 PaDOT 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, 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.

H. *Definitions.*

(1) *Spring.* Place where a concentrated discharge of ground water flows at the ground surface, including perched water flow from the soil.

(2) The terms "channel," "closed or undrained depression," "drainage conveyance facility," "drainageway," "floodplain," "floodway," "impervious surface," "land disturbance," "runoff," "sinkhole," "spillway," "swale," and "wetland" shall be as defined in §26-201.

(Ord. 224, 3/15/1981, §210; as added by Ord. 850, 5/16/2005)

§27-212. Small Wind Energy Systems.

1. *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.

2. *Definitions.*

Flicker - a repeating cycle of changing light intensity.

Guy cable - any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.

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.

Occupied building - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when a permit application is submitted.

Shadow flicker - the on and off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

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.

Tower - a monopole, freestanding, or guyed structure that supports a wind generator.

Tower height - the height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

Turbine - the parts of a wind system including the blades, generator, and tail.

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.

3. *Review and Permitting.*

A. 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:

B. 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.

(1) In addition to any other requirements or application procedures, the zoning permit application shall be accompanied by a plot plan that includes the following:

- (a) Property lines and physical dimensions of the property.
- (b) Location, dimensions, and types of existing principal and accessory structures on the property.
- (c) Location of the small wind energy system tower.
- (d) The right-of-way delineation of any public road that is contiguous with the property.
- (e) Any overhead utility lines.
- (f) Any easements.
- (g) Small wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- (h) Detailed tower and tower foundation drawings, stamped and sealed by a Pennsylvania licensed professional engineer.
- (i) A map of the 200-foot area surrounding the subject property showing all affected lands and structures at a legible scale.

4. *Tower Height.*

A. 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.

5. *Setbacks.*

A. 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.

6. *Compliance.*

A. 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.

B. 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.

C. Small wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.

D. 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.

7. *Noise and Interference.*

A. 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.

B. 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.

C. 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.

8. *Appearance and Lighting.*

A. 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.

B. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

9. *Safety Features.*

A. 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.

B. 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.

C. 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.

D. No portion of the small wind energy system blade shall extend within 20 feet of the ground.

10. *Notification.*

A. 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.

B. When application is made for approval of a small wind energy system, notice shall be mailed to the owners of all properties adjacent and within 200 feet of the lot on which the system is to be constructed.

11. *Met Towers.*

A. A met tower shall be permitted under the same standards, permit requirements, and procedures as a small wind energy system.

12. *Removal.*

A. 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.

B. 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.

13. *Violations.*

A. 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.

(*Ord. 224, 3/15/1981, §210; as added by Ord. 917, 1/19/2009, §4*)

§27-213. Riparian Buffer Overlay Zoning District Requirements.¹

¹Editor's Note: *Ord. 924, 5/18/2009, Exhibit "A," Section 1, "Chesapeake Bay Tributary Strategy Goals and Objectives,"* provides as follows:

"WHEREAS, In order for Pennsylvania to meet the aggressive goals of the Chesapeake Bay Tributary Strategy, communities located within this drainage area will need to implement Best Management Practices (BMPs) to address point and non-point pollution sources; riparian buffers are one of the BMPs that will help the Centre Region meet these goals.

"WHEREAS, The Centre Region is fortunate to contain high quality waterways which make significant contributions to our environment and quality of life, and,

1. *Legislative Intent.*

A. 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 its 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 (“District”).

B. FERGUSON TOWNSHIP ADOPTION OF THESE REGULATIONS DOES NOT GRANT PUBLIC ACCESS TO PRIVATE PROPERTY. ANY GRANT OF PUBLIC ACCESS REMAINS THE PEROGATIVE OF EACH INDIVIDUAL PROPERTY OWNER.

C. 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 AN

“WHEREAS, Recent events have stressed the importance of local efforts to maintain and protect the community’s waterways, and,

“WHEREAS, The PA Department of Environmental Protection (DEP) is moving forward with the implementation of the Chesapeake Bay Tributary Strategy which established aggressive goals for reductions in the amount of sediments and nutrients such as nitrogen and phosphorus, and,

“WHEREAS, Our local streams contribute to the Susquehanna River drainage area and ultimately the Chesapeake Bay, and,

“WHEREAS, The potential exists for DEP to establish total maximum daily load (TMDL) regulations in order to prevent further increased sediment and nutrient loadings to our waterways, and,

“WHEREAS, If local measures such as riparian buffers are not evaluated and implemented to reduce loadings to our streams, the community’s healthy economy and environmental well-being could be permanently threatened, and,

“WHEREAS, The region is located at the top of the watershed and since there are no upstream communities discharging nutrients and sediments to our local waterways, their protection and preservation rests with us.

“WHEREAS, These point to the need for a more coordinated effort at the local municipal level to protect our streams and waterways, and,

“WHEREAS, It is important to educate the residents of the Region as to the importance of Riparian Buffers,

“BE IT HEREBY RESOLVED AND ENACTED THAT, the Centre Region municipalities have evaluated and taken the opportunity to pursue the following riparian buffer measures that will help to ensure the future health of our valuable water resources. The implementation of a regional riparian buffer program is an important step in our cooperative water management efforts.”

IDENTIFIED RIPARIAN BUFFER OVERLAY ZONING DISTRICT WITHIN FERGUSON TOWNSHIP.

D. FURTHER ANY RIPARIAN BUFFER PRESERVATION AND MAINTENANCE SHALL REMAIN THE SOLE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER.

E. FOR ANY IMPROVEMENTS THAT REQUIRE A ZONING AND BUILDING PERMIT FOR ACTIVITIES WITHIN THE RIPARIAN OVERLAY ZONING DISTRICT, RIPARIAN BUFFER REPLACEMENT OR RESTORATION IS ONLY RECOMMENDED. WHERE THERE IS NO DISTURBANCE TO THE BUFFER, NO MITIGATION IS REQUIRED.

F. In addition, the specific purposes and intent of this Section are to:

(1) 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).

(2) Work with floodplain, steep slope, and other municipal ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and important riparian features.

(3) Conserve natural, scenic and recreation areas within and adjacent to riparian areas for the Centre Region's benefit.

(4) 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.

(5) 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.

(6) Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this Section and accepted conservation practices, as well assure that the results of such uses remain within the carrying capacity of existing natural resources.

(7) 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.

2. *Riparian Buffer Definition, Establishment, Width Determination, Applicability, Interpretation and Other Applicable Definitions of the Riparian.*

A. *Riparian Buffer Overlay Zoning District.*

(1) *Riparian Buffer Definition.* The riparian buffer is defined as an

overlay zoning district consisting of:

Areas surrounding municipally designated surface water bodies, including but not limited to creeks, streams, water bodies, intermittent watercourses and delineated wetlands as well as those encountered during subdivision and land development, that intercept surface water runoff, wastewater, subsurface flow, and deep groundwater flows from upland sources which remove or “buffer” the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.

B. *Establishment.*

(1) The establishment of a Riparian Buffer Overlay Zoning District applies to the following areas which shall be identified on the municipal Official Zoning Map:

(a) Lands adjacent to municipally designated streams within Ferguson Township.

(b) Lands adjacent to municipally designated intermittent water courses within Ferguson Township.

(c) Lands at the margins of municipally, State or Federally designated water bodies and wetlands or those encountered during the process of subdivision and land development.

C. *Width Determination.*

(1) The measurement of the Riparian Buffer Overlay Zoning District shall extend a minimum total width of 100 feet from each defined upper edge of an identified intermittent and perennial watercourse or surface water body at top of bank, or shall equal the extent of the 100-year floodplain, whichever is greater. The District will consist of two distinct zones designated as:

(a) *Zone One.* This zone will begin at the edge of an identified waterway (which shall include 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 water at 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 Ferguson Township Zoning Officer or Township Engineer.

1) Where slopes of 15% or greater are located within 35 feet of a municipally designated watercourse, Zone One shall extend the entire distance of this 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. If the distance is less than 100 feet, but greater than 35 feet, the width of Zone Two will be adjusted so that the total riparian buffer width (Zone One and Zone Two) will total a minimum of 100 feet.

(b) *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.)

1) 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.

(c) *Isolated Wetlands and Water Bodies.* Wetlands and water bodies not located along a stream where the wetland or water body is greater than 5,000 square feet in area, shall have a minimum buffer width of 50 feet from the outer edge of the wetland or water body around the entire perimeter.

D. *Applicability.* The provisions of this Section shall apply as follows:

(1) The developer/applicant shall be responsible for the initial width delineation of the riparian buffer and identifying this area on any plan that is submitted to Ferguson Township for the following:

(a) Subdivision, land development or redevelopment. (See subsection .5.A(1).)

(b) Any other improvements that require a zoning and building permit for activities within the Riparian Buffer Overlay Zoning District. (See subsection .5.A(2).)

(c) Any structure(s) built, constructed or erected within or touching the Riparian Buffer Overlay Zones of Ferguson Township the use of which location on the ground or attached to something on the ground that is greater than 144 square feet in size.

(2) This initial determination shall be subject to review and approval by the Ferguson Township Zoning Officer or Engineer.

(3) These requirements shall NOT apply to the footprints of all existing primary and accessory uses including, but not limited to, all agricultural uses and research related thereto, buildings, transportation facilities, fences, lawns, gardens, utility lines, roads, driveways, sidewalks, bikeways, decks, piers, water, interior renovations, septic and sewage supply facilities and their related appurtenances (well houses, utility pump and lift stations, manholes, etc.).

E. *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 any municipal interpretation of the Riparian Buffer Overlay Zoning District shall be appealed in accordance with the requirements outlined in subsection .8.C, "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.

F. *Other Applicable Definitions.* The following words and or phrases when used in this Section shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

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.

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.

Conditional use - a use permitted in a particular zoning district pursuant to approval being granted by the governing body.

Herbicides - chemicals developed to control or eradicate plants.

Insecticides - chemicals developed to control or eradicate insects.

Intermittent stream - surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Most intermittent 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., 7.5 minute quadrangle map as dashed lines or as State Open Waters identified in a letter of interpretation issued by the Pennsylvania DEP. 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 noted on attached Appendix A which shows the municipal area of applicability.

Level spreader - a device used to disperse concentrated stormwater flow uniformly over the ground surface as sheet flow.

MPC - acronym for the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Minimum average riparian buffer width - the minimum value permitted in this Section for the average buffer width in Zone One is 35 feet.

Minimum average total riparian buffer width - the minimum value permitted in this Section for the average total buffer width is 100 feet.

Municipal Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Naturalized stormwater basin - stormwater control facilities that are planted with native vegetation rather than maintained as hardscape or lawn.

Nutrient - a substance that provides food or nourishment, such as usable proteins, vitamins, minerals or carbohydrates. Fertilizers, particularly phosphorus and nitrogen, are the most common nutrients that contribute to eutrophication.

Nutrient loading - a quantity of nutrients, such as phosphorus and nitrogen, entering an ecosystem in a given period of time.

Official Map - a map which contains elements or portions of elements of a municipality's comprehensive plan with regard to public lands and facilities

which may include, but not be limited to, public streets, watercourses, public grounds, public parks, playgrounds, open space reservations, pedestrian ways and easements, railroads and transit rights-of-way and easements, support facilities, easements and other properties held by public bodies undertaking the elements described in a comprehensive plan.

Ordinance - a law, a statute, a decree enacted by a municipal body, such as a city council or county commission. Ordinances often govern matters not already covered by State or Federal laws (such as local zoning, safety and building regulations), but may also be used to require stricter standards in local communities than those imposed by State or Federal law.

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.

Riparian buffer - an area adjacent to a shoreline, wetland or stream where development is restricted or prohibited.

Riparian Buffer Overlay Zoning District - that area defined by each Centre Region municipality which borders any body of water on either (or all) side(s) from the defined edges and which is (100 feet) perpendicular to those defined edges as shown on a municipality's Official Zoning Map and/or if applicable, the Official Map. In most cases this Riparian Buffer Overlay Zoning District will be composed of two distinct zones; Zone One will be (35 feet) in width and directly adjacent to the body of water and Zone Two will be the next 65 feet outside the end boundary of Zone One.

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.

Stream - surface water drainage channels with definite bed and banks in which there is a permanent flow of water. 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., 7.5 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 noted in attached Appendix A which shows the respective municipal area of applicability.

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.

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.

Uses, conditional - zoning uses requiring advanced conditional use zoning approval from the governing body of the municipality within either zone of the Riparian Buffer Overlay Zoning District as enumerated within this Section.

Uses, permitted - zoning uses permitted by right requiring no advanced or additional approvals, within either zones of the Riparian Buffer Overlay Zoning District as enumerated within this Section.

Zoning - a set of regulations and requirements that govern the use, placement, spacing and size of buildings and lots within a specific area or in a common class (zone).

3. *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. However, within any riparian buffer, no construction, development, use, activity or encroachment shall be permitted unless the activity is authorized by Ferguson Township.

A. *Zone One and 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 One and Zone Two, including:

(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 subsection .5 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.* At least one-half of any required front, side or rear yards on any private lots, shall be entirely outside of the Ferguson Township designated 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 subsection .5 and Appendix C, "Riparian Buffer Management."

(f) Stream bank stabilization and/or recommended native tree reforestation, in compliance with the recommendations of subsection .5 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 non-profit riparian buffer improvement project.

(h) 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.*

(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:

1) Designed and installed in accordance with the stream crossing standards of subsection .9.

2) Any disturbance is mitigated at a ratio of 1:1 for each square foot of disturbance and following the recommendations for improvements identified in subsection .5 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 Conditional Use.*

(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 permit concentrated stormwater flow and are subject to any other conditions as imposed by the Board of Supervisors. The use of level spreaders or similar is devices is required.

(b) Naturalized stormwater basins in compliance with the recommendations for improvements identified in subsection .5 and Appendix C, "Riparian Buffer Management." The entire basin shall be located a minimum of 50 feet from the defined edge of any identified watercourse or water body as well as 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 defined upper edge of any identified watercourse or water body as well as any other conditions imposed by the Board of Supervisors.

4. *Uses Specifically Prohibited in the Riparian Buffer Overlay Zoning District.* Any use or activity not authorized within subsection .3 shall be prohibited within the Riparian Buffer Overlay Zoning District. By way of example, 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 subsections .3.A(1) or .3.A(2).

E. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.

F. Parking lots.

5. *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 subsection .3 of this Section or as follows:

(1) *Subdivision and Land Development.* Within any Ferguson Township identified 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. Any such activity shall prepare and present a plan in accordance with the provisions of Appendix C. Any earth disturbance shall follow the guidelines for improvements identified in this subsection, Appendix C, “Riparian Buffer Management,” and are to be graphically represented along with any required buffers on any formal subdivision or land development plan submissions. Where there is no disturbance to the buffer, no mitigation is required.

(a) Lots where the Buffer Overlay consumes 50% or more of the lot. These lots shall be exempted from the Riparian Buffer Overlay requirements under the following circumstances:

1) As of the date of adoption of these regulations, the lot is developed and such development is already located within the area of Zones One and/or Two.

2) As of the date of adoption of these regulations, the lot is 2 acres or less in size.

3) 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.

4) 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 the area of the parcel within this zone.

5) The above criteria shall not adversely impact any nonconforming rights associated with use of the parcel according to the provisions of subsection .7 of this Section.

(2) *Zoning and Building Permits.* For any other improvements that require a zoning and building permit for activities within Ferguson Township within the Riparian Buffer Overlay Zoning District, riparian buffer replacement or restoration is recommended to be mitigated at a 1:1 square foot replacement ratio for any disturbance and following the guidelines for

restoration improvements identified in this subsection, Appendix C, "Riparian Buffer Management." Where there is no disturbance to the buffer, no mitigation is necessary.

(3) Any riparian buffer replacement or restoration should be evaluated for the effects of any proposed uses on the Riparian Buffer Overlay Zoning District. Any mitigation should 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.

B. 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 Ferguson Township Zoning Officer or Township Engineer. Ferguson Township may also require planting species suitability to 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 strongly recommended that any/all noxious species be removed. Property owners and developers should ensure that invasive species are contained so as to not adversely impact any native species planted and protected as part of any required riparian buffer restoration. Please refer to Appendices D, E and F.

(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 and (c) grasses, sedges, flowering perennials and other groundcover.

(4) General recommendations for riparian buffer plantings. Canopy and understory trees should be 1½ to 2½ caliper in width, 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 3-5 feet apart. Grasses, sedges, flowering perennials and groundcovers should be planted 1-3 feet apart.

6. Stream Crossing Standards.

A. Criteria.

(1) All stream crossings permitted under subsections .3.A(1) and .3.A(2), permitted and conditional uses 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 the Ferguson 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.

7. *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 Part 9, "Nonconformities."

8. *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 Ferguson Township that describes the boundary, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.

B. The Ferguson Township Zoning Officer or Township Engineer shall evaluate all material submitted and shall make a written determination 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 under the provisions of Part 11, "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.

9. *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 Ferguson Township Zoning Officer or Township Engineer when:

(1) A subdivision or land development plan is submitted.

(2) A zoning and/or building permit is requested, if applicable.

B. The Riparian Buffer Overlay Zoning District may also be inspected periodically by the Ferguson Township Zoning Officer or Township Engineer for compliance with any required riparian buffer restoration in accordance with recommendations for improvements identified in subsection .5 and Appendix C, "Riparian Buffer Management" or when excessive or potentially problematic












erosion, sedimentation, hazardous trees or an unauthorized activity or structure is brought to the attention of Ferguson Township officials.

(*Ord. 224*, 3/15/1981, §210; as added by *Ord. 924*, 5/18/2009, §1)

**Appendix A – (Municipality) Riparian Buffer Overlay Zoning
District Map**

Riparian Buffers within the Centre Region Ferguson Township

USGS National Hydrologic Dataset

-  Pond/Lake
-  Swamp/Marsh
-  Perennial Stream
-  Intermittent Stream
- Riparian Buffers**
-  35' Buffer
-  65' Buffer
-  Impaired Portion of Stream
-  Floodplains
-  National Wetland Inventory
-  Municipal Boundary
-  Currently Developed Land from 2000 Land Use

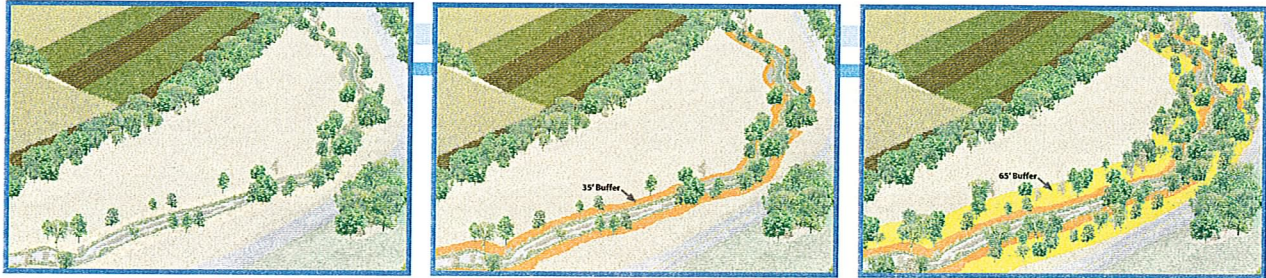
The National Hydrography Dataset (NHD) is a comprehensive set of digital spatial data that encodes information about naturally occurring and constructed bodies of water, paths through which water flows, and related entities. The information encoded about these features includes classification and other characteristics, delineation, geographic name, position and related measures, a "reach code" through which other information can be related to the NHD, and the direction of water flow. In addition to this geographic information, the dataset contains metadata and information that supports the exchange of future updates and improvements to the data.

* The NHD is the culmination of cooperative efforts of the U.S. Environmental Protection Agency (USEPA) and the U.S. Geological Survey (USGS). Other organizations also contributed to the effort.



Photo taken from Linden Hall Road and used for examples below.

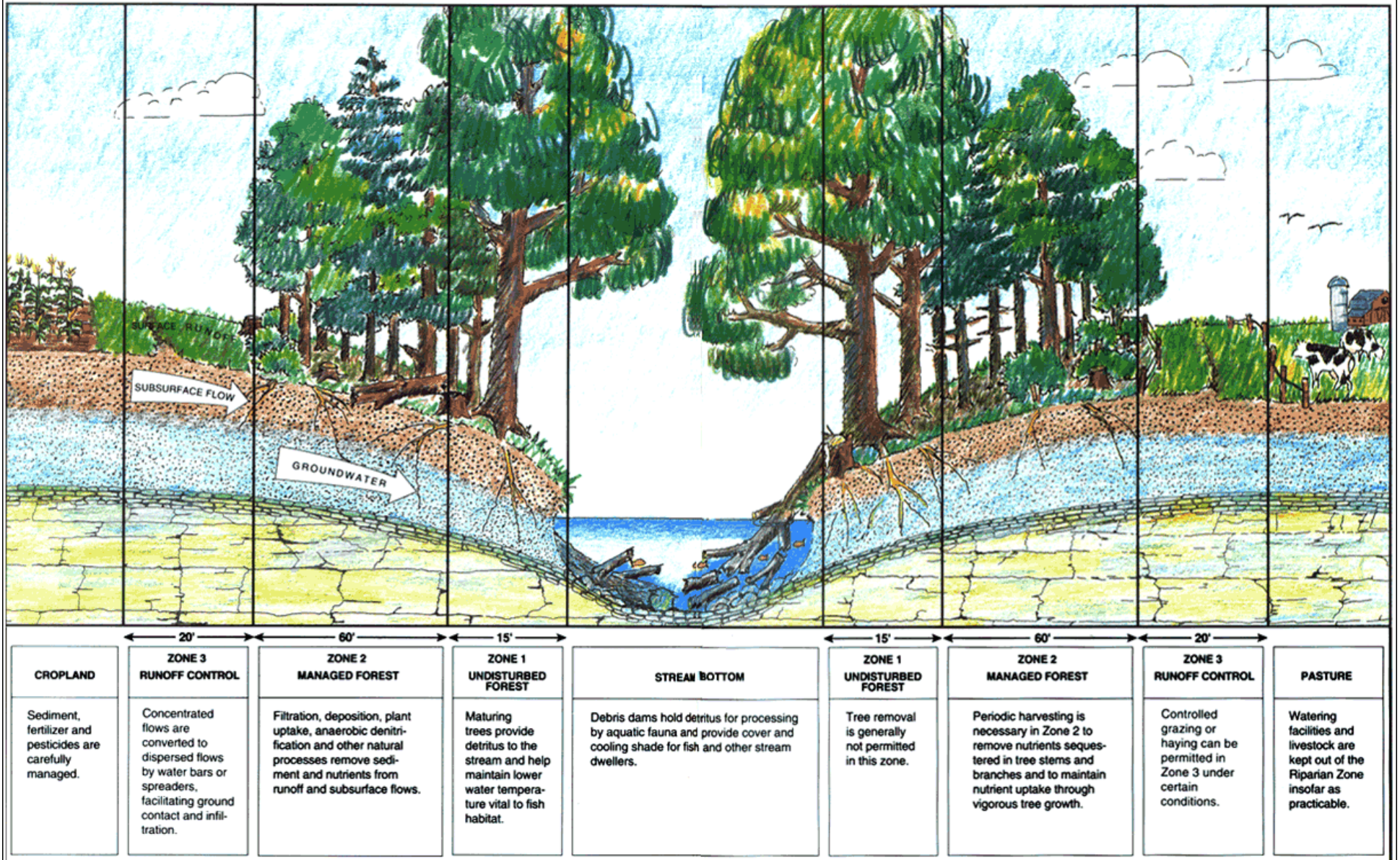
Example of a Riparian Buffer Zone



Images created with Visual Nature Studio

Appendix B – Riparian Buffer Graphic

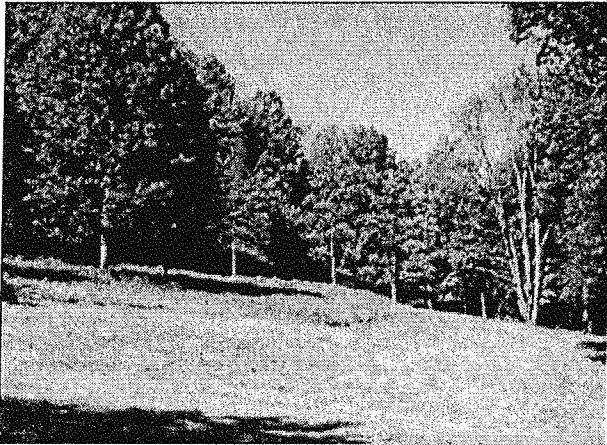
THE STREAMSIDE FOREST BUFFER



Appendix C – Riparian Buffer Management Plan

Riparian Buffer Management Plan

The preparation of a riparian buffer management plan is essential for ensuring a healthy and successful riparian corridor environment. While wooded riparian corridors provide the greatest water quality benefits, there are other management alternatives that contribute to water quality. Therefore, the management plan should balance the intent of the riparian buffer with a site's existing conditions and the landowner's desires for the property. When completed, the management plan should clearly define the landowner's goals for the riparian buffer and what specific actions will be taken to achieve those goals. For example, the landowner may intend to allow an existing meadow to revert to a woodland over 20 years. To ensure this happens, the plan will identify what specific management techniques will be implemented. Similarly, if the effectiveness of a portion of the riparian buffer is reduced, mitigation measures will need to be identified that will offset the disturbance. The management plan should clearly define what actions will be taken to fulfill the goals of the plan and who is responsible for implementing them.



A portion of this meadow has been managed to allow for natural succession

Anyone proposing subdivision, land development, redevelopment or any other property improvements that require any plan submission or need for permit within the riparian buffer must submit a Riparian Buffer Management Plan. Certain requirements of the plan may overlap with other municipal subdivision and land development requirements, such as the existing conditions plan. Landowners with no plans for subdivision or land development are encouraged to submit Riparian Buffer Management Plans on a voluntary basis.

The Riparian Buffer Management Plan shall include scale drawings and explanatory text and shall be prepared by a Pennsylvania licensed landscape architect, engineer, or other qualified professional. This plan shall be submitted and approved as part of any normal municipal subdivision and/or land development review process or as required in accordance with Section 8 – Inspection of the Riparian Buffer Overlay Zoning District. The Riparian Buffer Management Plan should include the following four elements:

Section I: Existing Conditions

This section shall include a sketch plan showing the boundaries of Zone 1 and Zone 2 at a minimum, and existing environmental conditions (such as five foot contours, steep slopes and swales and other drainage features highlighted, wetlands, floodplains, woodlands and

other vegetation, and any existing structures). A written description of unusual or other “site specific” significant conditions also shall also be included.

Section II: Goals

An analysis shall be done that identifies the landowner goals for the entire property, considering the intent of the Riparian Buffer Overlay Zoning District. For example, the goal for land in Zone 1 may be to preserve existing woodland. The goal for Zone 2 may be to convert an existing pasture into a wildflower meadow. The goal outside the riparian buffer zones may be to construct a house and barn. For those riparian areas that include improvements, there should be a discussion of how disturbance to the riparian buffer(s) will be mitigated and offset with the applicant’s proposed riparian buffer improvements and restoration. A schematic plan illustrating the landowner’s goals shall also be included.

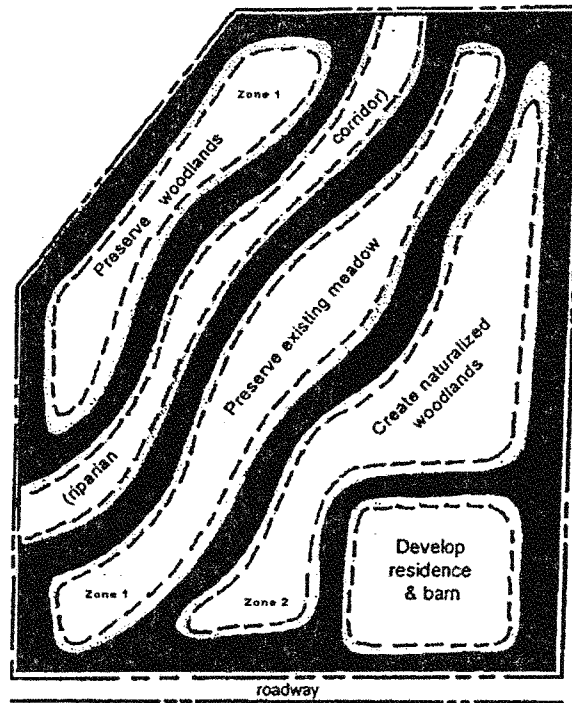
Section III: Proposed Activities

This section shall include a scaled drawing and a discussion of activities proposed for land in Zone 1, Zone 2 and land directly adjacent to the riparian buffer(s). The plan shall clearly show the areas that will be disturbed and those which will be protected and preserved. The plan shall identify which proposed activities are permitted by right, which will require any conditional use approval, and which will require mitigation and restoration measures as a result of the actions proposed and /or activities planned in the Riparian Buffer Overlay Zoning District.

Section IV: Management

The final section of the riparian buffer management plan shall include a discussion of how the *goals* identified in Section II will be met, given the *proposed activities* from Section III. The plan shall be very specific in terms of when the construction, planting, or other activities are to begin and end and shall address long- and short-term maintenance and improvement activities necessary for preservation of the riparian buffer.

Details for management measures for existing vegetation could include application of herbicides, identification of invasive plants to be removed, number/species of native stock to be planted, and spacing required for newly planted trees. All other activities necessary to reach the goals stated in the schematic plan shall be referenced. These may include mowing schedules, farming practices, other plantings, renovations to structures, and all other related functions.



The Riparian Buffer Management Plan shall include a schematic plan that illustrates the landowners' goals for the riparian buffer.

There are some basic guidelines landowners shall consider prior to deciding how to manage their riparian buffer areas. They are as follows:

- Three distinct layers of native vegetation are recommended to protect stream resources. The three “layers” include trees that form an overhead canopy, shrubs that provide an understory and herbaceous plants that serve as groundcover. The three layers provide specific water quality benefits and a diversity of animal habitat.
- Maintaining land is one of the most expensive methods for managing land on a suburban property.
- Native Pennsylvania species are *recommended* to be used, since they will adapt the best to existing site conditions.
- The creation of additional edges (berms, banks, walls, curbs) shall be minimized, and a reduction in existing edges should be sought.
- The importance of continued maintenance of the riparian buffer shall always be balanced with a landowner’s financial resources.
- No concentrated storm water flow shall be introduced into the Riparian Buffer Overlay Zoning District unless that flow is minimized to the extent possible with a level spreader or similar structure and or improvement.

Appendix D – Selective Native Buffer Plantings List
University of Pennsylvania, Morris Arboretum

Common Name	Botanic Name	Flower	Bloom Time	Sunlight	Moisture	Notes
FERNS						
Cinnamon fern	<i>Osmunda cinnamomea</i>			☐-☐	FACW	Cinnamon-colored fertile fronds; moist acid soils
Interrupted fern	<i>Osmunda claytoniana</i>			☐-☐	FAC	Grows in clumps; distinctive fertile fronds. Common in woods, seeps, swamps and bogs
Sensitive fern	<i>Onoclea sensibilis</i>			☐-☐	FACW	Sunny or shaded swamps, marshes, moist meadows. Forms colonizing masses
GRASSES & SEDGES						
Big blue stem	<i>Andropogon gerardii</i>		Aug-Sep	☐	FAC	Tall clump forming; streambanks and moist meadows
Broom sedge	<i>Carex scoparia</i>		Summer	☐	FACW	Moist open ground
False nut sedge	<i>Cyperus strigosus</i>		Summer	☐-☐	FACW	Moist fields, woods, swamps and streambanks
Lurid sedge	<i>Carex lurida</i>		Jun-Oct	☐	OBL	Common in swamps, wet meadows and bogs
Riverbank wild rye	<i>Elymus riparius</i>		July-Sep	☐	FACW	Alluvial flats, meadows and streambanks
Sedge	<i>Carex vulpinoidea</i>		Summer	☐	OBL	Swampy areas
Soft rush	<i>Juncus effusus</i>		Summer	☐	OBL	Swamps, moist fields and floodplains
Switch grass	<i>Panicum virgatum</i>		Aug-Sep	☐	FAC	Clump grass; can help to control erosion. Sandy and river soils
Tussock sedge	<i>Carex stricta</i>		May-Aug	☐-☐	OBL	Forms a hummocky mound; swamps, streambanks and wet meadows
Virginia wild rye	<i>Elymus virginicus</i>		Jun-Sep	☐-☐	FACW	Moist woods, meadows, streambanks
Wool grass	<i>Scirpus cyperinus</i>		Jul-Sep	☐	FACW	Tall clump forming, wooly seed head. Marshes, moist meadows, swales and shorelines
FLOWERING PERENNIALS						
Beard-tongue	<i>Penstemon digitalis</i>	White	May-Jul	☐	FAC	Attracts hummingbirds; moist meadows
Bottle gentian	<i>Gentiana andrewsii</i>	Blue	Apr-Oct	☐-☐	FACW	Bottle-shaped flowers; moist meadow species
Blue vervain	<i>Verbena hastata</i>	Blue	Jun-Sep	☐-☐	UPL	Bright flowers; herbal uses; streambanks and moist meadows
Blue-eyed grass	<i>Sisyrinchium angustifolium</i>	White	Jun-Jul	☐-☐	FACW	Tiny blue flowers above grassy foliage; dry to moist meadows and fields
Boneset	<i>Eupatorium perfoliatum</i>	White	Jul-Aug	☐-☐	FACW	Wet meadow species
Cardinal flower	<i>Lobelia cardinalis</i>	Scarlet	Jul-Sep	☐-☐	FACW	Long bloom time; attracts butterflies and hummingbirds; streambanks and pond margins
Cut-leaf coneflower	<i>Rudbeckia laciniata</i>	Yellow	Jul-Sep	☐-☐	FACW	Herbal uses; streambanks
Ironweed	<i>Veronia noveboracensis</i>	Purple	Aug-Sep	☐	FACW	Tall plant with brilliant late summer flowers
Jack-in-the-pulpit	<i>Arisaema triphyllum</i>	Green-purple	Apr-Jun	☐-☐	FACW	Unusual flower; bright red berries; moist woods, swamps and bogs
Joe-pye weed	<i>Eupatorium fistulosum</i>	Purple	Aug-Sep	☐	FACW	Attracts beneficial insects; herbal uses
New England aster	<i>Aster novae-angliae</i>	Purple	Aug-Oct	☐-☐	FACW	Showy and frequently cultivated; dry to moist meadows
Partridgeberry	<i>Mitchella repens</i>	White	Jun-Jul	☐-☐	FACU	Evergreen; ground cover; edible berry; moist woods
Purple stemmed aster	<i>Aster puniceus</i>	Blue	Aug-Sep	☐-☐	OBL	Does well in moist meadows; deep green foliage
Smooth goldenrod	<i>Solidago gigantea</i>	Yellow	Jul-Nov	☐-☐	FACW	Tall; puplish stem with smooth leaves; dry to moist fields
Swamp milkweed	<i>Asclepias incarnata</i>	Rose	July-Aug	☐	OBL	Attracts butterflies; moist meadows
Tall meadowrue	<i>Thalictrum pubescens</i>	White	Jun-Jul	☐-☐	FACW	Tall plant with cloudy clusters of tiny flowers; bluish foliage; moist meadows and swales
Wingstem	<i>Verbesina alternifolia</i>	Yellow	Aug-Oct	☐	FAC	Moist riverbanks, shaded lowlands
Wood geranium	<i>Geranium maculatum</i>	Rose-pink	Apr-May	☐-☐	FACU	Woods and fields
SHRUBS						
American elderberry	<i>Sambucus Canadensis</i>	White	Jun-Jul	☐	FACW	Edible berries & flowers; multi-stemmed; very high wildlife value
Arrowwood	<i>Viburnum dentatum</i>	White	May	☐-☐	FAC	Dark blue fruits in fall; high wildlife value; streambanks, pastures
Black chokeberry	<i>Aronia melanocarpa</i>	White	Mar-Jul	☐	FAC	White flowers; black berries; fall color
Buttonbush	<i>Cephalanthus occidentalis</i>	White	Jun-Sep	☐	OBL	Multi-stemmed; tolerates inundation
Dangleberry	<i>Gaylussacia frondosa</i>	White	May	☐-☐	FAC	Edible fruits; high wildlife value; acid soils
Highbush blueberry	<i>Vaccinium corymbosum</i>	White	May-Jun	☐	FACW	Multi-stemmed; edible berries; fall color; very high wildlife value
Maleberry	<i>Lyonia ligustrina</i>	White	June	☐	FACW	Dry to wet woods and thickets; acid soils
Ninebark	<i>Physocarpus opulifolius</i>	White	May-Jul	☐-☐	FACW	Wet woods, sandy or rocky streambanks
Northern arrowwood	<i>Viburnum recognitum</i>	White	May	☐-☐	FACW	Dark blue fruits in fall; high wildlife value; streambanks, swamps, wet pastures
Pussy willow	<i>Salix discolor</i>	Yellow-green	April	☐	FACW	Swamps and wet woods
Red chokeberry	<i>Aronia arbutifolia</i>	White	May	☐	FACW	Red berries; high value for wildlife
Rosebay	<i>Rhododendron maximum</i>	Pink	Jun-Jul	☐	FAC	Showy flowers; evergreen; multi-stemmed; acid soils
Silky dogwood	<i>Cornus amomum</i>	White	May-Jul	☐	FACW	Flowers in summer; blue berries; multi-stemmed; very high wildlife value
Silky willow	<i>Salix sericea</i>	Yellow-green	May	☐-☐	OBL	Good wildlife value; needs wet conditions
Spice bush	<i>Lindera benzoin</i>	Yellow	Mar-May	☐-☐	FACW	Bright red berries in fall; herbal uses; wildlife value
Swamp dogwood	<i>Cornus racemosa</i>	White	May-Jun	☐	FAC	Colonizer; high wildlife value
Swamp rose	<i>Rosa palustris</i>	Pink	May-Jun	☐	OBL	Showy and fragrant
Winterberry holly	<i>Ilex verticillata</i>	White	May-Jun	☐	FACW	Showy berries in winter; high wildlife value; good colonizing shrubs for streambanks
Witch-hazel	<i>Hamamelis virginiana</i>	Yellow	Sep-Nov	☐-☐	FAC	Bright yellow flowers fragrant; medicinal uses
TREES						
American beech	<i>Fagus grandifolia</i>	Yellow	Apr-May	☐-☐	FAC	Large tree with smooth gray bark; moist, but well-drained soils, high wildlife value
Basswood	<i>Tilia Americana</i>	Yellow	May-Jun	☐-☐	FACU	Flowers aromatic; with herbal uses
Black ash	<i>Fraxinus nigra</i>	Purple	April	☐-☐	FACW	Large tree in wet woods and bottomlands
Black gum	<i>Nyssa sylvatica</i>	Green- white	Apr-May	☐-☐	FAC	Tall tree with outstanding fall color; high wildlife value
Black walnut	<i>Juglans nigra</i>	Yellow	May-Jun	☐	FACU	Fast growing tall tree; high wildlife value
Black willow	<i>Salix nigra</i>	Yellow	Apr-May	☐	FACW	Catkins in spring, very fast grower
Green ash	<i>Fraxinus pennsylvanica</i>	Purple	Apr-May	☐	FACW	Fast growth; food fall color
Hornbeam	<i>Carpinus caroliniana</i>	Red	Apr-May	☐-☐	FAC	Small tree with sinuous gray bark; moist woods
Pagoda dogwood	<i>Cornus alternifolia</i>	White	May-Jun	☐	FAC	Small tree for moist woods and shaded ravines; dark blue fruit
Pin oak	<i>Quercus palustris</i>	Yellow	Apr-May	☐	FACW	Ornamental street tree; fall color; very high wildlife value
Red maple	<i>Acer rubrum</i>	Red	Mar-Apr	☐-☐	FAC	Adapts to range of moisture conditions; good fall color
River birch	<i>Betula nigra</i>	Yellow-green	May	☐-☐	FACW	Notable for its peeling bark; floodplains, streambanks, wet woods and swamps
Shadbush	<i>Amelanchier arborea</i>	White	☐	☐	FAC	Small tree with early spring flowers; delicious edible berries in summer
Shagbark hickory	<i>Carya ovata</i>	Yellow	May	☐-☐	FAC	Shaggy gray exfoliating bark; very high wildlife value
Silver maple	<i>Acer saccharinum</i>	Yellow-red	Apr-May	☐-☐	FACW	Moist woods, streambanks, alluvial soils
Swamp white oak	<i>Quercus bicolor</i>	Yellow	May	☐	FACW	Large tree with very high wildlife value; good wetland oak
Sweet birch	<i>Betula lenta</i>	Yellow-green	May	☐-☐	FACU	Wintergreen scented bark and foliage; streambanks and woodlands
Sycamore	<i>Platanus occidentalis</i>	Yellow	April	☐	FACW	Large tree with showy mottled bark; riverbanks, floodplains and alluvial soils
Tulip tree	<i>Liriodendron tulipifera</i>	Yellow	May-Jun	☐-☐	FAC	Large tree with green/orange flowers; fast growth; moist, but well drained soils

KEY

- ☐, ☐, ☐ full sun, light shade, shade
- OBL consistently wet or saturated soils (obligate in wetlands)
- FACW wet to moist soils (facultative wetland)
- FAC moist soils (facultative)
- FACU moist to dry soils (facultative upland)
- UPL dry soils (upland)

Appendix E – Invasive Plants of Pennsylvania

INVASIVE PLANTS OF PENNSYLVANIA

Invasive plants displace naturally occurring native vegetation and, in the process, upset nature's balance and diversity. Invasive plants share the following common characteristics:

- Rapid growth and prolific reproductive capabilities
- Highly successful seed dispersal, germination and colonization processes
- Rampant spreading that takes over native species
- Very costly to control

In general, aggressive, non-native plants have no enemies or controls to limit their spread. If any of the following species are found in any designated stream buffer areas required to be restored and replanted in accordance with a municipally approved Riparian Buffer Management Plan, they are to be removed and should *never planted within a defined stream buffer zone*. These invasive plant species are:

Trees

<u>Botanic Name</u>	<u>Common Name</u>
Acer platanoides	Norway Maple
Acer pseudoplatanus	Sycamore Maple
Allanthus altissima	Tree-of-Heaven
Elaeagnus angustifolia	Russian Olive
Populus Alba	White Poplar
Ulmus pumila	Siberian Elm
Viburnum lantana	Wayfaring Tree
Robina pseudoacacia	Black Locust, False Acacia

Shrubs and Vines

<u>Botanic Name</u>	<u>Common Name</u>
Berberis thunbergii	Japanese Barberry
Elaeagnus umbellata	Autumn Olive
Euonymus alatus	Winged Euonymus
Ligustrum vulgare	European Privet
Lonicera japonica	Japanese Honeysuckle
Lonicera maackii	Amur Honeysuckle
Lonicera morrowii	Morrow's Honeysuckle
Lonicera tatarica	Tartarian Honeysuckle
Lonicera x-bella	Hybrid Honeysuckle
Lythrum salicaria	Purple Loosestrife (herbaceous)
Morus Alba	White Mulberry
Morus rubra	Red Mulberry
Phyllostachys aubea	Bamboo
Rhamnus cathartica	Common Buckthorn
Rhamnus frangula	Glossy Buckthorn
Rosa multiflora	Multiflora Rose
Viburnum opulus	European Highbush Cranberry

Appendix F – Noxious Weed Control List of Pennsylvania

Noxious Weed Control List of Pennsylvania

In the Commonwealth of Pennsylvania, it is illegal to propagate, sell or transport the following weeds and so if found in any stream buffer area (Zone I and/or II), *they are to be removed and immediately destroyed*:

1. Cannabis sativa*, commonly known as Marijuana.
2. Cirsium arvense, commonly known as Canadian Thistle.
3. Rosa multiflora, commonly known as Multiflora rose.
4. Sorghum halpense, commonly known as Johnson grass.
5. Polygonum perfoliatum, commonly known as Mile-a-minute.
6. Pueraria lobata, commonly known as Kudzu vine.
7. Cirsium vulgare, commonly known as Bull or Spear Thistle.
8. Carduus nutans, commonly known as Musk or Nodding Thistle.
9. Sorghum bicolor, commonly known as Shattercane.
10. Datura stramonium, commonly known as Jimson weed.
11. Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars.
12. Heracleum mantegazzianum, commonly known as Giant Hogweed.
13. Galega officinalis, commonly known as Goatsrue.
(Amended November 18, 2000)

- The first four weeds were included in the Pa. Noxious Weed Control Act in 1974-82.
- Weeds numbered 5-10 were added by regulations on May 20, 1989.
- Purple Loosestrife was added by regulations on April 12, 1997.
- Purple Loosestrife cultivars, Giant Hogweed and Goatsrue were added by regulations on November 18, 2000.

*This weed is also considered to be an illegal drug and is governed by the state's controlled substances act. If found, please first contact your local and/or state police department.

Appendix G – Riparian Buffer Averaging Option, Example and Calculations

Section . Riparian Buffer Averaging

A. Allowance for Riparian Buffer Width Averaging

1. This section outlines the criteria for buffer averaging on new and redevelopment sites. Buffer averaging can be utilized to adjust the required total buffer width of one hundred (100) feet, allowing some flexibility for site development. Using this method the width can be varied following the criteria below, so long as the average total width of one hundred (100) feet is maintained within the property boundaries
 - a. Buffer averaging is required for any buffers that have stream crossings and /or allowed where (*)) deems that a landowner can demonstrate severe economic hardship or unique circumstances that make strict compliance with the width determination requirement of the ordinance difficult.
 - b. The average width must be calculated based on the entire length of the stream bank frontage of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.
 - c. Stream buffer averaging shall be applied to each side of a stream independently. If a property encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be independent of one another for calculation purposes.
 - d. The minimum total width of the buffer shall not be less than thirty-five (35) feet at any one location, except at approved stream bank crossings and/or where deemed appropriate by the municipality. Those areas having a minimum total width of thirty-five (35) feet (or less at approved stream crossings) can comprise no more than 50% of the entire buffer length.
 - e. The entire length of the buffer shall consist of a Zone One that has a minimum width of thirty-five (35) feet and an outer Zone Two that has a variable width along its length to achieve the minimum total average width of at least one hundred (100) feet.

B. Areas Where Buffer Averaging is Prohibited

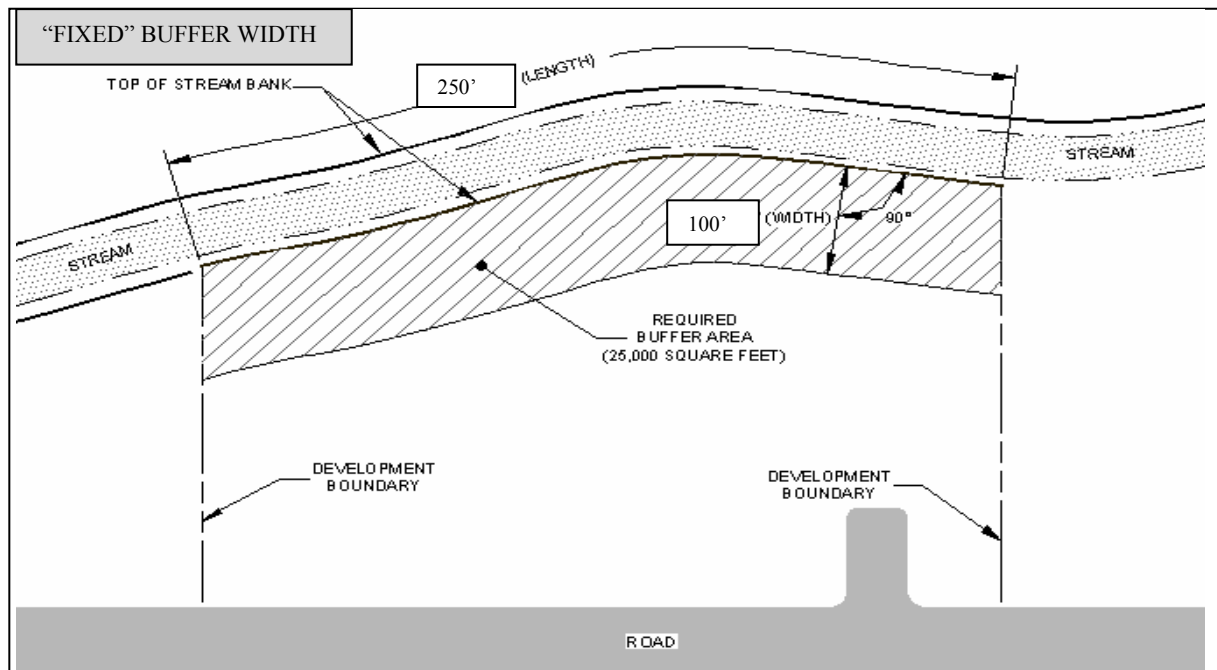
Buffer width averaging is prohibited in developments that have or will have the following land uses:

1. Slope protection areas or slopes greater than 15% located within fifty (50) feet of the stream to be buffered.
2. Developments proposing subsurface discharges from a wastewater treatment facility.

3. Junkyards
4. Commercial or industrial storage and/or service of motor vehicle facilities.
5. Storage tanks for fuel and fuel oil
6. Commercial greenhouses or landscape supply facilities.
7. Any commercial or public pools.
8. Concentrated animal feed operations.
9. Veterinary hospitals, kennels and/or similar operations.
10. Other uses deemed by the (*) Zoning Officer and/or Township Engineer to have the potential to generate higher than normal sediment or pollutant loadings.

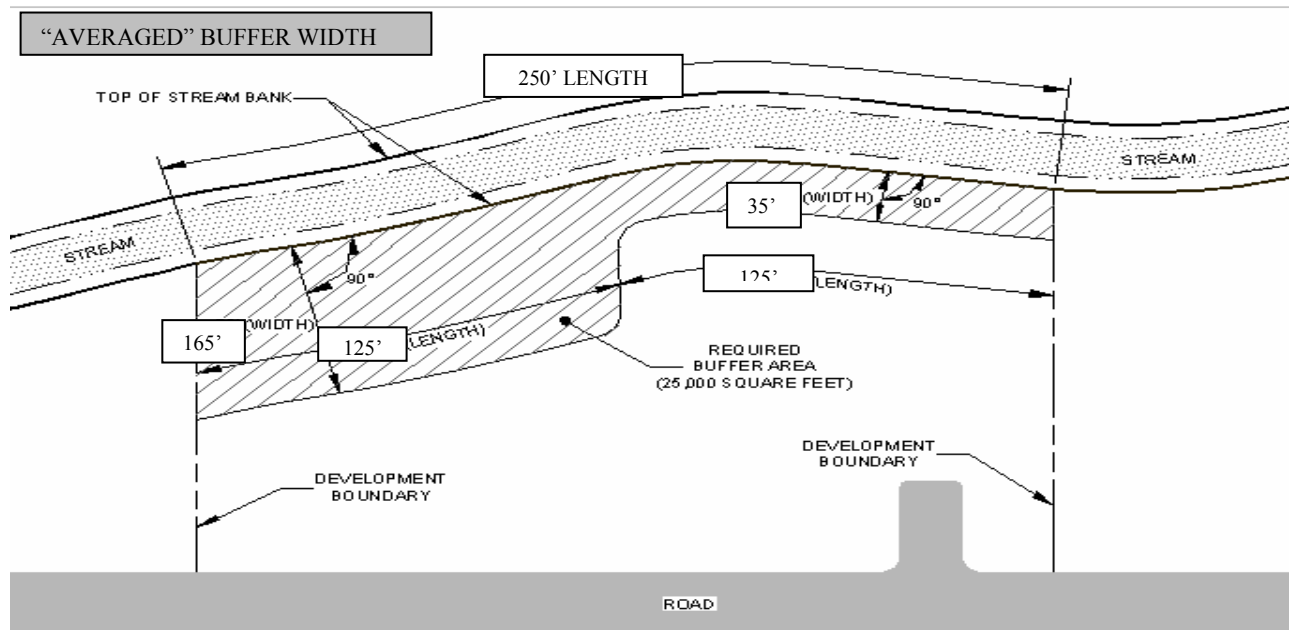
Stream Buffer Averaging “Before” and “After” Graphics.

Figure 1.



Buffer averaging is usually used to accommodate stream crossings, existing structures and recover lost lots. Using buffer averaging, the total width of the 100' buffer can vary (or narrow) from point to point, as long as the average total width of the buffer and the overall buffer area meet the minimum criteria. Zone 1 *should not* be encroached upon unless absolutely necessary and/or authorized by the municipality.

Figure 2.



calculation of stream “buffer averaging”. Consider a development site that is bounded by 250 linear feet of stream frontage, measured following the stream channel. Only one side of the stream is located within the boundaries of the site to be developed in this example.

Constants: Total linear length of buffer: 250 feet
Required width of buffer: 100 feet (both Zones One and Two)

Step 1. Calculate the total required area of the buffer.

Length of buffer (250 feet) x width of buffer (100 feet) = 25,000 sq. ft. of stream buffer area required. (See Fig 1)

Step 2. Calculate the maximum allowed length of buffer that has the minimum allowed buffer width.

A maximum of 50% of the total buffer length (250 feet) is allowed to be 35 feet wide. Step 2 will determine the maximum length of buffer that can have the minimum allowed buffer width of 35 feet.

Maximum length of 35 foot buffer = length of buffer x 50% = 250 feet; $250' \times 50\% = 125$ feet. Therefore 125 feet of the buffer can have the minimum width of 35 feet. (See Fig. 2)

Step 3. Calculate total area of buffer that has the minimum allowed buffer width and determine the remaining buffer area required.

Total buffer area provided = Length of buffer @ 35 feet x

35 foot width = 125 feet x 35 feet = 4,375 sq. ft. (See Fig 2)

Available buffer area remaining = Total required area of buffer – 4,375 sq. ft. = 25,000 sq. ft. – 4,375 sq. ft. = 20,625 sq. ft. (See Fig. 2)

Step 4. Determine the width of the remaining buffer.

Length of remaining buffer = Total length of buffer – Length of buffer @ 35 foot width. 250 feet – 125 feet = 125 feet

Width of remaining buffer = 20,625 sq. ft. / 125 feet = 165 feet (See Fig. 2)

Therefore, 125 linear feet of buffer will have a 35 foot wide buffer (4,375 sq. ft. of area) . An additional 125 linear feet will have a minimum buffer width of 165 feet (20,625 sq. ft. of area) with an overall average total buffer width of 100 feet
(4, 375 sq. ft + 20,625 sq. ft. = 25,000 sq. ft. total buffer area) (See Fig. 2).

Why Does the Centre Region Model Stream Corridor Protection Ordinance Not Address Agricultural Activities?

- Farming activities are already regulated by other State laws and Agencies.
- Local zoning laws can not supersede or be more restrictive than these State laws.
- A number of local programs have been very successful in working with the agricultural community to promote stream buffers, stream bank stabilization and best management practices.
- When development activities occur near a waterway, opportunities for stream buffers can be lost forever. The Model Ordinance is structured to require stream buffers to be established when future developments occur near the Region's streams.



Executive Summary of Model Riparian Buffer Ordinance

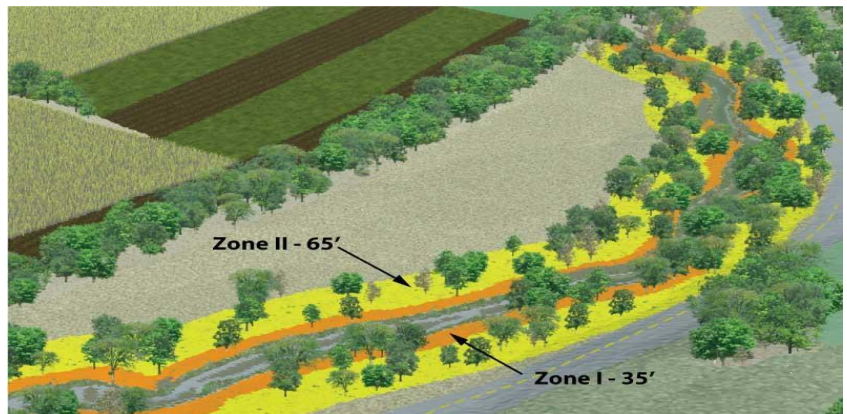
Introduction and Background

The Centre Region is fortunate to contain high quality waterways such as Spring and Spruce Creeks which make significant contributions to our environment and quality of life. Recent events have emphasized the importance of maintaining and protecting our community's waterways. Portions of Spring Creek have been identified as "impaired" because water quality has been degraded by non-point (no pipe) pollution sources. The PA Department of Environmental Protection is now implementing the Chesapeake Bay Tributary Strategy establishing aggressive goals for reducing the amount of sediments and nutrients that our streams contribute to the Susquehanna River drainage area and the Chesapeake Bay. In addition, the potential exists for the establishment of total maximum daily loads (TMDLs) for Spring Creek and the implementation of state mandated riparian buffers to prevent increased pollutant loadings to our waterways. *Through riparian buffers, the community has the ability to reverse current trends and improve the quality of vital water resources.*

The Centre Region municipalities recognize the need for a coordinated effort to protect our streams, waterways and quality of life. If local measures are not taken to reduce pollutant loadings to our streams, the community's healthy economy and environmental well being could be threatened. Thus, Centre Region officials are pursuing measures to ensure the future health of our water resources now and for future generations. The implementation of a riparian buffer program in your municipality is an important step in our comprehensive water management efforts.

What is a Riparian Buffer?

A riparian or "stream" buffer refers to the land located directly adjacent to a stream that directly impacts water quality. A healthy riparian buffer contains trees and vegetation which enhance water quality by trapping and filtering pollution, sediment and nutrients.



The proposed two zone Riparian Buffer

Proposed Model Riparian Buffer Ordinance

The Centre Region municipalities are considering adoption of a Riparian Buffer Ordinance. The Riparian Buffer Ordinance proposes two riparian buffer zones. Zone One would begin at the edge of a stream and extend outward 35 feet. Zone Two would begin at the outer edge of Zone One, and extend outward an additional 65 feet. Uses in both Zones are specified by each municipality. The Ordinance also recommends buffers for isolated wetlands and water bodies *not* located along creeks and streams. It is important to note that since the Commonwealth already regulates agricultural and timbering/forestry uses, they are permitted uses in both Zones One and Two of the Riparian Buffer Ordinance.

Why Do We Need Riparian Buffers?

- ✓ **Increased property values** - Buffers can increase property values by as much as 20% from improved aesthetics, native landscaping and open space protection.
- ✓ **Reduced erosion** - Plants and roots reduce runoff and stabilize soil. Streams stay cleaner with less silt from runoff.
- ✓ **Wildlife habitat and viewing** – Our wildlife depends upon mixed woodlands for food, habitat and travel corridors.
- ✓ **Air quality improvement** - Trees and shrubs absorb airborne pollutants and return oxygen to the atmosphere for our use.
- ✓ **Decreased heating and cooling costs** - Trees can provide summer shade and evergreens can act as winter insulation. Shade also supports aquatic life by reducing stream temperatures to protect our cold water trout fishery.
- ✓ **Noise reduction** - Trees and shrubs can muffle urban noises and protect privacy.
- ✓ **Groundwater recharge** – Buffers safeguard our local water supplies by protecting groundwater recharge areas by absorbing excess water increasing groundwater recharge and reducing flood volume.

What Does a Property Owner Need to Know?

Only subdivision and land development activity will trigger the requirements of the Riparian Buffer Ordinance. In addition to establishing protective buffer Zones and allowable uses, the Ordinance includes a municipally approved Riparian Buffer Management Plan required for subdivision and land development to address impacts and restoration. Any zoning and building permit review for things like building additions and accessory structures, municipalities will merely recommend the property owner acknowledge the existence of the riparian buffer in design and the need for restoration if it is impacted. The Riparian Buffer Ordinance also encourages native plantings, the removal of noxious species and containment of invasive species which can threaten native plants. Each individual Centre Region municipality will determine where and to what extent, riparian buffers will ultimately be located which will then be detailed on the Official Zoning Map.

Specific comments, questions and concerns about the Riparian Buffer Ordinance should be directed to your local municipality or to Sebastian DeGregorio, CRPA Project Coordinator at sdegregorio@crcog.net or (814) 231-3050. Stream buffer background materials and the regional Model Ordinance can be viewed at www.centreconnect.org/crpa-mpo, under the heading "Stream Buffers."





Riparian Buffers

Frequently Asked Questions:

What is a Riparian or Stream Buffer?

A riparian or stream buffer is the land next to a stream that is vegetated, usually with trees and shrubs, that serves as a protective filter. Riparian buffers are also composed of aquatic and semi-aquatic plants. Buffers help protect streams as a line of defense from the effects of urban growth by stabilizing stream banks and reducing non-point source pollution such as nutrients, sediment and pesticides.

Riparian buffers are complex ecosystems that improve streams by supplying food and habitat for fish and other wildlife. Scientists have shown that riparian buffers also improve the area around the stream; parks that include riparian buffers are healthier and have more wildlife than parks without riparian buffers. Buffers will also help us protect our streams by reducing non-point source pollution, as required by the Chesapeake Bay Tributary Strategy (CBTS). Some specific functions of riparian buffers include:



- Safeguarding local water supplies by protecting groundwater recharge areas from pollution.
- Reducing flooding by slowing stormwater runoff that travels over the land, roads, sidewalks, and highways to receiving bodies of water.
- Protecting and preserving native fish and diverse wildlife habitats.
- Protecting streams and aquatic life by trapping debris that is carried in rain and snowmelt that would otherwise reach streams.
- Preventing erosion of stream banks by holding soil in place.
- Improving water quality by filtering pesticides, nutrients, pathogens, and sediment.
- Supporting aquatic life and biodiversity by providing a source of food and shade to reduce water temperatures and protecting our cold water trout fishery.
- Providing recreation and economic stimulus to our region and county.
- Providing future educational and research opportunities for local SCASD and PSU environmental classes.

Riparian Buffers: FAQs

- Providing windbreaks and visual buffers.
- Maintaining quality of life and increased property values for residents.

The DEP has identified impaired reaches of Spring Creek where water quality has been negatively impacted by non-point pollution sources. The use of riparian buffers can help restore these degraded stream segments and prevent the reduction of water quality in other sections of this high quality stream. Many scientific studies have documented that riparian buffers are critical to the health and vitality of cold water streams.

What happens to waterways that lack established Riparian Buffers?

When waterways *do not* have well-established riparian buffers, they tend to erode more quickly, flood more often and become more polluted with nutrients and sediment than a properly buffered waterway. Buffers also improve the health of animals and fish that live in or near a waterway due to the food, shelter and clean water they provide.

If Riparian Buffers are important, why were they previously removed?

People historically did not realize the environmental damage that resulted from removing a natural riparian buffer area. As a result, buffers were removed for a variety of reasons, including:

- development and creating new roads,
- expanding crops and farmlands to the edge of the water, and
- improving the waterfront view of a property.

While there are many reasons for riparian buffer removal, the long-term environmental impact can be costly and damaging to any community.

What are native plants?

Native plants, also called indigenous species, are species that occur naturally in an area or habitat. CRPA, Centre County and local environmental and conservation agencies encourage the use of native plants within riparian buffer zones. Consulting a local expert is always advised.



What are non-native plants?

Non-native plants are species that do not occur historically in an area or habitat. Non-native species are often introduced accidentally, usually because they are aesthetically pleasing. Some non-native plant species can create problems when they become invasive in natural areas. One study has estimated that invasive non-native species cost the United States more than \$122 billion every year. Invasive non-native trees, shrubs, vines, grasses, and herbs can damage our natural areas by out competing native plants for soil, water, and light.

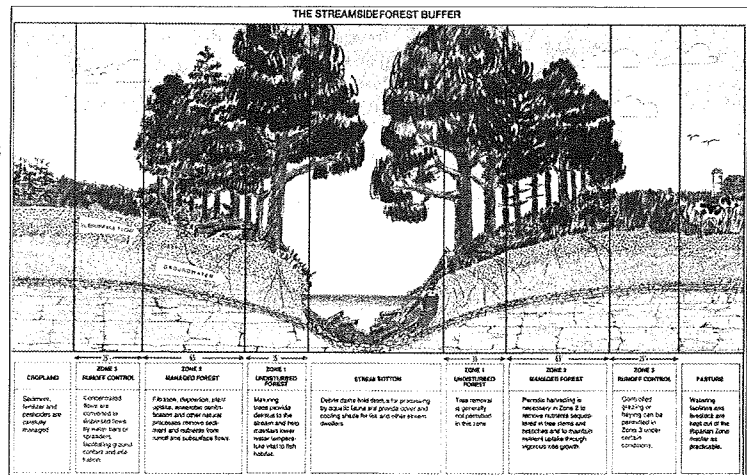
Why do fish like our native brown trout population in Spring Creek need Riparian Buffers?

Riparian buffer zones along the banks of our local waterways benefit aquatic habitats and species by improving and maintaining the quality of nearby waters through shading, filtering, and also moderating stream flow. Shade in summer maintains cooler, more even temperatures, especially on smaller streams. Cooler water holds more oxygen and reduces stress on fish and other aquatic organisms. Leaf litter contributes to the aquatic food web. Woody debris also provides snags and creates stepped pools, providing cover for fish and their food supply while reducing erosion by slowing water flow. Since many of our Centre Region streams are designated high quality (HQ) coldwater fisheries by DEP, maintaining these designations are important from both an ecological and economic standpoint.

How big does a Riparian Buffer need to be?

Many fresh water riparian buffer zone studies recommend a minimum of 100 feet from the water's edge. The actual size of a riparian zone can be impacted by the presence of natural features (wetlands, floodplains) and topographic conditions. Since floodplains and delineated wetlands are federally regulated and often times also found within proposed riparian buffer areas, riparian buffers need to also incorporate these important elements. CRPA's recommended 2-Zone, 100-foot minimum riparian buffer is considered a "starting point" from which specific riparian buffer requirements can be evaluated.

Finally riparian buffer widths can and should be flexible and variable depending on what function the buffer is to perform, the impact of adjacent land uses and structures, and the biological, chemical, and physical characteristics of a particular site or buffer zone area (e.g. presence/absence of wetlands/floodplains, soil types, slope, vegetation type/density).



How do I manage a riparian buffer zone and do I need to do anything?

Riparian buffer zones should ensure physical separation of conflicting land uses while avoiding the need for any special maintenance requirements for property owners. Based on the recommended draft Riparian Buffer Zoning District Ordinance requirements, ***if a property owner proposes no new buildings, additions or structures impacting the buffer nothing needs to be done.*** However, if new subdivision, land development or other permanent structures are proposed within the riparian buffer zone, a Riparian Buffer Management Plan may be required after consulting your local municipal Zoning Officer regarding your plans. On-going maintenance is still recommended in order to maintain buffer efficiency and effectiveness including, but not limited to:

- replanting of native species when possible,

Riparian Buffer: FAQs

- tree thinning and pruning,
- fire protection management, and
- removal of invasive plants, weeds and/or litter removal.

I don't own a streamside property or know anything about riparian buffers. Can I still get involved?

Everyone can play a role in implementing, preserving, creating and/or maintaining healthy local riparian buffer zones throughout the Spring Creek Watershed:

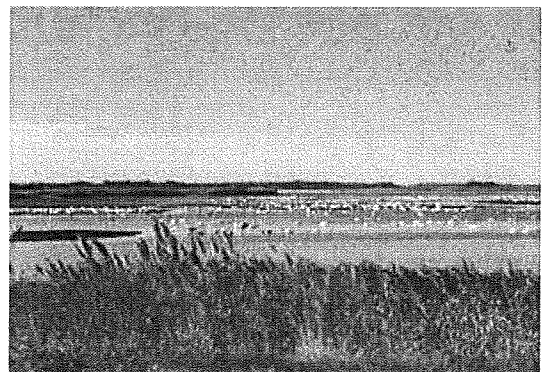
- Rural landowners can enhance or create riparian buffers on their properties,
- Local governments can pass riparian buffer ordinances and initiate invasive plant removal, weed control and maintenance activities for riparian buffers along municipally owned property,
- Urban/suburban residents can improve the native vegetation on their properties, especially if they are adjacent to a waterway or other water body, or get directly involved with a local environmental group such as ClearWater Conservancy and Trout Unlimited.
- Business interests can manage riparian buffers on their property or sponsor the work of local community groups,
- Schools and other educational institutions can undertake revegetation projects on school property or within public areas such as parks and preserved open spaces.

Will the preserved riparian buffer be accessible to the public?

No. Riparian buffers are preserved mainly for ecological significance, preservation and conservation of critical plant and animal habitats. The decision to grant public access will remain with the individual property owner.

What is the Chesapeake Bay Tributary Strategy (CBTS), and what does it mean to “us”?

The Chesapeake Bay Tributary Strategy (CBTS) is an effort to reduce nutrient and sediment loading to the Chesapeake Bay. The states that are signatory to this agreement have agreed to make significant progress in the reduction of nutrients and sediments to the Bay by the year 2010. To meet these goals, communities located within this drainage area will need to implement Best Management Practices (BMPs) to address point and non-point pollution sources. Riparian buffers are one of the BMPs that will help the Centre Region meet these goals.



How many acres are in a mile of buffer?

In a 100' buffer (Zones 1 and 2) there are 12 acres/mile. In a 35' buffer (Zone 1) there are 4 acres/mile on average.

What is the average width of restored buffers currently in our neighboring Chesapeake Bay Compact states?

In Maryland - 132'; in Pennsylvania - 72'; in Virginia - 81', or *approximately 95' average among the 3 states.*

Farmers can't afford to turn their cropland into riparian buffers and make do with fewer crops. If farmers are to participate in this initiative, they must be able to make their remaining acreage *more* productive. Do the two riparian buffer zones (100' minimum) and the ordinance provide enough flexibility?

This is an important issue which will need to be addressed during the municipal review of the riparian buffer ordinance. CRPA staff is interested in comments from the Region's municipalities on how to increase flexibility in the ordinance to address agricultural concerns. Staff will meet with local environmental and conservation agencies to identify incentives that could be provided to farmers who incorporate riparian buffers. Staff will also research the value of nutrient credits that could be obtained by farmers and traded or sold under the Chesapeake Bay Tributary Program. Agricultural preservation is an important goal of the Centre Region Comprehensive Plan and is critical to the Region's growth management efforts. It will be important to achieve an ordinance that balances the needs of the agricultural community with the Region's stream corridor protection efforts.



As a landowner, how can I best protect water/stream quality?

Many daily activities can degrade water quality. Landowners can use a variety of "friendly" practices to reduce the amount of storm water runoff, such as minimizing the amount of paved surfaces on their land and planting trees and shrubs to reduce the amount of lawn area. Along streams, landowners can help by reducing mowing as far as possible from streams and by allowing natural vegetation to grow.

If Riparian Buffers were to be adopted at the municipal level, what would be the process?

Following a review of the Riparian Zoning information by the Public Services Committee, the COG General Forum will refer this information to the Region's municipalities for review and comment. During this process, municipal planning commissions and elected officials will be provided an opportunity to review these materials in detail at the local level. Municipal comments on this proposal will be provided to the CRPA. The CRPA will identify areas where there is consensus among the Region's municipalities, and revise the ordinance materials accordingly. Areas where more discussion is needed will also be identified and provided to the CRPC and General Forum for review. Many times, the General Forum will forward these areas of disagreement back to the Region's municipalities for review and further discussion. For some regional projects, this cycle is repeated 2-3 times before a consensus is reached among all six municipalities.

Part 3

Rural Districts

§27-301. Rural Agricultural (RA) District.

1. *Intent.* It is the intent of the Rural Agricultural District:
 - A. To retain the pastoral nature of the district.
 - B. To encourage the preservation of agriculture as the most suitable use in rural areas.
 - C. To limit development to those uses that are compatible with the agricultural environment.
 - D. To prevent the extension across farmland of public utilities with costly use fees.
 - E. To preserve the quality soils for crop and pasture use by limiting the conversion of prime cropland to nonagricultural uses.
2. *District Regulations.* Only the uses listed below shall be permitted in the Rural Agricultural District.
 - A. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter; provided, that more than one permitted use shall be allowed on a lot without increasing the minimum lot size.
 - B. All non-agricultural uses (Primary Uses 5-17) should be located so as to minimize conversion of Class I, II, and III soils to non-farm uses and to minimize the impact on adjacent farm operations. All development applications shall provide soil information at sufficient detail to accurately determine the impact to prime agricultural soils in the area.
3. *Primary Uses 1 through 17.* All of these uses shall be restricted, as a group, to a rate of one for each 50 acres described in a single deed whether or not such uses are proposed to be subdivided from the parcel. However, the original parcel must at all times retain a minimum of 50 acres in Primary Use 1, 2, 3, or 4 or any combination thereof.
4. *Primary Use 5 Regulations.* In addition to the lot requirements, yard setback requirements and maximum height requirement, the following additional regulations shall apply to any Permitted Primary Use 5 use:
 - A. No more than a single one lot subdivision with Use 5 identified as the primary use may be granted on a RA Zoning District lot that exists as of the date of the enactment of this subsection. An RA Zoning District lot shall be defined as a lot having at least 50 acres described in a single deed.
 - B. In the RA Zoning District, parking spaces for any Primary Use 5 shall be constructed of gravel until such time as the required parking exceeds 25 parking spaces. At that time, all parking spaces shall be paved.

5. *Single-Family Dwellings in Existence on Lots under 50 Acres.* Lots which were developed for residential use in the RA zone prior to (the date of enactment of this amendment) may incorporate Primary Uses 1 or 2 on their existing property with the exclusion of the raising, keeping, and selling of livestock or poultry.

(*Ord. 224*, 3/15/1981, §301; as amended by *Ord. 744*, 11/1/1999, §1; by *Ord. 781*, 10/1/2001, §2; and by *Ord. 865*, 8/7/2006, §2)

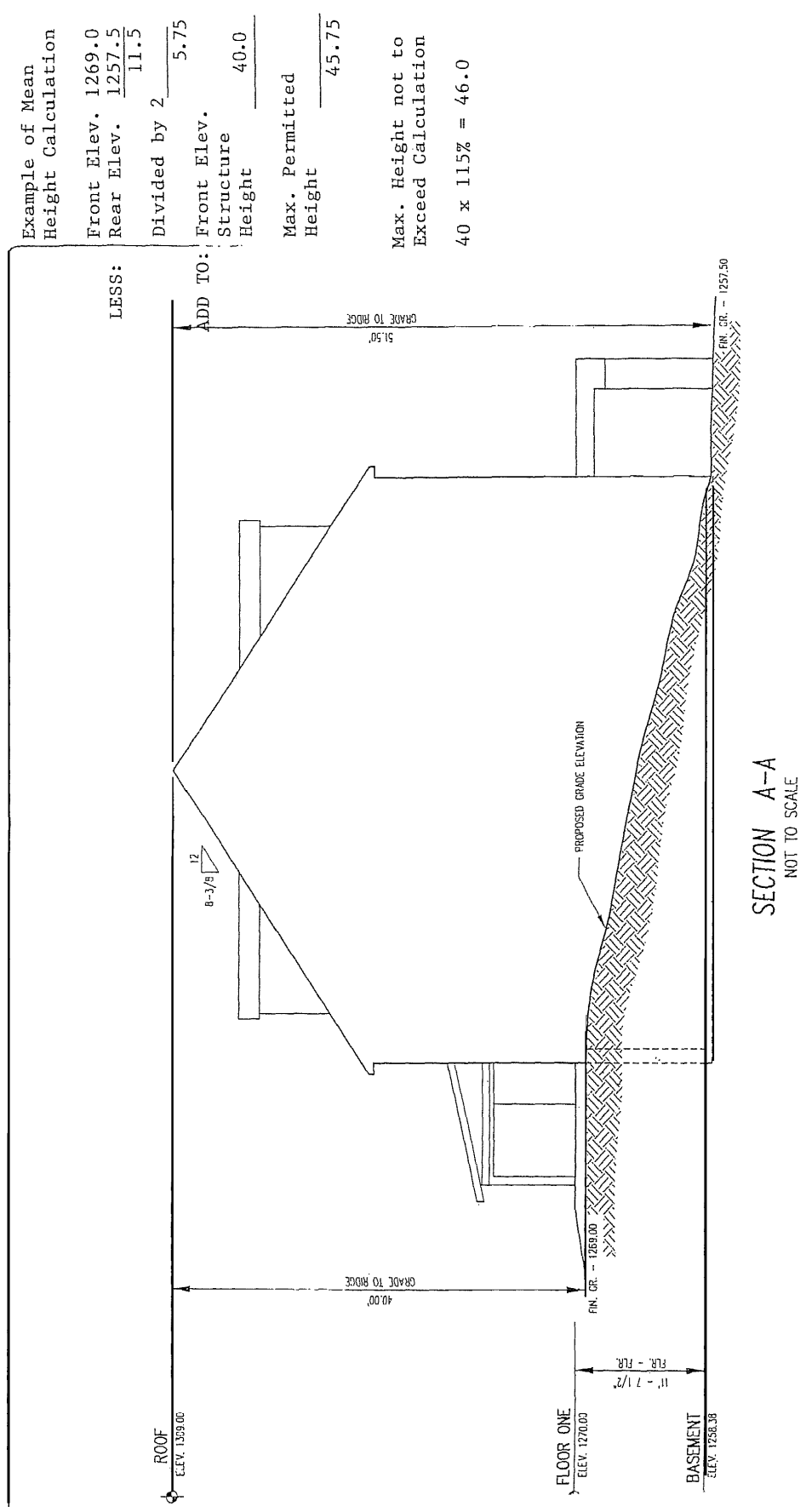


Table 301
Criteria and Standards for the Rural Agricultural (RA) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT	MAXIMUM BUILDING COVERAGE
	MAXIMUM SIZE	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	FRONT YARD	SIDE YARD	REAR YARD		
PRIMARY USES									
1. The tilling of the land, the raising and selling of crops, fruits and vegetables and the raising, keeping and selling of livestock and poultry.		50 acres	60 feet at street line and building setback line	10%	50 feet	100 feet	75 feet	40 feet	
2. Forestry uses		50 acres	60 feet at street line and building setback line	5%	50 feet	100 feet	75 feet	40 feet	
3. Usual farm structures, including barns, greenhouses and single and two family dwellings not to exceed three dwelling units on any single farm parcel.		50 acres	60 feet at street line and building setback line	10%	50 feet	100 feet	75 feet	40 feet	
4. Horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, fruits, vegetables and other plant materials.		50 acres	60 feet at street line and building setback line	10%	50 feet	100 feet	75 feet	40 feet	
5. Establishments for the raising, processing, storage, sales and/or service of farm products, supplies or commodities. (See additional requirements of §27-301.3).	5 acres	1 acre	60 feet at street line and building setback line	30%	50 feet	50 feet	50 feet	40 feet	30%
6. One Single-family detached dwelling (for every 50 acres of a Primary Use - as determined and calculated before the subdivision).	2 acres	1 acre	60 feet at street line and building setback line	30%	20 feet on local and collector streets; 50 feet on arterial streets	50 feet	50 feet	40 feet	30%

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT	MAXIMUM BUILDING COVERAGE
	MAXIMUM SIZE	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	FRONT YARD	SIDE YARD	REAR YARD		
7. Communication Towers			60 feet at street line and building setback line		50 feet	100 feet	75 feet	200 feet	
8. [Reserved] [Ord. 898]									
9. Churches and other places of worship, parish houses and convents	5 acres	1 acre	60 feet at street line and building setback line	30%	50 feet	50 feet	75 feet	45 feet	30%
10. U.S. Post Office Subdivision for the purpose of providing a post office in the RA District shall not be considered a lot which counts towards the landowner's one single-family detached dwelling for every 50 acres of a primary use. For example, if a landowner owns 50 acres and subdivides a 3 acre parcel for a post office, the landowner would be permitted to subdivide off one additional 1 acre lot from the remaining 47 acres for a single-family detached dwelling.	3 acres		60 feet at street line and building setback line	30%	50 feet	50 feet	50 feet	40 feet	30%
10A. Kennels [Ord. 888]	3 acres [Ord. 888]								
10B. Pet Care Facilities [Ord. 888]		1 acre [Ord. 888]							
10C. Veterinary Office/Clinic [Ord. 888]		1 acre [Ord. 888]							
10D. Group Home [Ord. 908]									
ACCESSORY USES	See PRIMARY USES above to which it is accessory								
11. Home occupations									
12. No Impact Home Based Business									

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT	MAXIMUM BUILDING COVERAGE
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met				
	MAXIMUM SIZE	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	FRONT YARD	SIDE YARD	REAR YARD		
13. Customary uses accessory to the above; essential									
14. Group child care homes as a conditional use accessory to a residence if the requirements of §27-204.E.2 are satisfied									
15. Child Care Center, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied.									
16. Bed and Breakfast having one to three rooms as an accessory use to an owner occupied single-family dwelling unit, subject to the requirements of §27-204.X.									
17. Bed and Breakfast having four to ten rooms as an accessory use to an owner-occupied single-family dwelling unit, subject to the requirements of §27-204.X.									
USES BY SPECIAL EXCEPTION									
18. Mining and Quarrying		10 acres	300 feet	10%	50 feet	300 feet	75 feet	40 feet	
CONDITIONAL USES									
19. Air Quality Learning Centers , in accordance with requirements of §27-204.AA	1 acre			25%	50 feet	50 feet	50 feet	40 feet	
20. Public Recreation Areas [Ord. 898]	10 acres	5 acres	60 feet at street line and building setback line	30%	50 feet	50 feet	50 feet	40 feet	10%
21. Golf courses [Ord. 898]				10% (Maximum Impervious: None)	50 feet	100 feet	100 feet		

(*Ord. 224*, 3/15/1982, §301.2.1; as amended by *Ord. 400*, 7/25/1989, §§1,2; by *Ord. 555*, 6/7/1993, §1; by *Ord. 560*, 6/7/1993 §§3,4,5; by *Ord. 595*, 9/19/1994, §2; by *Ord. 600*, 12/5/1994, §§1-4; by *Ord. 656*, 6/17/1996, §3; by *Ord. 680*, 8/4/1997, §3; by *Ord. 702*, 7/6/1998, §2; by *Ord. 718*, 10/19/1998, §1; by *Ord. 744*, 11/1/1999, §1; by *Ord. 797*, 8/5/2002, §2; by *Ord. 820*, 12/8/2003; by *Ord. 821*, 12/8/2003, §2; by *Ord. 852*, 8/1/2005, §2; by *Ord. 865*, 8/7/2006, §2; by *Ord. 888*, 7/2/2007, §1; by *Ord. 898*, 1/7/2008, §§1, 2; and by *Ord. 908*, 8/18/2008, §1)

§27-302. Rural Residential (RR) District.

1. *Intent.* It is the intent of the Rural Residential District to promote the following:

- A. To retain the pastoral nature of the district.
- B. To encourage the preservation of agriculture as a suitable use in rural areas.
- C. To limit development to those uses compatible with the rural environment.
- D. To limit the extension across farmland of public utilities with costly use fees.
- E. To preserve the quality of the soil for crop and pasture use.
- F. To protect prime cropland from its conversion to uses incompatible with agriculture.
- G. To buffer housing from farm activities.
- H. To permit limited commercial uses and community facilities which are compatible with the rural environment or which would create serious nuisances or hazards if located within populous areas.

2. *District Regulations.* Only the uses listed below shall be permitted in the Rural Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter. Except as noted herein, lot sizes for uses permitted in the RA (Rural Agricultural Zoning District) shall be as specified in Table 301. [Ord. 899]

(Ord. 224, 3/15/1981, §302; as amended by Ord. 463, 9/4/1990, §1; and by Ord. 899, 1/21/2008, §1)

Table 302
Criteria and Standards for the Rural Residential (RR) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
PRIMARY USES								
1. Single-family detached dwellings	1 acre (3 acres maximum) [Ord. 899]	100 feet at the street line; 150 feet at the building setback line	30%	50% for the first 5 acres and 30% for the remainder	20 feet on local and collector streets; 50 feet on arterial streets	30 feet	30 feet	40 feet
2. All permitted uses of the Agricultural District	As set forth in Table 301 [Ord. 899]	300 feet at street line and building setback line [Ord. 656, 6/17/1996, §4]	10%	None	50 feet [Ord. 820]	100 feet	100 feet [Ord. 820]	40 feet [Ord. 820]
3. Golf courses (subject to the requirements of §27-204.J) [Ord. 899]	10 acres	300 feet at street line and building setback line [Ord. 656, 6/17/1996, §4]	10%	50% for the first 5 acres and 30% for the remainder	50 feet [Ord. 820]	100 feet	100 feet [Ord. 820]	40 feet [Ord. 820]
4. Horse riding stables academies	10 acres	300 feet at street line and building setback line [Ord. 656, 6/17/1996, §4]	10%	50% for the first 5 acres and 30% for the remainder	50 feet [Ord. 820]	100 feet	100 feet [Ord. 820]	40 feet [Ord. 820]
5. Reserved [Ord. 888]								
6. Reserved [Ord. 888]								
7. Commercial cemeteries	1 acre	150 feet at the building setback line and at street line [Ord. 656, 6/17/1996, §4]	30%	50% for the first 5 acres and 30% for the remainder	50 feet	50 feet	75 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
8. Public and private nursery, kindergarten, elementary and secondary schools	1 acre	150 feet at the building setback line and at street line [Ord. 656, 6/17/1996,§4]	30%	50% for the first 5 acres and 30% for the remainder	50 feet	50 feet	75 feet	40 feet
9. Public or private conservation areas for th conservation of open space, water , soil and wildlife resources.	1 acre	150 feet at the building setback line and at street line [Ord. 656, 6/17/1996,§4]	30%	50% for the first 5 acres and 30% for the remainder	50 feet	50 feet	75 feet	40 feet
10. Public park and recreational areas, excluding the use of motorized recreational activities on the premises [Ord. 821]	1 acre	150 feet at the building setback line and at street line [Ord. 656]	30%	50% for the first 5 acres and 30% for the remainder	50 feet	50 feet	75 feet	40 feet
11. Churches and other places of worship, parish houses and convents (subject to the requirements of §27-204.F) [Ord. 899]	As set forth in Table 301 [Ord. 899]	150 feet at the building setback line and at street line [Ord. 656, 6/17/1996,§4]	30%	50% for the first 5 acres and 30% for the remainder	50 feet	50 feet	75 feet	40 feet
12. Communication Towers [Ord. 820]		150 feet at the building setback line and at street line [Ord. 820]			50 feet [Ord. 820]	50 feet [Ord. 820]	75 feet [Ord. 820]	200 feet [Ord. 820]
13. Convenience Food Stores (subject to the requirements of §27-204.G) [Ord. 899]	1 acre	150 feet at the building setback line and at street line [Ord. 656]	30%	50% for the first 5 acres and 30% for the remainder	50 feet	50 feet	75 feet	40 feet
14. Large Personal Care Homes (subject to the requirements of §27-204.U) [Ord. 899]	1 acre [Ord. 820]	150 feet at the building setback line and 100 feet at street line	30% [Ord. 820]	50% for the first 5 acres and 30% for the remainder	20 feet on local and collector streets; 50 feet on arterial streets	50 feet [Ord. 820]	75 feet [Ord. 820]	40 feet [Ord. 820]

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
15. Administrative offices and maintenance buildings for companies which operate potable water well systems withing Ferguson Township. [Ord. 733, 8/16/1999, §2]	1 acre	150 feet at the building setback line and at street line [Ord. 656, 6/17/1996, §4]	30%	50%	50 feet	50 feet	75 feet	40 feet
16. U.S. Post Office on a maximum lot size of 3 acres. [Ord. 820]	1 acre [Ord. 820]	150 feet at the building setback line and 100 feet at street line [Ord. 820]	30% [Ord. 820]	50% [Ord. 820]	20 feet on local and collector streets; 50 feet on arterial streets [Ord. 820]	30 feet [Ord. 820]	30 feet [Ord. 820]	40 feet [Ord. 820]
17. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
17A. Kennel [Ord. 888]	3 acres [Ord. 888]							
17B. Pet Care Facility [Ord. 888]	1 acre [Ord. 888]							
17C. Veterinary Office/Clinic [Ord. 888]	1 acre [Ord. 888]							
18D. Group Home [Ord. 908]								
ACCESSORY USES	see PRIMARY USE above to which it is accessory							
18. Home Occupations								
19. No Impact Home Based Business [Ord. 820]								
20. Customary uses accessory to the above; essential services								
21. Group child care homes as a conditional use accessory to a residence if the requirements of §27-204.E(2) are satisfied. [Ord. 680]								

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
22. Child Care Center, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied. [Ord. 820]								
23. Bed and Breakfast having one to three rooms as an accessory use to an owner occupied single-family dwelling unit, subject to the requirements of §27-204.-X. [Ord. 682]								
24. Bed and Breakfast having four to ten rooms as an accessory use to an owner-occupied single-family dwelling unit, subject to the requirements of §27-204.X. [Ord. 682]								
USES BY SPECIAL EXCEPTION								
25. Mining and quarrying (subject to the requirements of §27-204.M) [Ord. 899]	10 acres	300 feet	10%	50% for the first 5 acres and 30% for the remainder	50 feet	100 feet	75 feet	40 feet
CONDITIONAL USES								
1. Private park and recreational areas, excluding the use of motorized recreational activities on the premises (subject to the requirements of §27-204.Q) [Ord. 899]	1 acre	150 feet at the building setback line and at street line [Ord. 656]	30%	50% for the first 5 acres and 30% for the remainder	50 feet	50 feet	75 feet	40 feet

(Ord. 224, 3/15/1982, §302.2.1; as amended by Ord. 232, 7/13/1982, §2; by Ord. 237, 9/7/1982, §1; by Ord. 400, 7/25/1989, §3; by Ord. 463, 9/4/1990, §§1,2; by Ord. 538, 11/16/1992, §1; by Ord. 595, 9/19/1994, §2; by Ord. 656, 6/17/1996, §4; by Ord. 680, 8/4/1997, §3; by Ord. 682, 10/20/1997, §§3, 4; by Ord. 702, 7/6/1988, §2; by Ord. 718, 10/19/1998, §2; by Ord. 733, 8/16/1999, §2; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §2; by Ord. 888, 7/2/2007, §2; by Ord. 899, 1/21/2008, §2; and by Ord. 908, 8/18/2008, §2)

§27-303. Agricultural Research (AR) District.

1. *Intent.* It is the intent of the Agricultural Research District to promote the following:

A. To preserve a portion of the Township's prime agricultural land for the purpose of agricultural research.

B. To limit development in the district to the uses compatible with agricultural research.

C. To preserve the character of the surrounding rural agricultural district.

D. To limit the subdivision of land within the district consistent with the RA Zone to preserve the land for agricultural research.

2. *District Regulations.*

A. Only the uses listed below shall be permitted in the Agricultural Research District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter; provided, that more than one permitted use shall be allowed on a lot without increasing the minimum lot.

B. Upon approval of this Section, a sketch plan for all affected lands which shows buildings, roads and parking areas shall be submitted to the Township. This sketch plan shall serve as the existing conditions plan which will be used to verify existing and new uses and/or structures.

C. Land development plans shall be required in accordance with the Township's Zoning and Subdivision and Land Development Ordinances [Chapters 27 and 22, respectively] for new uses that require a parking lot or one or more buildings. [Ord. 820]

(1) Zoning permits shall be applied for as follows:

(a) A fee zoning permit is required for residential structures including houses and trailers, and nonagricultural structures for primary uses including offices, labs, research buildings, small dorms, exhibit halls, museums and communication facilities.

(b) A nonfee zoning permit is required for structures/uses such as barns, ag progress days, research greenhouses and temporary structures for overnight housing for research or security purposes.

(c) No zoning permit is required for sheds, silos or other accessory structures that are 144 square feet or less.

D. Stormwater management plans shall be required in accordance with Township Ordinances.

E. Upon adoption of this Section, an existing conditions plan of the Agricultural Progress Days facilities shall be submitted to the Township. This plan will provide a baseline for future comparison. In recognition of the long standing tradition and short duration of Ag Progress Days, application for a zoning permit

for Ag Progress Days shall require a sketch plan which identifies the location of all structures and parking areas. Additional access points shall be approved by the Township. In addition, Ag Progress Days shall continue to be held for a period of 7 days or less.

(*Ord. 224*, 3/15/1981, §303; as added by *Ord. 736*, 9/7/1999, §3; as amended by *Ord. 820*, 12/8/2003)

Table 303
Criteria and Standards for the Agricultural Research (AR) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use			YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM ⁽¹⁾ COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. General agricultural research on field, forage, forestry, insects, general livestock, vegetable, small and large fruits and ornamental crops. Includes growth in fields and greenhouses.	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
2. General fish and mammal research on both caged and confined species.	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
3. General soil, irrigation and water research.	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
4. General soil, irrigation and biological engineering research.	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
5. General farming including land tilling, raising and selling of crops and fruits and vegetables and raising, keeping and selling of livestock and poultry. Note: the nonadvertised selling of agricultural products to the general public may only occur for special one time events or at crop harvest time.	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
6. Land application of fertilizer, animal manure, pesticides and other items as needed for general farming and research	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
7. Forest research and forestry uses [Ord. 820]	10 acres [Ord. 820]	300 feet	5% [Ord. 820]	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
8. Horticultural research and horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, fruits, vegetables and other plant materials.	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use			YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM ⁽¹⁾ COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
9. Outdoor functions including educational trips, field days and facility tours and related special events.	25 acres	150 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
10. General weather, radio and satellite research. ⁽²⁾	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	200 feet
11. Agricultural Progress Days	25 acres	300 feet	10%	50 feet - including along public rights-of-way	100 feet - Except when adjacent to own property	75 feet	40 feet
ACCESSORY USES							
12. Landing Strip	See primary use above to which it is accessory						40 feet
13. Customary uses accessory to the above; essential							
TEMPORARY USES							
14. Customary uses accessory to the above; essential	See primary use above to which it is accessory						40 feet
ACCESSORY STRUCTURES							
15. Farm structures including barns, greenhouses, storage sheds, grain elevators, silos and other structures necessary to support the general research activities of the site	See primary use above to which it is accessory						40 feet
16. Single and two-family dwellings not to exceed one dwelling unit per 100 acres of total land within the district, small dormitories							40 feet [Ord. 820]
17. Offices, laboratories and work areas related to the administrative and research activities on the site.							40 feet [Ord. 820]
18. Exhibit halls and museums related to the research activities on the site.							
TEMPORARY ⁽³⁾ STRUCTURES							

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use			YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM ⁽¹⁾ COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
19. Temporary structures for overnight housing for research or security purposes	See primary use above to which it is accessory						40 feet
20. Temporary facilities such as restrooms, parking, food sales, silos and other structures as related to Agricultural Progress Days							40 feet
PROHIBITED USES AND STRUCTURES							
21. Large dormitories, auditoriums, gyms, dining halls, natatoriums and swimming pools, student unions, clubhouses and community centers, libraries, airports, hotels and conference facilities, retirement communities, fraternity and sorority houses, restaurants, stadiums.							

Notes:

⁽¹⁾ Maximum coverage is the percentage of lot area which may be occupied by the ground floor of all buildings.⁽²⁾ All towers shall comply with the design, construction, fencing and screening sections of the Township's Communications Ordinance.⁽³⁾ Temporary is for a period of 1 year from issuance of the zoning permit.

(Ord. 224, 3/15/1982; as added by Ord. 736, 9/7/1999, §3; and by Ord. 820, 12/8/2003)

§27-304. Forest and Gamelands Zoning (FG) District.

1. *Intent.* It is the intent of the Forest/Gamelands Zoning District to promote the following:

A. The conservation of open spaces, water resources, woodlands, wildlife, scenic areas and vegetative cover while allowing State managing agencies full ability to manage the land in accordance with existing laws.

2. *District Regulations.*

A. Only the uses listed below shall be permitted in the Forest/Gamelands District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter; provided, that more than one permitted use shall be allowed on a lot without increasing the minimum lot size.

B. Land development plans shall be required in accordance with the Township's Zoning and Subdivision and Land Development Ordinances [Chapters 22 and 27] for new uses that require a parking lot or building. [Ord. 820]

C. Zoning permits shall be required in accordance with the Township's Zoning and Subdivision and Land Development Ordinances [Chapters 22 and 27]. [Ord. 820]

D. Stormwater management plans shall be required in accordance with Township ordinances.

3. The lands affected by this Section are depicted on the official Ferguson Township Zoning Map as Forest/Gamelands (FG).

(Ord. 224, 3/15/1981, §304; as added by Ord. 738, 10/18/1999, §1; and as amended by Ord. 820, 12/8/2003)

Table 304
Standards and Criteria for the Forest/Gamelands (FG) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met for structures only			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE ⁽¹⁾	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Any use performed or implemented by the State Game Commission or Bureau of Forestry which is consistent with the management practices of the agencies.	25 acres	300 feet	5%	10%	50 feet ⁽²⁾	100 feet ⁽²⁾	75 feet ⁽²⁾	40 feet
2. Agriculture. Including land tilling, raising and selling of crops and fruits and vegetables, raising, keeping and selling of livestock and poultry and land application of fertilizer, animal manure and pesticides.		300 feet at the street line and building setback line [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet ⁽²⁾ [Ord. 820]	100 feet ⁽²⁾ [Ord. 820]	75 feet ⁽²⁾ [Ord. 820]	40 feet [Ord. 820]
3. Forestry Use [Ord. 820]	50 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet ⁽²⁾ [Ord. 820]	100 feet ⁽²⁾ [Ord. 820]	75 feet ⁽²⁾ [Ord. 820]	40 feet [Ord. 820]
4. Conservation areas, hunting, woodland and nature preserves	1 acre	150 feet	5%	10%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
5. Public park and outdoor recreation facilities and picnic areas. [Ord. 821]	1 acre	150 feet	5%	10%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
6. Hunting, fishing and trapping	1 acre	150 feet	5%	10%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
7. Game farm	1 acre	150 feet	5%	10%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
8. Bird and wild life sanctuaries/fish hatcheries	1 acre	150 feet	5%	10%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
9. Walking, hiking, bicycling and horseback riding trails.	1 acre	150 feet	5%	10%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
10. Seasonal dwellings.	1 acre	150 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
11. Hunting, fishing and gun clubs.	1 acre	150 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
12. Weather data collection facilities.	1 acre	150 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
13. Day/overnight camps.	10 acre	300 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met for structures only			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE ⁽¹⁾	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
14. Nature education center	10 acre	300 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
15. Archery, pistol, shotgun and skeet ranges	10 acre	300 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
16. Campground. Conditional use only, see below for conditions.	10 acre	300 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
17. Horse riding stables/riding academy.	10 acre	300 feet	5%	20%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet
18. Communication facilities	In accordance with §27-209							
19. Water wells. Conditional use only.	In accordance with §27-204.P							
ACCESSORY USES								
1. Customary uses accessory to the above; essential.	See primary use above to which it is accessory							
TEMPORARY USES								
1. Customary uses accessory to the above; essential.	See primary use above to which it is accessory							
PROHIBITED USES AND STRUCTURES								
1. Residential dwellings and commercial buildings, except as permitted above								
CONDITIONAL USES								
1. Private park and outdoor recreation facilities and picnic areas. [Ord. 821]	1 acre	150 feet	5%	10%	50 feet ⁽²⁾	50 feet ⁽²⁾	50 feet ⁽²⁾	40 feet

⁽¹⁾ Maximum coverage is the percentage of lot area which may be occupied by the ground floor area of all buildings.

⁽²⁾ In the event a front, side or rear yard abuts a different zoning district, the yard that abuts that district must be 200 feet.

⁽³⁾ All communication facilities shall comply with the design, construction, fencing and screening sections of the Township's communications ordinance [Chapter 27, §27-209]

(Ord. 224, 3/15/1981; as added by Ord. 738, 10/18/1999, §1; by Ord. 820, 12/8/2003; and by Ord. 821, 12/8/2003, §2)

Part 4

Residential Districts

§27-401. Single-Family Residential (R-1) District.

1. *Intent.* It is the intent of the Single-Family Residential District to promote the following:

A. To provide for low density housing in appropriate locations and to permit limited public and quasi-public uses appropriate for residential neighborhoods.

B. To protect residential areas from changes and intrusions which may cause deterioration.

C. To meet minimum standards of health and safety against hazards and nuisances.

D. To provide for adequate daylight, ventilation, quiet, privacy and recreational opportunity.

E. To prevent congestion and the overcrowding of land caused by excessive densities.

2. *District Regulations.* Only the uses listed below shall be permitted in the Single-Family Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

(*Ord. 224, 3/15/1981, §401*)

Table 401
Criteria and Standards for the Single-Family Residential (R-1) District

PERMITTED USES Lot and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVER- AGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Single-family detached dwellings, with off-site sewer service	10,000 sq. ft.	80 feet at the building setback line; 50 feet at the street line	30%	50%	20 feet on local and collector streets if 60 feet right-of-way; 25 feet on local and collector streets if 50 feet right-of-way with sidewalk easement located on private property; and 50 feet on arterial streets [Ord. 538]	10 feet	30 feet	40 feet
2. Single-family detached dwellings, with onsite sewer service	1 acre	100 feet at the building setback line; 75 feet at the street line	30%	50%	20 feet on local and collector streets if 60 feet right-of-way; 25 feet on local and collector streets if 50 feet right-of-way with sidewalk easement located on private property; and 50 feet on arterial streets [Ord. 538]	10 feet	30 feet	40 feet
3. Churches and other places of worship, parish houses and convents	1 acre	150 feet at the building setback line; 100 feet at the street line	30%	50%	50 feet	50 feet	75 feet	40 feet
4. Public and private nursery, kindergarten, elementary and secondary schools	1 acre	150 feet at the building setback line; 100 feet at the street line	30%	50%	50 feet	50 feet	75 feet	40 feet

PERMITTED USES Lot and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVER- AGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
5. Public Recreation Areas [Ord. 821]	1 acre	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet	50 feet	75 feet	40 feet
6. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
6A. Group Home [Ord. 908]								
6B. Community Gardens [Ord. 938]								
ACCESSORY USES								
7. Home occupations	see primary uses above to which it is accessory							
8. No impact home based business								
9. Customary uses accessory to the above; essential services								
10. Model homes, subject to approval as a conditional use. [Ord. 671]								
11. Family child are homes, if the requirements of §27-204.E(1) are satisfied. [Ord. 680]								
12. Group child care home as a conditional use accessory to a residence if the requirements of §27- 204.E(2).[Ord. 680]								
13. Bed and Breakfast having one to three rooms as an accessory use to an owner occupied single-family dwelling unit, subject to the requirements of §27- 204.X [Ord. 682]								

PERMITTED USES Lot and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVER-AGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
14. Child Care Center, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied [Ord. 820]								
CONDITIONAL USES								
1. Private Recreation Areas [Ord. 821]	1 acre	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet	50 feet	75 feet	40 feet

(Ord. 224, 3/15/1982, §401.2.1; as amended by Ord. 400, 7/25/1989, §§ 5,6; by Ord. 538, 11/16/1992, §2; by Ord. 560, 6/7/1993, §6; by Ord. 671, 5/5/1997, §2; by Ord. 680, 8/4/1997, §§2,3; by Ord. 682, 10/20/1997, §§3, 4; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §2; by Ord. 908, 8/18/2008, §3; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

§27-401A. Suburban Single-Family Residential (R-1B) District.

1. *Intent.* It is the intent of the Suburban Single-Family Residential District to promote the following:

A. To provide for low density housing in appropriate locations and to permit limited and quasi-public uses appropriate for residential neighborhoods.

B. To protect residential area from changes and intrusions which may cause deterioration.

C. To meet minimum standards of health and safety by protecting against hazards and nuisances.

D. To provide for adequate daylight, ventilation, quiet, privacy and recreational opportunity.

E. To prevent congestion and the overcrowding of land cause by excessive densities and to limit the impact of development on sensitive geological, topographical and other natural features.

2. *District Regulations.* Only the uses listed below shall be permitted in the Suburban Single-Family Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

(*Ord. 224, 3/15/1982, §401A; as added by Ord. 411, 12/5/1989, §4*)

Table 401A
Criteria and Standards for the Suburban Single-Family Residential (R-1B) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Single-family detached dwellings with off-site sewer service	20,000 sq. ft.	100 feet at the building setback line; 60 feet at the street line	20%	30%	30 feet on local and collector streets; 75 feet on arterial streets	15 feet	40 feet	35 feet
2. Single-family detached dwellings with on-site sewer service	1 acre	150 feet at the building setback line; 75 feet at the street line	20%	30%	30 feet on local and collector streets; 75 feet on arterial streets	15 feet	40 feet	35 feet
3. Churches and other 1 acre places of worship, parish houses and convents.	1 acre	150 feet at the building setback line; 75 feet at the street line	20%	30%	30 feet on local and collector streets; 75 feet on arterial streets	15 feet	40 feet	35 feet
4. Public and private nursery, kindergarten, elementary and secondary schools	1 acre	150 feet at the building setback line; 75 feet at the street line	20%	30%	50 feet	50 feet	75 feet	35 feet
5. Public park and recreational areas	1 acre	150 feet at the building setback line; 75 feet at the street line	20%	30%	30 feet	15 feet	75 feet	35 feet
6. Personal care boarding homes, with off-site sewer service.	20,000 sq. ft.	100 feet at the building setback line; 60 feet at the street line	20%	30%	30 feet on local and collector streets; 75 feet on arterial streets	15 feet	40 feet	35 feet
7. Public Recreation Areas [Ord. 821]	1 acre	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	30 feet on local and collector streets; 75 feet on arterial streets [Ord. 820]	15 feet [Ord. 820]	40 feet [Ord. 820]	35 feet [Ord. 820]

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
8. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
8A. Community Gardens [Ord. 938]								
ACCESSORY USES								
9. Home occupations	see Primary Use above to which it is accessory							
10. No Impact Home Based Business [Ord. 820]								
11. Customary uses accessory to the above; essential services								
12. Family Child care homes, if the requirements of §27-204.E(1) are satisfied. [Ord. 680]								
13. Group child care homes as a conditional use accessory to a residence if the requirements of §27-204.E(2) are satisfied [Ord. 680]								
14. Child Care Center, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied. [Ord. 820]								
CONDITIONAL USES								
1. Private Recreation Areas [Ord. 821]	1 acre	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	30 feet on local and collector streets; 75 feet on arterial streets [Ord. 820]	15 feet [Ord. 820]	40 feet [Ord. 820]	35 feet [Ord. 820]

(Ord. 224, 3/15/1982, §401A.A; as amended by Ord. 411, 12/5/1989, §4; by Ord. 560, 6/7/1993, §§7,8; by Ord. 595, 9/19/1994, §2; by Ord. 680, 8/4/1997, §§2,3; by Ord. 702, 7/6/1998, §2; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §2; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

§27-402. Two Family Residential (R-2) District.

1. *Intent.* In addition to the intent of the Single-Family Residential District, it is the intent of the Two Family Residential District to promote the following:

- A. To provide for low and moderate income housing.
- B. To promote diversity of housing types and character.

2. *District Regulations.* Only the uses listed below shall be permitted in the Two Family Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter. All uses shall have public sewer and public water service.

(Ord. 224, 3/15/1981, §402)

Table 402
Criteria and Standards for the Two Family Residential (R-2) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Single-family detached dwellings (1 dwelling unit) [Ord. 576]	7,500 sq.ft.	50 feet at the building setback line and 50 feet at the street line [Ord. 656]	30%	50%	20 feet on local and collector streets if 60 foot right-of-way, 25 feet on local and collector streets if 50 foot right-of- way with sidewalk easement located on private property, 50 feet on arterial streets [Ord. 820]	10 feet	30 feet	40 feet
2. Two family detached dwellings (2 dwelling units)	8,500 sq.ft. per building	50 feet at the building setback line and 50 feet at the street line [Ord. 656]	30%	50%	30 feet on local and collector streets, 50 feet on arterial streets [Ord. 820]	15 feet	30 feet for two dwelling units (duplexes) on lots that are adjacent to R-1 zoning district lands [Ord. 820]	40 feet [Ord. 820]
3. Single-family semi-detached dwellings (2 dwelling units)	8,500 sq. ft. per building	90 feet at the building setback line; 60 feet at the street line	30%	50%	30 feet on local and collector streets, 50 feet on arterial streets	10 feet	30 feet	40 feet
4. Public Recreation Areas [Ord. 821]	5 acres	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	50 feet [Ord. 820]	75 feet [Ord. 820]	40 feet [Ord. 820]
5. Churches and other places of worship, parish houses and convents	1 acre	150 feet at the building setback line; 100 feet at the street line	30% [Ord. 820]	50% [Ord. 820]	50 feet	50 feet	75 feet	40 feet [Ord. 820]

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
6. Public and private nursery, kindergarten, elementary and secondary schools	1 acre	150 feet at the building setback line; 100 feet at the street line	30% [Ord. 820]	50% [Ord. 820]	50 feet	50 feet	75 feet	40 feet [Ord. 820]
7. Personal care boarding home [Ord. 237, 9/7/1982, §2]	8,500 sq. ft.	80 feet at the building setback line; 50 feet at the street line	30%	50%	30 feet on local and collector streets; 50 feet on arterial streets	10 feet	30 feet	40 feet
8. Forestry [Ord. 820]	10 acres [Ord. 820]	300 feet [A..O.]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
8A. Group Home [Ord. 908]								
8B. Community Gardens [Ord. 938]								
ACCESSORY USES								
9. Home occupations	see Primary Use above to which it is accessory							
10. No Impact Home Based Business [Ord. 820]								
11. Customary uses accessory to the above; essential service								
12. Model homes, subject to approval as a conditional use. [Ord. 671]								
13. Family child care homes, if the requirements of §27-204.E(1) are satisfied. [Ord. 680]								
14. Child Care Center, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied.	1 acre	150 feet at the building setback lin and 100 feet at the street line	30%	65%	50 feet	50 feet [75 feet	40 feet
CONDITIONAL USES								

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Private Recreation Areas [Ord. 821]	5 acres	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	50 feet [Ord. 820]	75 feet [Ord. 820]	40 feet [Ord. 820]

(Ord. 224, 3/15/1982, §402.2.1; as amended by Ord. 237, 9/7/1982, §2; by Ord. 400, 7/25/1989, §§7,8; by Ord. 538, 11/16/1992, §3; by Ord. 560, 6/7/1993, §9; by Ord. 576, 1/17/1994, §1; by Ord. 595, 9/19/1994, §2; by Ord. 656, 6/17/1996, §5; by Ord. 671, 5/5/1997, §2; by Ord. 680, 8/4/1997, §2; by Ord. 702, 7/6/1998, §2; by Ord. 720, 12/7/1998, §1; by Ord. 798, 8/5/2002, §1; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §2; by Ord. 908, 8/18/2008, §4; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

27-86.2

§27-403. Townhouse Residential (R-3) District.

1. *Intent.* It is the intent of the Townhouse Residential District to promote the following:

A. To provide for medium density housing in appropriate locations and to permit limited uses appropriate to residential neighborhoods.

B. To protect residential areas from changes and intrusions which may cause deterioration.

C. To meet minimum standards of health and safety by protecting against hazards and nuisances.

D. To provide for adequate daylight, ventilation, quiet, privacy and recreational opportunity.

E. To prevent congestion and the overcrowding of land caused by excessive densities.

F. To provide for low and moderate income housing.

G. To promote diversity of housing types and character.

2. *District Regulations.* Only the uses listed below shall be permitted in the Townhouse Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter. All uses shall have public sewer and public water service.

(Ord. 224, 3/15/1981, §403)

Table 403
Criteria and Standards for the Townhouse Residential (R-3) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
PRIMARY USES								
1. Two family detached dwellings (two dwelling units)	8,500 sq.ft.	80 feet at the building setback line and 50 feet at the street line	30%	60%	30 feet on local and collector streets ; 50 feet on arterial streets [Ord. 820]	15 feet	30 feet	40 feet
2. Single-family semi-detached (two dwelling units)	8,500 sq. ft.	90 feet at building setback line; 60 feet at the street line	30%	60%	20 feet on local and collector streets; 50 feet on arterial streets [Ord. 820]	10 feet	30 feet	40 feet
3. Single-family attached dwellings (three or more dwelling units).	4,250 sq. ft. per dwelling unit	90 feet at the building setback line; 60 feet at the street line	30%	60%	20 feet on local and collector streets; 50 feet on arterial streets [Ord. 820]	10 feet	30 feet	40 feet
4. Two family semi-detached dwellings (4 dwelling units)	17,000 sq. ft. per building	90 feet at the building setback line; 60 feet at the street line	30%	60%	30 feet on local and collector streets; 50 feet on arterial streets [Ord. 820]	15 feet	40 feet	40 feet
5. Public Recreation Areas [Ord. 821]	5 acres	150 feet at building setback line; 100 feet at street line [Ord. 820]	10%	30%	50 feet	50 feet	75 feet	40 feet
6.Churches and other places of worship, parish houses and convents	1 acre	150 feet at building setback line; 100 feet at street line	30%	60%	50 feet	50 feet	75 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
7. Public and private nursery, kindergarten, elementary and secondary schools	1 acre	150 feet at building setback line; 100 feet at street line	30%	60%	50 feet	50 feet	75 feet	40 feet
8. Nursing and other convalescent homes	1 acre	150 feet at building setback line; 100 feet at street line	30%	60%	50 feet	50 feet	75 feet	40 feet
9. Personal Care Boarding Homes [Ord. 237]	8500 sq. ft.	80 feet at the building setback line; 50 feet at the street line	30%	60%	30 feet on local and collector streets; 50 feet on arterial streets	15 feet	30 feet	40 feet
10. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
11. Zero lot line single-family detached dwellings, one dwelling per lot, direct access prohibited on arterial/collector streets. All land development plan and zoning permit requirements of this Part shall apply to any such permitted use. [Ord. 820]	No minimum, but a maximum lot size of 7,260 square feet per building	50 feet at the building's setback and 50 feet at the street line	30%	60%	Front-yard setback of 20 feet except on corner lots with one side fronting an arterial or collector street, in which case the setback (front and side) shall be 30 feet	Side-yard setback of 10 feet on one side and zero feet on the other side with a required distance between adjacent buildings of 10 feet	30 feet except when rears of lots are abutting any existing and/or planned town-house or multi-family building sites, in which case the setback shall be 40 feet	35 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
12. Single-family detached dwellings, multiple buildings on a single lot developed as unified development. All site plan and zoning permit requirements of this Part shall apply to any such permitted use. [Ord. 651]	7,260 sq. ft. per single-family detached building	60 feet at the street line and 90 feet at the building setback line	30%	60%	30 feet	15 feet for all tract perimeter structures and 30 feet for designated rears of dwelling structures with a required minimum distance between buildings of 10 feet pursuant to 27-208.E of this Chapter (See also §27-206.B concerning yard requirements for multiple buildings on a single lot)	30 feet for all tract perimeter structures	35 feet
13. Child care center [Ord. 680]	1 acre	150 feet at the building setback line and 100 feet at the street line	30%	60%	50 feet	50 feet	75 feet	40 feet
13A. Group Home [Ord. 908]								
13B. Community Gardens [Ord. 938]								
ACCESSORY USES	see Primary Use above to which it is accessory							
14. Home occupations								
15. No Impact Home Based Business								
16. Customary uses accessory to the above; essential services								

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
17. Model homes, subject to approval as a conditional use. [Ord. 671]								
18. Family child care homes, if the requirements of §27-204.E(1) are satisfied. [Ord. 680]								
19. Child care center, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied. [Ord. 680]								
CONDITIONAL USES								
1. Private Recreation Areas [Ord. 821]	5 acres	150 feet at building setback line; 100 feet at street line [Ord. 820]	10%	30%	50 feet	50 feet	75 feet	40 feet

(Ord. 224, 2/15/1982, §403.2.1; as amended by Ord. 237, 9/7/1982, §3; by Ord. 400, 7/25/1989, §§ 9,10; by Ord. 560, 6/7/1993, §10; by Ord. 595, 9/19/1994, §2; by Ord. 651, 5/20/1996, §§1-3; by Ord. 671, 5/5/1997, §2; by Ord. 680, 8/4/1997, §§2,4,5; by Ord. 702, 7/6/1998, §2; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §2; by Ord. 908, 8/18/2008, §5; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

§27-404. Multi-Family Residential (R-4) District.

1. *Intent.* It is the intent of the Multi-Family Residential District to promote the following:

- A. To provide for high density housing in appropriate locations, and to permit limited uses appropriate to residential neighborhoods.
- B. To protect residential areas from changes and intrusions which may cause deterioration.
- C. To meet minimum standards of health and safety by protecting against hazards and nuisances.
- D. To provide for adequate daylight, ventilation, quiet, privacy and recreational opportunity.
- E. To prevent congestion and the overcrowding of land caused by excessive densities.
- F. To provide for low and moderate income housing.
- G. To promote diversity of housing types and character.

2. *District Regulations.* Only the uses listed below shall be permitted in the Multi-Family Residential District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter. All uses shall have public sewer and public water service.

(Ord. 224, 3/15/1981, §404)

Table 404
Criteria and Standards for the Multi-Family Residential (R-4) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Multi-family detached dwellings (three dwelling units)	9,000 sq. ft. per building	80 feet at the building setback line and 50 feet at the street line	30%	30%	20 feet for single-family dwellings on local and collector streets if 60' right-of-way; 25' on local and collector streets if 50' right-of-way with sidewalk easement located on private property; 30' for two-family dwellings and multi-family dwellings on local and collector streets; 50 feet for all dwellings on arterial streets [Ord. 820]	20 feet	40 feet	40 feet
2. Single-family attached dwellings (4 dwelling units)	3,000 sq. ft. per dwelling unit [Ord. 820]	90 feet at the building setback line; 60 feet at the street line	30%	30%		20 feet	40 feet	40 feet
3. Two family semi-detached dwellings (4 dwelling units)	12,000 sq. ft. per building	90 feet at the building setback line; 60 feet at the street line	30%	30%		15 feet	40 feet	40 feet
4. Two family attached dwellings (6 or more dwelling units).	2,500 sq. ft. per dwelling unit	90 feet at the building setback line; 60 feet at the street line	30%	65%		20 feet	50 feet	40 feet
5. Multi-family semi-detached dwellings (6 dwelling units)	15,000 sq. ft. per building	90 feet at the building setback line; 60 feet at the street line	30%	65%		20 feet	50 feet	40 feet
6. Multi-family attached dwellings (nine or more dwelling units)	2,500 sq. ft. per dwelling unit	100 feet at the building setback line; 70 feet at the street line	30%	65%	30 feet on local and collector streets, 50 feet on arterial streets [Ord. 820]	20 feet	50 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
7. Public Recreation Areas [Ord. 821]	5 acres	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10%	30%	50 feet	50 feet	75 feet	40 feet
8. Churches and other places of worship, parish houses and convents	1 acre	150 feet at the building setback line; 100 feet at the street line	30% [Ord. 820]	65% [Ord. 820]	50 feet	50 feet	75 feet	40 feet [Ord. 820]
9. Public and private nursery, kindergarten, elementary and secondary schools	1 acre	150 feet at the building setback line; 100 feet at the street line	30% [Ord. 820]	65% [Ord. 820]	50 feet	50 feet	75 feet	40 feet [Ord. 820]
10. Nursing and other convalescent homes	1 acre	150 feet at the building setback line; 100 feet at the street line	30% [Ord. 820]	65% [Ord. 820]	50 feet	50 feet	75 feet	40 feet [Ord. 820]
11. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
12. Zero lot line single-family detached dwellings, one dwelling per lot, direct access prohibited on arterial/collector streets; all land development plan and zoning permit requirements of this Part shall apply to any such permitted use. [Ord. 820]	No minimum but a maximum lot size of 5,445 square feet per building	50 feet at the building's setback and 50 feet at the street line	30%	65%	20 feet except on corner lots with one side fronting an arterial or collector street, in which case the setback shall be 30 feet	10 feet on one side and zero feet on the other side with a required distance between buildings of 10 feet	30 feet	35 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
13. Single-family detached dwellings, multiple buildings on a single lot developed as a unified development. All land development plan and zoning permit requirements of this Part shall apply to any such permitted use [Ord. 820]	5,445 square feet per single-family detached building	60 feet at the street line and 90 feet at the building setback line	30%	65%	30 feet	15 feet for all tract perimeter structures and 30 feet for designated rears of dwelling structures with a required minimum distance between buildings of 10 feet pursuant to §27-208.E of this Chapter (See also §27-206B concerning yard requirements for multiple buildings on a single lot).	30 feet for all tract perimeter structures	35 feet
14. Two family detached dwellings (two dwelling units); all land development plan and zoning permit requirements of this Part shall apply to any such permitted use. [Ord. 820]	8,500 sq. ft. per building	80 feet at the building setback line and 50 feet at the street line	30%	65%	30 feet for all local and collector streets and 50 feet for all arterial streets	15 feet on one side and zero feet on the other side with a minimum required distance between buildings of 10 feet pursuant to §27-208E of this Chapter (See also §27-206B concerning yard requirements for multiple buildings on a single lot)	30 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
15. Single-family semi-detached (two dwelling units); all land development plan and zoning permit requirements of this Part shall apply to any such permitted use. [Ord. 820]	8,500 sq. ft. per building	90 feet at the building setback line and 60 feet at the street line	30%	65%	20 feet for all local and collector streets and 50 feet for all arterial streets	10 feet on one side and zero feet on the other side with a minimum required distance between buildings of 10 feet pursuant to §27-208E of this Chapter (See also §27-206B concerning yard requirements for multiple buildings on a single lot)	30 feet	40 feet
16. Child care centers [Ord. 680]	1 acre [Ord. 820]	150 feet at the building setback line and 100 feet at the street line [Ord. 820]	30% [Ord. 820]	65% [Ord. 820]	50 feet [Ord. 820]	50 feet [Ord. 820]	75 feet [Ord. 820]	40 feet [Ord. 820]
16A. Group Home [Ord. 908]								
16B. Community Gardens [Ord. 938]								
ACCESSORY USES	see Primary Use above to which it is accessory							
17. Home occupations								
18. No Impact Home Based Business [Ord. 820]								
19. Customary uses accessory to the above; essential services								
20. Model homes, subject to approval as a conditional use. [Ord. 671]								

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
21. Family child care homes, if the requirements of §27-204.E(1) are satisfied [Ord. 680]								
22. Child care centers, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied. [Ord. 680]								
CONDITIONAL USES								
1. Public Recreation Areas [Ord. 821]	5 acres	150 feet at the building setback line; 100 feet at the street line [Ord. 820]	10%	30%	50 feet	50 feet	75 feet	40 feet

(Ord. 224, 3/15/1982, §404.2.1; as amended by Ord. 400, 7/25/1989, §§ 11,12; by Ord. 538, 11/16/1992, §4; by Ord. 560, 6/7/1993, §11; by Ord. 595, 9/19/1994, §2; by Ord. 651, 5/20/1996, §§4, 5; by Ord. 656, 6/17/1996, §6; by Ord. 671, 5/5/1997, §2; by Ord. 680, 8/4/1997, §§2,4,5; by Ord. 702, 7/6/1998, §2; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §2; by Ord. 908, 8/18/2008, §6; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

§27-405. Village (V) District.

1. *Intent.* In addition to the intent of the Single-Family Residential District, it is the intent of the Village District to promote the following:

A. To perpetuate the distinctive character and identity of the village environment.

B. To permit an harmonious mixture of housing, retail and service establishments, and community facilities in the village center.

2. *District Regulations.* Only the uses listed below shall be permitted in the Village District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

(Ord. 224, 3/15/1981, §405)

Table 405
Criteria and Standards for the Village (V) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. All permitted uses of the Single-Family Residential District, except farm uses	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
2. Two family detached dwellings	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
3. Two family semi-detached dwellings	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
4. Tourist homes	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
5. All retail establishments for the sale, service and rental of goods, except: aircraft, boat and marine supplies, contractor's and farm equipment, lumber yards, mobile homes and accessories, motor vehicles, glass and swimming pools	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
6. Barbers and beauticians, caterers, health clubs, mortuaries, photographic equipment and processing, reading rooms, shoe repair, tailors and laundromats. Note: Laundromats shall only be operated between the hours of 7 am and 11 pm or longer if an attendant is present. The lot requirements which shall apply to this use are the same as the requirements for the majority of other uses in the Village District [Ord. 733]	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
7. Studios for instruction in music, performing arts and visual media art, photographic and handicrafts studios, martial arts, dance and gymnastics. [Ord. 745]	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
8. Business, professional and financial offices	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
9. Medical and dental offices and clinics, excluding animal hospitals and veterinary offices	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
10. Mail order agencies	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
11. Eating and drinking establishments	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
12. Clubs, lodges and fraternal organizations	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
13. Community centers	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
14. Governmental buildings	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
15. Public libraries and museums; art galleries	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
16. Automobile service stations and garages	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
17. Convenience Food Stores	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
18. Personal Care Boarding Homes [Ord. 237]	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
19. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
20. Child care centers [Ord. 680]	9,000 sq. ft.	50 ft. at street line and building setback line [Ord. 656]	25%	75%	0 feet	3 feet	20 feet	40 feet
20A. Community Gardens [Ord. 938]								
No structure shall exceed 2500 sq. ft. in ground floor size. All drive-in, primary and accessory commercial uses, (except as provided above) and all mobile homes, even if placed on permanent foundation, are expressly prohibited from the Village District								
ACCESSORY USES								
21. Home occupations	see Primary Uses above to which it is accessory							
22. No Impact Home Based Business [Ord. 820]								
23. Customary uses accessory to the above; essential services								
24. Family child care homes, if the requirements of §27-204.E(1) are satisfied [Ord. 680]								
25. Child care centers accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied [Ord. 680]								
26. Bed and Breakfast having one to three rooms as an accessory use to an owner occupied single-family dwelling unit, subject to the requirements of §27-204.X [Ord. 682.]								

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
27. Bed and Breakfast having four to ten rooms as an accessory use to an owner-occupied single-family dwelling unit, subject to the requirements of §27-204.X [Ord. 682]								

(Ord. 224, 3/15/1982, §405.2.1; as amended by Ord. 237, 9/7/1982, §4; by Ord. 400, 7/25/1989, §§ 13, 14; by Ord. 595, 9/19/1994, §2; by Ord. 656, 6/17/1996, §7; by Ord. 680, 8/4/1997, §§2,4,5; by Ord. 682, 10/20/1997, §§3, 4; by Ord. 702, 7/6/1998, §2; by Ord. 733, 8/16/1999, §3; by Ord. 745, 11/15/1999, §1; by Ord. 820, 12/8/2003; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

§27-406. Mobile Home Park (MHP) District.

1. *Intent.* It is the intent of the Mobile Home Park District to promote the following:

- A. To provide for future mobile homes in appropriately located, well designed parks.
- B. To permit limited public and quasi-public uses appropriate for residential neighborhoods.
- C. To meet minimum standards of health and safety by protecting against hazards and nuisances.
- D. To provide for adequate daylight, ventilation, quiet, privacy and recreational opportunity.
- E. To prevent congestion and the overcrowding of land caused by excessive densities.
- F. To provide for low and moderate income housing.

2. *Permitted Uses.*

PRIMARY USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	Minimum Lot Size	Minimum Width	Maximum Coverage	Maximum Impervious Coverage	Front Yard	Side Yard	Rear Yard	
Mobile Home Park								
Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
Community Gardens [Ord. 938]								
ACCESSORY USES	Customary uses accessory to the above; essential services.							

3. *Site Requirements.*

A. *Site Location.* The location of all mobile home parks shall comply with the following minimum requirements:

- (1) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
- (2) Not subject to flooding.
- (3) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

B. *Site Drainage Requirements.* Stormwater management controls as set forth in the Ferguson Township Stormwater Management Ordinance [Chapter 26,

Part 1]. [Ord. 278]

C. *Soil and Ground Cover Requirements.*

(1) 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.

(2) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests harmful to man.

D. *Areas for Nonresidential Uses.*

(1) 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.

4. *Design Standards.*

A. *Required Setbacks, Buffer Strips and Screening.*

(1) 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.

(2) 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.

(3) All mobile home parks may be required, at the discretion of the Board of Supervisors, to provide a planted visual screen.

B. *Required Separation Between Mobile Homes.*

(1) 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.

(2) 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.

C. *Street System.*

(1) All streets to be offered for public dedication will conform to the Ferguson Township Subdivision Regulations [Chapter 22].

(2) All streets not to be offered for public dedication shall conform to the following standards:

(a) *General Requirements.* A safe and convenient vehicular access

shall be provided from abutting public streets or roads.

(b) *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.

(c) *Internal Streets.* Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

1) 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.

2) Dead-end streets shall be provided at the closed end with a turnaround having an outside cartway diameter of at least 40 feet.

(d) *Street Construction and Design Standards.*

1) *Streets.* All streets intended to be dedicated for public use shall conform to the Ferguson Township Subdivision Regulations [Chapter 22].

2) *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.

3) *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.

4) *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.

D. *Parking Areas.*

(1) 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.

(2) Off-street parking areas may be provided in all mobile home parks for the use of park occupants and guests.

(3) 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 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.

E. *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.

F. *Mobile Home Base Enclosure.* An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

G. *Open Space Requirements.*

(1) 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.

(2) 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.

(a) The open space shall be landscaped with a water absorbent surface except for recreational facilities and walkways utilizing a hard surface.

(b) 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.

(3) The maximum impervious surface coverage shall be 60%.

5. *Plan Requirements.* In addition to the land development plan requirements of this Chapter, the plan of proposed development shall show: [Ord. 820]

A. Location and width of all streets and rights-of-way, with a statement of any conditions governing their use.

B. Suggested street names and utility easement locations.

C. Proposed building setback lines along each street.

D. Lot lines with dimensions.

E. A statement of the intended use of all nonresidential lots and parcels.

F. Lot numbers and a statement of the total number of lots and parcels.

G. Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.

H. Parks, playgrounds, streets and other areas dedicated or reserved for public use, with any conditions governing such use.

6. *Water Supply.*

A. *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 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]

B. *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.

C. *Individual Water-Riser Pipes and Connections.*

(1) Individual water-riser pipes shall be located within the confined area of the mobile home stand at 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.

(2) 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.

(3) 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.

(4) 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.

7. *Sewage Disposal.*

A. *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. [Ord. 820]

B. *Individual Sewer Connections.*

(1) 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 ½ 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.

(2) 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.

(3) All materials used for sewer connection shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(4) 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.

8. *Electrical Distribution System.*

A. *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.

B. *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.

9. *Service Buildings and Other Community Service Facilities.*

A. 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.

B. *Structural Requirements for Building.* All structural requirements shall be in accordance with the Township Building Code [Chapter 5, Part 1].

10. *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.

11. *Fire Protection.* Fire protection provisions shall be in accordance with the Township Fire Prevention Code [Chapter 5, Part 4].

12. *Fuel.* All piping from outside fuel 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.

13. *Supervision.*

A. *Responsibilities of the Park Management.*

(1) 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 a clean and sanitary condition.

(2) 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.

(3) 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.

(4) 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.

(5) The management shall notify the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the park. [Ord. 820]

(Ord. 224, 3/15/1981, §406; as amended by Ord. 278, 10/25/1984, §1; by Ord. 820, 12/8/2003; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

§27-407. Planned Residential Development (PRD) District.

1. *Intent.* It is the intent of the Planned Residential Development District to promote the following:

A. 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.

B. To encourage a more efficient use of land and public services.

C. To reflect changes in the technology of land development so that economies secured may be to the benefit of those who need homes.

D. To provide a procedure which can relate the type, design and layout of residential development to the particular site.

E. To encourage a pattern of development which preserves trees and natural topography and prevents soil erosion.

F. To provide a character of development which is compatible with surrounding land uses.

G. To provide for a mix of land uses within the development that meets the needs of the residents.

2. *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.

A. *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 and other data.

B. *Application for Tentative Approval of a Planned Residential Development.*

(1) An applicant desiring to establish a planned residential development shall provide the Planning Commission with ten copies of a development plan indicating the following:

(a) 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.

(b) Existing manmade features, including utilities, adjacent roadways and adjacent land uses and owners.

(c) Existing natural features including, but not limited to, soil types, unique vegetation, all tree masses, 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.

(d) A conceptual landscaping plan showing the treatment of materials and design concepts used for private and common open space.

(e) 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.

(f) 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 5 vertical feet or more.

(g) A plan showing the width and location of proposed streets and public ways.

(h) The approximate locations of public transit amenities, bicycle paths, sidewalks and relevant recreational amenities including adjacent bikeways, sidewalks, parkland and open space.

(i) Signature block for Township Planning Commission and Board of Supervisors.

(2) The applicant shall also submit ten copies of a written statement containing the following information:

(a) 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.

(b) 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.

(c) 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.

(d) The form of organization proposed to own and maintain the common open space and whether public or private ownership is proposed.

(e) 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.

(f) A traffic impact study as per the adopted Township standards.

(3) For the purpose of reviewing the proposed development plan at the Planning Commission and Board of Supervisors meetings, the applicant shall provide overheads of each component of the plan including, but not limited to, manmade features, existing natural features, proposed lot layout and proposed utilities. These overheads will be used as visual aids to examine how the components of the plan fit together.

(4) A phasing plan indicating:

(a) The date when construction of the project can be expected to begin.

(b) 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.

(c) The development plan shall illustrate all items described in subsections (b) through (h) of subsection .B(1) 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.

(d) The area and location of common open space that will be provided in each phase.

(e) The type and location of both active and passive recreation areas that will be provided in each phase.

(5) *Public Hearings.*

(a) 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.

(b) 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 §27-407.2.B(5)(d) hereof.

(c) 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.

(d) 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.

(e) 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.

(6) *Findings of Fact.*

(a) 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:

1) Grant tentative approval of the development plan as submitted.

2) Grant tentative approval subject to specified conditions not included in the development plan as submitted.

3) 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.

(b) 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:

1) In those respects in which the development plan is or is not consistent with the Centre Region Comprehensive Plan for the development of the Township and the Township's Park, Recreation and Open Space Plan, when adopted.

2) 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.

3) 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.

4) 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.

5) The relationship, beneficial or adverse, of the proposed planned residential development to the larger neighborhood in which it is proposed to be established.

6) 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.

7) 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.

(c) 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.

(7) *Status of Plan After Tentative Approval.*

(a) 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.

(b) 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 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.

(c) *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 subsections (5) and (6) above ("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.

(8) *Pre-Final Design Submission.* A development plan which has been given tentative approval shall submit street, sanitary, water and stormwater

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. [Ord. 820]

(9) *Application for Final Design Approval.*

(a) 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:

1) Ten 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.

2) Restrictive covenants executed by all owners of the premises within the section 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.

3) Any additional conditions set forth at the time of tentative approval.

(b) 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.

(c) 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).

(d) 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:

- 1) Refile his/her application for final approval without the variations objected to.
- 2) File a written request with the Board of Supervisors that it hold a public hearing on his/her application for final approval.

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.

(e) 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 is posted and the plan is recorded.

(f) 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.

(g) 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.

3. *Use Regulations.*

A. 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. [Ord. 938]

B. 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.

(1) 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.

(2) *Neighborhood Shopping Center.*

(a) 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. Any single retail store occupant shall not exceed 20,000 square feet of leasable area.

(b) 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.

(c) 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.

(d) The following uses are permitted within the aforementioned neighborhood shopping center: parks; playgrounds; greenways; trails; squares; commons; plazas; courtyards and public areas; arts and artisan studios; museums; libraries; music, dance, martial arts, or exercise studios; health clubs; lodges; fraternal service clubs; community center; government buildings such as municipal offices, fire/police/emergency services facilities; community meeting facilities; post offices; places of worship; educational facilities; transit facilities; eating and licensed drinking establishments; bakery, butcher shop; café; catering; coffee shop; delicatessen; neighborhood grocer; ice cream and confections; restaurant (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; or attorney. 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) All dwelling units located within mixed-use buildings shall be situated within 1,000 feet of a commons, square, greenway, park or playground.

(m) 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. Where appropriate, a shelter, seating, and lighting shall be provided.

(n) 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.

(3) 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:

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

(b) 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.

(4) The Board of Supervisors may also permit additional nonresidential uses such as churches and other places of worship, private/public schools, golf courses, community centers, child day care centers, clubs, lodges, fraternal organizations, libraries, museums, art galleries and governmental buildings 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.

[Ord. 920]

4. *Area and Bulk Regulations.*

A. 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.

B. 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:

(1) 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.

C. 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.

D. *Utilities.*

(1) *Sanitary Sewage Disposal.* PRDs. shall only be permitted in areas designated for sewer service as identified in the 2007 Centre Region Act 537 Plan, as amended. All requirements of the Pennsylvania Department of Environmental Protection (PA DEP) shall be complied with.

(2) *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.

E. 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.

[Ord. 920]

5. *Residential Density.*

A. 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.

B. In order to encourage landowners to take advantage of the PRD concept and to fulfill the intent of this Part, the Board of Supervisors may permit up to and including the densities listed below, provided that the development exhibits good project design, provides maximum open space and encourages 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

<u>District</u>	<u>PRD Density</u>
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

C. The Board of Supervisors may decline or refuse to allow the proposed density within each zoning district of the PRD if the development:

- (1) Creates inconvenient or unsafe pedestrian or vehicle access to the planned residential development.
- (2) Creates traffic congestion resulting in a reduced level of service which would be due to the increase in density of the streets which would adjoin the planned residential development.
- (3) Places an excessive burden pursuant to accepted guidelines on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the planned residential development.
- (4) Adversely affects existing uses on adjacent lands which are different from the proposed uses in the PRD.

D. 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	15
5 - 9.9	18
10 - 14.9	20
15 - 19.9	25
>20	25

E. 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.

F. 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.

6. *Common Open Space.*

A. The Board of Supervisors may not approve a planned residential development unless the common open space meets the following standards:

(1) 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 §§22- 513.2.D(1)-(6), 22-513.2.G.

(2) 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.

(3) 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.

(4) A minimum of 50% of the required open space shall be contiguous land.

(5) A minimum of 50% of the required open space shall be suitable for recreation purposes (i.e., no floodplain, wetlands, steep slopes, sinkholes).

(6) 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.

(7) 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.

(8) 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.

B. 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:

(1) To the Township of Ferguson. The Township may accept or reject all or part of the common open space in dedication.

(2) 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.

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.

[Ord. 920]

7. *Perimeter Requirements.*

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

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

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

C. The above subsections .7.A(1) and (2) are intended to provide adequate privacy to the proposed structures and uses of the PRD from adjacent incompatible structures or uses.

8. *Post Final.*

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

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

(1) Minor changes in the 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 Zoning Administrator after authorization by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved. [Ord. 820]

(2) 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.

9. *Additional Applicable Ordinances and Laws.*

A. 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 the this Chapter. [Ord. 820]

B. The plans required under this Section shall be submitted in compliance with the Township's Stormwater Management Ordinance [Chapter 26, Part 1].

C. 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.

D. Any other ordinance of the Township governing construction of buildings.

10. *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.

(Ord. 224, 3/15/1981, §407; as amended by Ord. 278, 10/25/1984, §2; by Ord. 705, 9/8/1998, §1; by Ord. 820, 12/8/2003; by Ord. 920, 3/2/2009, §1; by Ord. 935, 5/17/2010, §3; and by Ord. 938, 7/19/2010, §3)

	DETACHED	SEMI-DETACHED	ATTACHED
SINGLE FAMILY	<p>RA RR R-1 R-2 V</p> <p>10' 30' 20' 80' S.B.L.</p>	<p>R-2 R-3</p> <p>10' 30' 20' 90' S.B.L.</p>	<p>R-3 R-4</p> <p>15' 40' 20' S.B.L.</p> <p>Parking</p> <p>S.B.L. = Set Back Line</p>
TWO FAMILY	<p>R-2 R-3 V</p> <p>15' 30' 30' 80' S.B.L.</p>	<p>R-3 R-4 V</p> <p>15' 40' 30' 90' S.B.L.</p>	<p>R-4</p> <p>15' 50' 30' S.B.L.</p> <p>Parking</p>
MULTI-FAMILY	<p>R-4</p> <p>20' 40' 30' 80' S.B.L.</p>	<p>R-4</p> <p>20' 50' 30' 90' S.B.L.</p>	<p>R-4</p> <p>20' 50' 30' S.B.L.</p> <p>Parking</p>

Part 5**Commercial Districts****§27-501. Office Commercial (OC) District.**

1. *Intent.* It is the intent of the Office Commercial District to promote the following:

- A. To provide for office uses and selected services in appropriate locations, protected from other incompatible uses.
- B. To minimize the proliferation and hazards of highway commercial activity.
- C. To encourage the clustering of commercial establishments.
- D. To meet minimum standards of health and safety by protecting against hazards and nuisances.
- E. To promote stable commercial development.

2. *District Regulations.* Only the uses listed below shall be permitted in the Office Commercial District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate regulations of this Chapter.

(Ord. 224, 3/15/1981, §501)

Table 501
Criteria and Standards for the Office Commercial District (O-C)

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Communication Towers [Ord. 820]	The minimum lot size shall be determined on the basis of the minimum width, max, coverage, yard setback, parking and other requirements contained in this Section and Ordinance	150 feet at street line and building setback line [Ord. 656]			50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
2. Banks and financial offices		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
3. Business and professional offices		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
4. Churches and other places of worship, parish houses and convents		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
5. Clinics and medical and dental offices, excluding veterinary office/clinic [Ord. 888]		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met			
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
6. Community centers [Ord. 680]	The minimum lot size shall be determined on the basis of the minimum width, max, coverage, yard setback, parking and other requirements contained in this Section and Ordinance	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
7. Governmental buildings		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
8. Mortuaries		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
9. Public and private institutions of higher education		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
10. Public libraries and museums; art galleries and reading rooms		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
11. Radio and television studios, excluding towers in excess of the maximum height permitted in this district; studios for instruction in music and the performing arts; photographic studios	The minimum lot size shall be determined on the basis of the minimum width, max, coverage, yard setback, parking and other requirements contained in this Section and Ordinance	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
12. Potable water well pump station facility by conditional use] [Ord. 820]		150 feet at street line and building setback line [Ord. 656]				15 feet; unless it abuts a street, then 50 feet		
13. Public Recreation Areas [Ord. 821]	5 acres	150 feet at street line and building setback line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	15 feet; unless it abuts a street, then 50 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]
14. Child care centers [Ord. 680]	The minimum lot size shall be determined on the basis of the minimum width, max, coverage, yard setback, parking and other requirements contained in this Section and Ordinance	150 feet at street line and building setback line	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met			
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
15. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
15A. Group Home [Ord. 908]								
ACCESSORY USES								
16. Customary uses accessory to the above; essential services								
17. Single-family, two family and multi-family dwellings subject to §27-204.A(1)(2) [Ord. 268]	3,000 sq. ft. per dwelling	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet; unless it abuts a street, then 50 feet	50 feet	40 feet
18. Single-family, two family and multi-family dwellings subject to §27-204.A(1)(2) [Ord. 268]	3,000 sq. ft. per dwelling	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	40 feet
19. Child care centers accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied [Ord. 680]								
CONDITIONAL USES								
1. Private Recreation Areas [Ord. 821]	5 acres	150 feet at street line and building setback line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	15 feet; unless it abuts a street, then 50 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]
2. Eating and Drinking Establishments subject to §27-204.CC [Ord. 870]								

(Ord. 224, 3/15/1982, §501.2.1; as amended by Ord. 268, 2/9/1984, §§ 2,3; by Ord. 400, 7/23/1989, §§15, 16; by Ord. 560, 6/7/1993, §§12,13; by Ord.

656, 6/17/1996, §8; by *Ord. 680*, 8/4/1997, §§4,5; by *Ord. 820*, 12/8/2003; by *Ord. 821*, 12/8/2003, §2; by *Ord. 870*, 11/6/2006, §1; by *Ord. 888*, 7/2/2007, §3; and by *Ord. 908*, 8/18/2008, §7)

27-138.2

§27-502. General Commercial (C) District

1. *Intent.* It is the intent of the General Commercial District to promote the following:

- A. To provide for a full range of retail, service and office uses in appropriate locations.
- B. To minimize traffic hazards of commercial activity along highways and arterial routes.
- C. To encourage the clustering of commercial establishments.
- D. To meet minimum standards of health and safety by protecting against hazards and nuisances.
- E. To promote stable commercial development.

2. *District Regulations.* Only the uses listed below shall be permitted in the general commercial district. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

(*Ord. 224, 3/15/1981, §502*)

Table 502
Criteria and Standards for the General Commercial (C) District

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met			
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Retail establishments for the sale, service and rental of goods, except aircraft	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
2. Service establishments, including, but not limited to, barbers and beauticians, dry cleaning, health clubs, mortuaries, tailors and laundries		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
3. Business and professional offices		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
4. Ambulance services		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
5. Amusement enterprises, including billiard parlors, bowling alleys, skating rinks or similar uses		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
6. Commercial auditoriums and motion picture theaters [Ord. 821]		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met			
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
7. Bus passenger stations	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
8. Automobile service stations		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
9. Eating and drinking establishments		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
10. Hotels and motels		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
11. Public and private garages for the storage and maintenance of motor vehicles		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
12. Taxi and limousine service		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met			
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
13. Potable water well pump station facility by conditional use [Ord. 820]	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
14. Communication Towers [Ord. 820]		150 feet at street line and building setback line [Ord. 656]			50 feet	15 feet	50 feet	200 feet
15. Community centers [Ord. 680]		150 feet at street line and building setback line						
16. Studios for instruction in music, performing arts, photographic and handicrafts studios, martial arts, dance and gymnastics. [Ord. 904]		150 feet at street line and building setback line [Ord. 656]						
17. Public recreation areas [Ord. 821]	5 acres	150 feet at street line and building setback line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	15 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]
18. Clinics and medical and dental offices [Ord. 670]	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
19. Reserved [Ord. 888]								

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met			
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
20. Storage and display of motor vehicles, motorcycles, mobile homes, recreational vehicles, boats and marine craft held for sale or rental [Ord. 329]	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
21. All permitted primary uses of the Office Commercial District. [Ord. 631]		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
22. Child care centers. [Ord. 680]	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
23. Nursery, kindergarten, elementary and secondary schools are permitted in existing churches without the requirement of completing a land development or site plan provided the existing church structure is not enlarged or expanded. [Ord. 707]		150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
24. Printing establishments	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
24A. Pet Stores [Ord. 888]	.5 acre [Ord. 888]							
24B. Pet Day Care Facilities [Ord. 888]	.5 acre [Ord. 888]							

PERMITTED USES	LOT REQUIREMENTS				YARD SETBACK REQUIREMENTS			MAXIMUM HEIGHT
Land and structures may be used for only the following	The following lot requirements shall be met for each primary use				The following yard requirements shall be met			
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
24C. Veterinary Office/Clinic [Ord. 888]	.5 acre [Ord. 888]							
24D. Group Home [Ord. 908]								
24E. Tutoring and Study Center [Ord. 910]								
ACCESSORY USES								
25. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
26. Single-family, two family and multifamily dwellings subject to §27-204.A(1)(b) [Ord. 268]	3000 sq. ft. per dwelling unit	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
27. Customary uses accessory to the above; essential services	See primary use to which it is accessory							
28. Child care centers accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied. [Ord. 680]								
CONDITIONAL USES								
1. Private recreation areas [Ord. 821]	5 acres	150 feet at street line and building setback line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	15 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]
2. Arenas and stadiums [Ord. 821]	5 acres	150 feet at street line and building setback line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	15 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
3. Adult business use, subject to conditional use regulations [Ord. 409]	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	30%	80%	50 feet	15 feet	50 feet	45 feet
4. Treatment Center [Ord. 908]								

(Ord. 224, 3/25/1982, §502; as amended by Ord. 268, 2/9/1984, §3; by Ord. 317, 7/22/1986, §§1, 2; by Ord. 329, 12/9/1986, §§1, 2; by Ord. 393, 4/25/1989, §§1, 2; by Ord. 400, 7/25/1989, §§17, 18; Ord. 409, 11/14/1993, §2; by Ord. 506, 10/7/1991, §§1, 2; by Ord. 535, 11/2/1992, §§1, 2; by Ord. 560, 6/7/1993, §§14, 15; by Ord. 631, 11/20/1995, §§1, 2; by Ord. 656, 6/17/1996, §9; by Ord. 670, 5/5/1997, §1; by Ord. 680, 8/4/1997, §§4, 5; by Ord. 707, 10/5/1998, §1; by Ord. 733, 8/16/1999, §4; by Ord. 750, 3/20/2000, §1; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §§2, 3; by Ord. 888, 7/2/2007, §4; by Ord. 908, 8/18/2008, §8; and by Ord. 910, 11/3/2008, §1)

Part 6**Industrial Districts****§27-601. General Industrial (I) District.**

1. *Intent.* It is the intent of the General Industrial District to promote the following:

- A. To cluster industrial development in selected locations.
- B. To provide sites for heavy industries, separated from light industry and other less intense uses.
- C. To minimize the hazards and nuisances resulting from the operation of industries.

2. *District Regulations.* Only the uses listed below shall be permitted in the General Industrial District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

(Ord. 224, 3/15/1981, §601)

Table 601
Criteria and Standards for General Industrial (I) District

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Any 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	The minimum lot size shall be determined on the basis of the minimum width, max. coverage, yard setback, parking and other requirements contained in this Section and Chapter	150 feet at street line and building setback line [Ord. 656]	50%	90%	50 feet	25 feet	50 feet	45 feet
2. Auto wrecking, junk, and scrap establishments		150 feet at street line and building setback line [Ord. 656]	50%	90%	50 feet	25 feet	50 feet	45 feet
3. Freight and trucking terminals		150 feet at street line and building setback line [Ord. 656]	50%	90%	50 feet	25 feet	50 feet	45 feet
4. The manufacture, processing or bulk storage of natural gas, petroleum, gasoline and other petroleum derivatives and explosives		150 feet at street line and building setback line [Ord. 656]	50%	90%	50 feet	25 feet	50 feet	45 feet
5. Moving and storage, parcel delivery and express transfer stations		150 feet at street line and building setback line [Ord. 656]	50%	90%	50 feet	25 feet	50 feet	45 feet
6. Public and private garages for the storage and maintenance of motor vehicles		150 feet at street line and building setback line [Ord. 656]	50%	90%	50 feet	25 feet	50 feet	45 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
7. Incinerators	The minimum lot size shall be determined on the basis of the minimum width, max. coverage, yard setback, parking and other requirements contained in this Section and Ordinance	150 feet at street line and building setback line [Ord. 656]	50%	90%	50 feet	25 feet	50 feet	45 feet
8. Communication Towers [Ord. 820]		150 feet at street line and building setback line [Ord. 820]			50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	200 feet [Ord. 820]
9. Wholesale distribution; warehouses		150 feet at street line and building setback line [Ord. 656]						
10. Potable water well pump station facility by conditional use] [Ord. 820]		150 feet at street line and building setback line [Ord. 656]						
11. Public Recreation Areas [Ord. 821]	5 acres	150 feet at street line and building setback line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]
12. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
ACCESSORY USES								
13. Customary uses accessory to the above; essential services see Primary Use above to which it is accessory	see Primary Use above to which it is accessory							
CONDITIONAL USES								

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. Private Recreation Areas [Ord. 821]	5 acres	150 feet at street line and building setback line [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]
2. The storage of passenger vehicles and light trucks subject to the following conditions: A. The use must obtain approval in accordance with the provisions of the Township's subdivision and land development regulations as well as other applicable codes and regulations (SWM, etc.) B. The use must be associated with the retail sale of passenger vehicles and light trucks from a site in the (C) General Commercial Zoning District and must be located immediately adjacent to, or on that same site. However, no activities associated with the preparation of vehicles for sale may be performed on the industrially zoned land. C. The buffer planting criteria, applicable to sites in the Corridor Overlay District, shall be implemented so as to shield views from all public rights-of-way. D. Impervious coverage is restricted to a maximum of 50% of the total lot at the time the conditional use is approved. E. The storage area is not required to be paved but must be maintained in a mud-free condition. The owner/developer is encouraged to provide the storage area with a pervious surface that achieves stormwater infiltration and ground water recharge. A system such as Advanced Pavement Technology should be considered. F. No signage, flags, balloons, banners, or other forms of advertising may be placed on the acreage within the General Industrial Zone or on the cars in storage in this district. [Ord. 865]								

(Ord. 224, 3/15/1982, §601.2.1; as amended by Ord. 400, 7/25/1989, §§19,20; by Ord. 560, 6/7/1993, §§16,17; by Ord. 656, 6/17/1996, §10; by Ord.

820, 12/8/2003; by *Ord. 821*, 12/8/2003, §2; and by *Ord. 865*, 8/7/2006, §3)

§27-602. Light Industry, Research and Development (IRD) District.

1. *Intent.* It is the intent of the Light Industry, Research and Development District to promote the following:

- A. To cluster such development in selected, appropriate locations.
- B. To provide sites separated from incompatible uses.
- C. To minimize the hazards and nuisances resulting from the operation of such development.

2. *District Regulations.* Only the uses listed below shall be permitted in the Light Industry, Research and Development District. All uses must conform to the lot, yard setback and maximum height regulations stipulated herein, as well as other appropriate requirements of this Chapter.

(*Ord. 224, 3/15/1981, §602*)

Table 602
Criteria and Standards for Light Industry, Research and Development

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
1. 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.	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Table.	The minimum lot width shall be 150 feet at the street line and the building setback line.	30%	60%	50 feet	25 feet	50 feet	45 feet
2. Radio and television studios, transmitters and towers.			30%	60%	50 feet	25 feet	50 feet	45 feet
3. Research engineering or testing laboratories and fabrication of models or test equipment used in research.			30%	60%	50 feet	25 feet	50 feet	45 feet
4. Administrative, business and professional offices.			30%	60%	50 feet	25 feet	50 feet	45 feet
5. Self-service storage facility.			30%	60%	50 feet	25 feet	50 feet	45 feet
6. Clinics and medical and dental offices.			30%	60%	50 feet	25 feet	50 feet	45 feet
7. Community centers.			30%	60%	50 feet	25 feet	50 feet	45 feet
8. Governmental buildings.			30%	60%	50 feet	25 feet	50 feet	45 feet
9. Public, nonpublic, religious and charter kindergarten, elementary, intermediate, middle, high and higher education schools. Also includes vocational/technical/business training schools.			30%	60%	50 feet	25 feet	50 feet	45 feet
10. Potable water well pump station facility. [Ord. 701] by conditional use			30%	60%	50 feet	25 feet	50 feet	45 feet
11. On lots abutting an urban arterial street, the following uses: Banks and financial offices.	The minimum lot size shall be determined on the basis of the minimum width, maximum coverage, yard setback, parking and other requirements contained in this Table.	The minimum lot width shall be 150 feet at the street line and the building setback line.	30%	60%	50 feet	25 feet	50 feet	45 feet
12. Studios for instruction in music, performing arts and visual media art, photographic and handicrafts studios, martial arts, dance and gymnastics.			30%	60%	50 feet	25 feet	50 feet [Ord. 820]	45 feet
13. Child care centers.			30%	60%	50 feet	25 feet	50 feet	45 feet

PERMITTED USES Land and structures may be used for only the following	LOT REQUIREMENTS The following lot requirements shall be met for each primary use				YARD SETBACK REQUIREMENTS The following yard requirements shall be met			MAXIMUM HEIGHT
PRIMARY USES	MINIMUM SIZE	MINIMUM WIDTH	MAXIMUM COVERAGE	MAXIMUM IMPERVIOUS COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	
14. Clubs, lodges, fraternal organizations.			30%	60%	50 feet	25 feet	50 feet	45 feet
15. Repair. Note: Excludes the repair of motor vehicles or equipment which contains an internal combustion engine.			30%	60%	50 feet	25 feet	50 feet	45 feet
16. Archival library. [Ord. 737]			30% [Ord. 820]	60% [Ord. 820]	50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	45 feet [Ord. 820]
17. Telecommunications switching facility. [Ord. 746]			30% [Ord. 820]	60% [Ord. 820]	50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	45 feet [Ord. 820]
18. Public recreation areas. [Ord. 821]	5 acres [Ord. 820]	The minimum lot width shall be 150 feet at the street line and the building setback line. [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]
19. Communication Towers [Ord. 820]					50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	200 feet [Ord. 820]
20. Forestry Uses [Ord. 820]	10 acres [Ord. 820]	300 feet [Ord. 820]	5% [Ord. 820]	10% [Ord. 820]	50 feet [Ord. 820]	100 feet [Ord. 820]	100 feet [Ord. 820]	40 feet [Ord. 820]
20A. Pet Care Facilities [Ord. 888]	1 acre [Ord. 888]							
20B. Tutoring and Study Center [Ord. 910]								
20C. Community Gardens [Ord. 938]								
ACCESSORY								
21. Child care center, accessory to an office building, a church or a structure which is part of the church facility if the requirements of §27-204.E(3) are satisfied. [Ord. 680]								
CONDITIONAL USES								
1. Private recreation areas. [Ord. 821]	5 acres [Ord. 820]	The minimum lot width shall be 150 feet at the street line and the building setback line. [Ord. 820]	10% [Ord. 820]	30% [Ord. 820]	50 feet [Ord. 820]	25 feet [Ord. 820]	50 feet [Ord. 820]	40 feet [Ord. 820]

(*Ord. 224*, 3/15/1982, §602.2.1; as amended by *Ord. 259*, 6/28/1983, §1; by *Ord. 332*, 2/24/1987, §1; by *Ord. 400*, 7/25/1989, §§21,22; by *Ord. 495*, 7/15/1991, §§1,2; by *Ord. 560*, 6/7/1993, §§18,19; by *Ord. 629*, 11/20/1995, §§1-3; by *Ord. 656*, 6/17/1996, §11; by *Ord. 658*, 9/3/1996, §§1-4; by *Ord. 680*, 8/4/1997, §§4,5; by *Ord. 730*, 6/7/1999, §2; by *Ord. 737*, 10/4/1999; by *Ord. 746*, 12/13/1999, §1; by *Ord. 820*, 12/8/2003; by *Ord. 821*, 12/8/2003, §2; by *Ord. 888*, 7/2/2007, §5; by *Ord. 910*, 11/3/2008, §2; by *Ord. 935*, 5/17/2010, §4; and by *Ord. 938*, 7/19/2010, §4)

27-154.2

Part 7

Mixed Use Districts

§27-701. Traditional Town Development (TTD).

1. *Overall Intent.*

A. 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 Appendix 27-A, 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.

B. Further, it is the intent of these standards, in conjunction with the Design Manual (Appendix 27-A), 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.

C. An applicant wishing to receive approval of a Traditional Town Development or associated Mixed Residential Area within the Township shall submit plans in accordance with procedures provided under §27-702.

2. *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 or a Mixed Residential Area:

A. *Chapter 19, Signs and Billboards.*

Section No.	Section Title
§19-105	Construction Specifications
§19-106	Prohibited Signs
§19-107	Exempt Signs

Section No.	Section Title
§19-108	Temporary Signs
§19-109	Residential Use
§19-112	Permits
§19-113	Review of Existing Permanent Signs
§19-116	Administration and Enforcement
§19-117	Penalties

B. *Chapter 21, Streets and Sidewalks.*

Section No.	Section Title
§21-111	Definitions
§21-121	Permit Procedure
§21-122	Penalty for Failure to Obtain a Permit
§21-123	Penalties
§21-131	Road Closing
§21-132	Time Periods for Pave Cut Restoration
§21-133	Scheduling
§21-134	Excavated Material and Waste Material
§21-135	Opening a Street
§21-136	Responsibility for Damages
§21-137	Backfilling
§21-138	Temporary Restorations
§21-139	Permanent Restorations
§21-140	Restoration - Special
§21-141	Limestone and Monuments
§21-142	Test Borings
§21-143	Replacement of Pavement Markings
§21-144	Replacement of Electronic Traffic Control Devices and Ancillary Equipment
§21-145	Testing and Inspection
§21-146	Repaving and Reconstruction
§21-147	Preparation of Streets for Paving, Repair, or Construction
§21-148	Determination of Lines and Grades by the Engineer
§21-149	Utility Corridor; Vertical Assignments for New Construction
§21-150	Horizontal and Aerial Utility Corridors
§21-151	Determination of Reimbursement
§21-152	Commencement of Utility Relocation Activities
§21-161	Right-of-way Occupancy

Section No.	Section Title
§21-162	Maintenance of Drainage on Right-of-way
§21-163	Pipe Size Requirements
§21-164	Permit
§21-171	Delegation of Authority to Director of Public Works
§21-172	Street Inspections
§21-173	Non-compliance
§21-174	Resumption of Suspended Work
§21-175	Penalties for Noncompliance
§21-176	Non-issuance
§21-177	Effect on Existing Proceedings, Regulations and Contracts
§21-178	Penalty for Violation
§21-201	Notice to Construct Sidewalk
§21-202	Notice to Repair Sidewalk
§21-203	Township May Do Work upon Default of Property Owner
§21-204	Inspections
§21-205	Permit Required for Work in Sidewalk
§21-206	Obstruction of Sidewalk Prohibited
§21-207	Snow Removal from Sidewalk
§21-208	Removal of Obstruction by Township
§21-209	Continuation of Existing Regulations
§21-210	Penalty
§21-301	Unlawful to Drop or Deposit Material on Street
§21-302	Responsibility of Operator of Vehicle
§21-303	Registered Owner of Vehicle Presumed to Be Operator
§21-304	Registered Owner Relieved of Responsibility under Certain Conditions
§21-305	Time Limit for Removal of Material
§21-306	Township May Remove Material and Compute Cost
§21-307	Penalty for Violation
§21-403	Assessment for Operation
§21-404	Collection of Assessments
Appendix A	Ferguson Township Road Construction Standards
II	Specifications
III	Construction Guidelines for Driveway Entrances

C. *Chapter 22, Subdivision and Land Development.*

Section No.	Section Title
§22-502	Streets
§22-504	Lots and Parcels
§22-506	Water Supply
§22-509	Shade Trees
§22-510	Erosion and Grading Control
§22-513	Public Use and Service Areas

D. *Chapter 26, Stormwater Management.*

Section No.	Section Title
§26-701	Stormwater Management Controls and Facilities
§26-702	Performance Guarantee
§26-703	Maintenance Responsibilities
§26-704	Maintenance Agreement for Privately Owned Stormwater Facilities
§26-705	Municipal Stormwater Maintenance Fund
§26-706	Post-construction Maintenance Inspections
§26-801	Right-of-Entry
§26-802	Notification
§26-803	Enforcement
§26-804	Public Nuisance
§26-805	Penalties
§26-806	Appeals

E. *Chapter 27, Zoning.*

Section No.	Section Title
§27-101	Short Title
§27-102	Authority
§27-103	Purpose
§27-104	Community Development Objectives
§27-105	Establishment of Controls
§27-201	Establishment of Districts
§27-203	the Official Zoning Map
§27-204	Use Regulations
§27-210	Corridor Overlay District Requirements
§27-801	Floodplain Conservation
§27-802	Slope Controls
§27-803	Nuisance Standards

Section No.	Section Title
§27-804	Outdoor Storage
§27-805	Sewage Disposal
§27-809	Off-Street Parking and Loading Requirements
§27-807	Landscaping
§27-1004	Occupancy Permits
§27-1005	Violations and Penalties
§27-1006	Appeals
§27-1007	Amendments
§27-1201	Language Interpretations
§27-1202	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 or Mixed Residential Area. 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 8 shall include only §27-801.1 - .13 and .16.A - .F. However the Township's official plant list shall be applicable in all instances.

All portions of Part 11, Zoning Hearing Board, Part 12, Definitions, and §27-101 to (but not including) §27-205, are also applicable to development under the provisions herein.

3. *Framework Plans.*

A. *Open-Space Network.*

(1) *Standards.*

(a) Each applicant shall demonstrate the specific measures employed to achieve the design goals as enumerated in the TTD Design Manual through submission of an open space plan that depicts all proposed elements of open space including the design of any proposed public areas within the development which are intended to be included in the computation of required open space.

(b) The following standards shall be applied to the open space network within a TTD or associated Mixed Residential Area:

- 1) A minimum of 50% of the site proposed for development shall be devoted to useable common open space. Through the use of incentives offered in subsection .4.F, the amount of required useable common open space may be significantly reduced. However, in no case shall less than 25% of a site be devoted to the provision of usable

common open space, including permitted percentages of public areas.

2) All common open space reserved shall be designed for one or more of the following uses:

- a) Community green, square, or commons.
- b) Community garden or park.
- c) Streams, ponds and other natural or man-made bodies of water.
- d) Playground or tot-lot.
- e) Bikeway, greenway, trail or environmental corridor.
- f) Active recreational facility.
- g) Public space.
- h) Conservation area/protected natural area which may include: woodlands, wildlife corridor(s), meadow, horticulture, or wetland that is incorporated into the design for stormwater management.

3) Please note that the regenerative percolation of stormwater runoff may, where appropriate, be permitted to be included in areas designated for open or public spaces. Additionally, facilities that are designed as permanent water features and are provided with associated walking or seating areas will be credited. However, stormwater management facilities such as detention basins and swales shall only be permitted to be included to the extent that the open space exceeds the 25% required minimum, or through the use of one or more design incentives identified below.

4) In addition to responding to the unique conditions and environmental resources of the parcel(s), the open space provided on each site shall be responsive to the needs of the community as expressed in the Ferguson Township Recreation, Parks, and Open Space Plan and, to the extent feasible, shall provide useable play or recreation areas, or equipment, that is conveniently accessible to residents throughout the community. Conformance with the provisions of the Subdivision and Land Development Ordinance, §22-513.2.G (1) - (4), and .H is expected as well.

The reservation of passive parkland which may include wooded sites, formal gardens, conservation areas, and open grass spaces may also be included. However, such facilities shall account for no more than 40% of the required common open space. Where the existence of adequate play or recreation areas within walking distance of a proposed TTD or associated Mixed Residential Area can be shown, the percentage of passive parkland permitted to be credited toward the total required common open space may be raised to as much as 55%.

5) Public space shall serve as a focal point and may comprise up to 10% of the useable common open space provided. Such areas shall be subject to the same maintenance criteria as identified by §27-702.4.C(4)(m).

6) All common open space shall be publicly accessible either from a public street or public area, and/or from a pedestrian/bicycle network that links various playgrounds, parks, commons and greens to each other as well as to the developed portions of the site. Land designated as common open space shall be suitable for the purpose specified.

7) Each Traditional Town Development or associated Mixed Residential Area site that includes 50 or more dwelling units shall include at least one public square or green with a minimum size of 20,000 square feet. Other squares, greens, commons, or public areas of not less than 10,000 square feet in area shall be dispersed throughout the development. Each dwelling unit shall be situated so as to be located no more than 1,000 feet from a commons, square, green, or trail.

(c) Existing wooded areas shall be protected to prevent unnecessary destruction. At least 40% of the number of trees (minimum trunk caliper of 5 inches at 6 inches above ground) that exist at the time of the plan submission shall be maintained or replaced immediately following construction. Invasive species shall however be removed. Replacement trees shall be a minimum trunk caliper of 2 inches at a height of 6 inches above finished grade. The location of replacement trees shall be detailed on the landscaping plan required by the specific implementation plan criteria.

(d) No development shall involve uses, activities or improvements that would entail encroachment into, the regrading of, or the placement of fill in wetlands in violation of State or Federal regulations. Applicants must submit evidence to the Township that demonstrates that the site has been evaluated for the presence of wetlands and that, if wetlands are present on the site, that DEP and the U.S. Army Corps of Engineers have been contacted to evaluate the applicability of State and Federal wetland regulations. Full compliance with these regulatory agencies is expected and will be a condition of any approval granted by the Township.

(e) Preservation of the required open space within the TTD and associated Mixed Residential Area shall be irrevocable. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the specific implementation plan, in any applicable homeowner covenants and on individual deeds when open space lands are not held entirely in common. Restriction on future development shall be established by a permanent and irrevocable instrument.

B. *Transportation Network.*

(1) *Standards.*

(a) *Pattern and Hierarchy.*

1) *Street Pattern.* Street patterns shall form a network, with variations as needed for topographic, environmental, and other design considerations specific to the site.

2) *Cul-de-Sacs.* The network shall allow for a variety of modes of transportation and create an interconnected system that limits the use of isolated cul-de-sacs. Streets with no vehicular outlet may be used only where connections are not possible due to topography, hydrology, or other special resource considerations.

a) Auto-courts, “T” or “Y” turnarounds and looped access roads shall be considered before determining that a cul-de-sac is the appropriate design solution.

b) When a cul-de-sac is proposed to be incorporated into the design of a TTD or associated Mixed Residential Area, the application shall be accompanied by a written analysis of the merits of the design and evidence supporting why a network with through street connections is not a viable alternative.

c) Any cul-de-sacs approved within the TTD and/or Mixed Residential Area shall consider the incorporation of bioretention areas within the center of the turnaround.

d) Approved cul-de-sacs shall maintain one-way traffic flow with a 10 foot cartway provided around a planted center and/or bioretention area.

e) A turnaround radius of 32 feet within a right-of-way of 50 feet shall be provided.

3) *Mobility.* The resultant system of streets shall provide adequate traffic capacity and connected bicycle and pedestrian routes, control but not exclude through traffic, and require that lot access be accomplished from streets of lower classification in order to promote safe and efficient mobility through the site.

4) *Bicycle Lanes.* Bicycle lanes shall be provided in accordance with the provisions of subsection .3.B(1)(c)10). Movement within these lanes located within the street right-of-way shall flow in the same direction as the adjacent travel lane.

5) *Public dedication.* All streets shall be dedicated to the Township. Private streets other than alleys or lanes are prohibited.

6) *Organization.* Streets shall be organized according to hierarchy based on function, size, capacity and design speed. Streets and rights-of-way are, therefore, expected to differ in dimension. A design proposal that does not adequately address the provision of a street hierarchy will not have sufficient diversity to merit approval.

Therefore, design consultants are urged to give proper consideration to this element of the plan.

7) *Design*. The design of each street shall be tailored to function and anticipated capacity as measured by average daily trips (ADT). Each street shall be designed to meet the standards for one of the street types identified below. Changes in design along a corridor that are based on context shall be permitted. However, mid-block changes are not acceptable.

8) *Distribution*. The applicant shall demonstrate that the distribution of traffic to the proposed street system will not exceed the ADT thresholds indicated for any proposed street type for a design period of 10 years from the proposed date of completion and acceptance of the road.

High capacity streets shall be designed as boulevards and not as highways.

9) *Ingress/Egress*. The Township may disapprove any point of ingress or egress to any lot, tract, parcel, or development from any street when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street, or result in substandard circulation and impaired vehicle movement. In addition, street systems that do not adequately distinguish a hierarchy of design will not be approved.

10) *Type, Function, and Maximum ADT*.

Type	Function	Maximum ADT
Mixed-Use Collector	streets that provide access to existing arterials and between commercial and mixed-use buildings within a Traditional Town Development. Designed as boulevards, avenues, parkways, or mixed use streets	5,000
Mixed-Use Sub-Collector	connects streets of lower and higher function within a Traditional Town Development or associated Mixed Residential Area, and carries traffic between developments with limited access to individual properties. Includes parkways, avenues, and mixed-use streets	2,500
TTD Local	provides primary access to individual residential properties and connects streets of a lower function within the Traditional Town Development or associated Mixed Residential Area. Designed as mixed-use, or neighborhood streets	1,500
Alley	provides secondary access to residential properties that front on mixed use collectors, mixed use sub-collectors or open/public space, or where rear access is desirable to accommodate increased densities or effective pedestrian orientation. Alleys may also provide access for deliveries or parking for non-residential properties. Designed as lanes.	NA

11) Street width and design standards shall be as set forth in the

table below:

Street Type	Cartway Width	Parking*	Sidewalks	Curb	R-O-W ^o Width
Boulevard (includes min 10' planted median)	11' each direction	none required	both sides 5' minimum	both sides	75'
Avenue (includes 10' planted median)	10' each direction	none required	both sides 5' minimum	both sides	75'
Parkway	10' each direction	both sides (parallel 8' marked)	both sides 5' minimum	both sides	65'
Mixed Use 1	10' each direction	one side (parallel 8' marked)	both sides 5' minimum	both sides	60'
Mixed Use 2	10' each direction	one side (angle 16' marked)	both sides 5' minimum	both sides	65'
Neighborhood 1	12'	one side only (8' marked)	both sides 5' minimum	straight curb	50'
Neighborhood 2	9' each direction	one side only (8' unmarked)	both sides 5' minimum	straight curb	50'
Lane	10'-12'	none permitted	none	none	20-22'

* Required parking - except for lanes, all road types may be designed to accommodate additional parking facilities.

^o This is a minimum. If additional features are added, additional right-of-way may be necessary, however, street rights-of-way shall be the minimum width necessary to accommodate the pavement, sidewalk(s), street trees, and any required utility placement.

All lanes shall be privately owned and maintained.

On-street parking shall be provided per the above. See subsection .4.E(1) for additional regulations regarding the location and design of these, and other, off-street parking facilities.

12) *Turning Radius.* The turning radius at intersections of TTD and/or Mixed Residential Area local streets shall be 15 feet from the curb. Intersections of collector and sub-collector streets within these sites shall provide a turning radius of 20 feet. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a radius of 10 feet.

(b) *Motor Vehicle Connections.*

1) *Interconnection.* The design of streets within the Traditional Town Development and associated Mixed Residential Area shall foster interconnection to the greatest extent possible. This shall include connections to streets within the development, as well as to adjacent developed sites and to adjacent parcels that are zoned for development.

2) *Street Stubs.* All streets shall terminate at other streets except when they are stubbed to connect to future phases of development or adjacent undeveloped parcels. Where proven to be

appropriate and warranted, cul-de-sacs may be considered.

3) *Traffic Impact Study*. All Traditional Town Development proposals and/or associated Mixed Residential Area sites shall submit a traffic impact study per the requirements of the Subdivision and Land Development Ordinance, §22-502.3.O, and shall demonstrate conformance with the transit, pedestrian, and bicycle circulation provisions of this Chapter as well as the design requirements associated with hierarchy, connectivity, and the preservation of existing features of the site. Other applicable provisions of the Subdivision and Land Development Ordinance, include §22-502.3.H(5)(a) - (c), .3.J(1)(a) - (c) and (2)(a), .3.K, .L, and .M.

4) *Driveways*. Driveway locations shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance, and drainage of the street. Driveway access to lots shall always be provided to the street of lesser classification. The Township may require the joint or shared use of driveways to provide ingress and egress when such design would increase traffic and/or pedestrian safety by decreasing the potential for turning movements and associated conflicts.

5) *Curb Cuts*. Curb cuts for access to residential lots shall be prohibited along mixed-use collector and mixed-use sub-collector streets. Curb cuts along these streets shall be limited to intersections with other streets or access to rear parking areas for commercial, civic, or multi-family residential uses.

6) *Lanes/Alleys*. The use of lanes or alleys in order to allow for an uninterrupted and pedestrian- friendly environment along public streets is encouraged. Lanes or alleys shall provide appropriate space for rear access and utility placement and shall be designed in accordance with the provisions of subsection .3.B(1)(a)7), and the associated engineering cross-section.

7) *Rear Access Required*. Townhouse dwelling units shall not be accessed from the front. In certain cases, side entry garages may be provided for townhouse dwelling end units. No more than 30% of the overall number of townhouse dwelling units is permitted to utilize such side entry garages.

Other than as noted above, 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.

8) *Construction Standards*. All streets shall conform with the Ferguson Township Standards found in Chapter 21, Part 1, "Pave Cut and Right of Way Occupancy," §§21-101 - 21-178; Part 2, "Sidewalks," §§21-201 - 21-210; Part 3, "Dropping or Deposit of Material on Streets," §§21-301 - 21-307; Part 4, "Street Lights," §§21-403, 21-404; and Appendix A, "Ferguson Township Road Constructions Standards,"

II, III; as well as Chapter 22, Part 5, "Design and Improvement Standards," §§22-502.3.D(2), (3); .E(2), (3); .F(3), .G, and .H.

9) *Design Criteria.* The design criteria for residential access streets, found in the Subdivision and Land Development Ordinance, §22-503.2.D(3), shall be applied to all TTD or Mixed Residential Area local streets. Mixed-use subcollectors within a TTD or associated Mixed Residential Area shall be designed in accordance with the requirements for residential subcollector streets found in the Subdivision and Land Development Ordinance, §22-502.3.E(3). Mixed-use collector streets in these developments shall be designed to the collector street standards of the Subdivision and Land Development Ordinance, §22-502.2.B.

All final street design shall be subject to approval by the Township Engineer.

10) *Horizontal Alignment.* The horizontal alignment of intersections shall be at right angles wherever possible. In no case shall the horizontal alignment of intersecting streets be less than 75 degrees.

11) *Three-way Intersections.* Low volume streets may be designed to form three-way intersections. Such "T" 's are encouraged to be used for the creation of prominent focal points such as scenic views, important civic buildings, or public areas.

12) *Access to Existing Township Roads.* All proposed development shall access an interior street network designed and constructed to serve development of the Traditional Town Development or associated Mixed Residential Area. No new lots shall be permitted direct access to existing Township or State roads.

(c) *Pedestrian / Bicycle Connections.*

1) *Circulation System.* A convenient, continuous pedestrian circulation system that minimizes the opportunity for pedestrian-motor-vehicle conflicts shall be provided throughout the site.

2) *Sidewalks.* All public streets shall be bordered by sidewalks on both sides. However, this shall not eliminate the need for consideration of greenways, trails, or other "off-street" pedestrian routes that would provide access and circulation through the site and to existing and proposed external development. In no case shall roadside shoulders or unpaved areas serve as pedestrian travel areas.

3) *Sidewalk Details.* Along all public streets, sidewalks shall be constructed of brushed concrete and, unless otherwise noted, shall be a minimum of 5 feet wide. All sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act and Ferguson Township Design Standards.

Along TTD local streets in residential areas (Mixed-Use 1 or 2,

Neighborhood 1 or 2), sidewalks may be only 4 feet in width if warranted by the projected pedestrian traffic volumes.

4) *Walkways*. Where pedestrian access is established in locations other than along a public street, the width and material of the walkway shall be consistent with the intended function. The design of such areas shall be included as part of the open space plan required by subsection .3.A(1)(a). The maintenance of such areas shall rest with the entity responsible for the common open space.

5) *Pedestrian Travel Zone*. Where serving predominantly retail or office uses, sidewalks may need to be wider than 5 feet. A pedestrian travel zone of at least 5 feet shall be provided in addition to areas of the sidewalk that serve as a building frontage zone and/or fixture/planting zone. See Design Manual (Appendix 27-A) for examples of acceptable design(s).

6) *Design Details*. Sidewalks and walkways should be designed with a maximum grade of 5% and a maximum cross slope of 2%. Drainage grates, manhole covers, tree wells, hatches, vaults and other utility coverings should be located outside of pedestrian areas. However, where they are present, they shall not have openings greater than 0.5 inches in width and shall be mounted flush with the level of the surrounding sidewalk/walkway surface.

7) *Crosswalks*. Clearly marked and well-lit crosswalks shall be provided at all intersections where sidewalks, greenways, linear trails, or other walkways intersect with the street network. The use of contrasting paving material is recommended in mixed-use areas while striping is sufficient for local street crossings. Crosswalks shall not be less than 10 feet in width. For intersection lighting standards see subclause 8) below.

8) *Lighting*. In mixed-use and/or multi-family residential areas, well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. These walkways shall be a minimum of 5 feet in width.

All light posts and fixtures shall be pedestrian friendly as measured by scale and harshness of the light source. 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. Fixture heights shall not exceed 12 feet.

9) *Vertical Clearance*. All walkways shall include a minimum vertical clearance of 80 inches.

10) *Bicycle Circulation*. Provisions for bicycle circulation shall be incorporated throughout each site. In addition, the connection and continuation of existing bicycle trails or existing bicycle routes

through the site shall be required.

Where on-street bicycle circulation is to be provided, it shall be accommodated as a 4-foot wide marked bike lane. Where no on-street parking is provided these lanes shall be placed at the outer edge of the roadway or, where on-street parking is proposed, between the parking stalls and the moving traffic lane. The location of bike lanes within the street right-of-way is depicted by the engineering cross-sections for TTD streets as adopted by resolution. Dedicated bicycle paths may be provided in lieu of on-street bike lanes. Where proposed, these must be designed in accordance with AASHTO standards. Sidewalks shall not be designated as bicycle travel routes; however, bike paths may be used by pedestrians. Drainage grates along curbed streets shall be designed to be safe for crossing by bicycles.

11) *Bicycle Parking*. Bicycle parking is required to be provided for all public or semi-public areas and for all non-residential or multifamily 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.

(d) *Transit Connections*.

1) *Circulation Plan*. A plan for transit circulation within and to each site shall be coordinated with the local transit authority and the planned location of such stops shall be delineated on plans submitted for Township approval. Stops shall be conveniently located and, where appropriate, provided with a shelter, seating and lighting.

Where transit stops are provided or a new bus stop/pull-off is warranted, no parking zones shall be designated for a minimum of 80 feet to allow for loading and unloading. Where deemed appropriate, bus pull-offs or acceleration lanes shall also be provided.

(2) For block design criteria, see subsection .4.C(1)

C. *Utilities Network*.

(1) *Intent*. Compact development can be designed to use infrastructure more efficiently, resulting in lower costs per capita for the municipality. More users per linear foot of sewer and water main extensions, as well as lower costs for plowing, paving, and maintaining narrower, well-connected streets are intended to be achieved through the coordinated planning efforts required herein. Additionally, infrastructure that can be provided from a systems approach, without segregating design and regulation according to strict property boundaries improves connectivity and the overall function of streets, stormwater systems, open space, and other supporting infrastructure.

(2) *Design Goals*.

(a) To ensure the efficient extension of existing public infrastructure to serve Traditional Town Development in a coordinated and

comprehensive manner.

(b) To ensure the continued function of groundwater resources by coordinating drainage and stormwater management.

(c) To guide the placement of utilities and other infrastructure in a manner that does not detract from the overall function and character of the community.

(3) *Standards.*

(a) *Location.* All utilities other than public sewer and water are prohibited within the Township right-of-way. All electric, gas, telecommunication, telephone, television, and other utility connections, both main and service lines shall be provided underground within easements that are located within an alley right-of-way. All alleys shall be designed to accommodate such infrastructure whenever possible. All infrastructure shall be installed in alleys in accordance with the prevailing standards and practices of the utility or other companies providing such services.

(b) *Stormwater Management Strategies.* Stormwater management shall be designed in conformance with the provisions of Chapter 26, Part 1, "Stormwater Management." Designing the project to incorporate the following stormwater management strategies is however encouraged:

- 1) Maintaining natural storm flows by promoting infiltration.
- 2) Providing garden roofs and pervious paving to minimize impervious coverage, and reusing stormwater volumes generated for non-potable uses such as landscaping irrigation or custodial uses.
- 3) Constructing wetlands.
- 4) Using vegetated filter strips filtration basins and sediment traps to remove contaminants and improve the quality of the runoff from the site.

Such innovative stormwater management and recharge facilities will be welcome where they are accompanied by detailed engineering plans and performance capabilities that are acceptable to the Township Engineer.

(c) *Integration of Stormwater Management Facilities.* Infrastructure necessary for the management of stormwater on the site shall be incorporated into the design in a manner that reduces its visibility as a functional element and increases its value as an integrated component of the open space and or public space areas.

- (1) *Open Space Credit.* The drainage system shall, where feasible, be developed as a landscape amenity such as a planted swale, grass median, or, where appropriately located and visually screened, rock beds. Such design may receive credit for open space in accordance with the provisions found in incentives, subsection .4.F(10).

(d) *Sewer and Water Service.* All portions of any Traditional Town Development or associated Mixed Residential Area shall be served by public sewer and public water. Notice of capacity and intent to serve shall be provided prior to approval of any specific implementation plans. In addition, the provisions of the Subdivision and Land Development Ordinance, §22-506.1.A - .H and .3.C,.D, and .E, shall be applicable throughout such development(s).

(e) *Easements.* When outside of right-of-way areas, easements for sanitary sewer facilities, stormwater drainage facilities, public or private utilities, or pedestrian access shall meet the following standards:

1) *Location.* To the fullest extent possible, easements shall be adjacent to property lines.

2) *Conflicts.* Nothing shall be placed, planted, set or put within the area of an easement that would adversely affect the function of the easement or conflict with the required easement agreement.

3) *Width and Design.* The applicant shall reserve easements where stormwater or surface water drainage facilities are existing or proposed, whether located within or beyond the boundaries of the property. Easements shall have a minimum width of 20 feet and shall be adequately designed to provide for the unimpeded flow of natural drainage, area for the collection and discharge of water, the maintenance, repair, and reconstruction of the drainage facilities, and the passage of machinery for such work. Those parties with rights of access and responsibility for maintenance shall be clearly identified.

a) The specific implementation plan shall reflect and/or 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 the Stormwater Management Ordinance, §§26-703 or 26-704.

b) 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 requiring the posting and/or periodic payment of escrow funds by the private entity to guarantee proper maintenance of the facilities.

(f) *Applicability of Chapter 26.* The provisions of the Stormwater Management Ordinance, §§26-701, 26-702, 26-705 and 26-706 in their entirety as well as §§26-801, 26-802, 26-803, 26-804, 26-805, and 26-806 are also applicable to Traditional Town Development and Mixed Residential Area sites.

(g) *Utility Easements.* Utility easements (other than drainage easements) shall be a minimum of 15 feet in width or as otherwise determined by the appropriate utility company. All utility companies are

encouraged to use common easements.

(h) *Pedestrian Easements.* Pedestrian easements shall have a minimum width of 6 feet and shall be located wherever walkways, other than sidewalks, are provided within the development. Pedestrian easements located in the middle of a block shall have a minimum width of 10 feet.

(i) *Screening.* 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.

(j) *Ownership.* The location of all existing and proposed utilities shall be delineated on the general master plan which shall be accompanied by a narrative designating 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. In addition, any easements or restrictive covenants associated with such infrastructure shall be identified.

4. *Site Plans.*

A. *Land Use Standards.*

(1) *Composition of Uses.* A variety of uses are required to be provided within a Traditional Town Development. This variety shall be comprised of a combination of the permitted uses as listed below in the percentages required by the diversity provisions of subsection .4.C(1)(e):

(a) *Residential.*

- 1) Single family attached, detached and semi-detached units.
- 2) Accessory residential units.
- 3) Zero lot line units.
- 4) Two-family dwellings.
- 5) Multi-family dwelling units.
- 6) Mixed-use buildings.

(b) *Recreational, Cultural, and Civic or Community Facilities.* Parks, playgrounds, greenways, trails, squares, commons, plazas, courtyards and public areas, arts and artisan studios, museums, community theater, libraries, music, dance, martial arts, or exercise studios, health club, lodges, fraternal organizations, amphitheater, community gardens, civic

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

(c) *Commercial.*

1) *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.

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

3) *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.

4) *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.

5) *Accommodations.* Overnight lodging places such as: bed and breakfast, hotel, inn.

(d) *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 primary 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.

(2) *Height.* Structures shall be a minimum of two stories except where specially approved for single story development or, in the case of civic buildings, when designed to appear as a multi-story structure. Commercial structures shall be taller, and shall provide the opportunity for upper story housing or office space above permitted retail uses in a minimum of 50% of the structures.

New residential structures within a TTD shall be no more than three stories. Multi-family, commercial, or mixed-use structures shall not exceed five stories except through conditional use approval which could permit up to eight stories in appropriate locations.

(3) *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.

(a) *Accessory Unit Criteria.*

1) Accessory dwellings may be attached, or separate from the principal dwelling.

2) No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.

3) The accessory dwelling shall be owned by the same person as the principal dwelling.

4) 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 the provisions of subsection .3.13(1)(b)5).

5) 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.

(4) *Workforce Housing.* Workforce housing shall comprise an element of each development and will be incorporated at a minimum rate of 1:10 residential units.

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.

No more than two adjacent lots may contain such units.

No more than four lots along any one block width or block length may contain such units.

(5) *Frontage*. All buildings shall front on a street or public space and the main pedestrian entrance shall be from this front facade.

B. *Diversity*.

(1) *TTD Standards*.

Permitted Percentages		
	Minimum % 35%	Maximum % 70%
Residential*		
(of total acreage)		
Single family detached	15%	45%
Single family semi-detached	10%	40%
Single family attached	15%	35%
Multi-family	5%	30%
Live-work units	—	5%
(of total units)		
*A minimum of 80% of all residential units must be designed to permit fee simple conveyance		
Commercial	15%	40%
(of total acreage)		
Vertical mixed use: including any combination of commercial, office and residential uses.	15%	—
(of total square footage)		
Recreational, cultural, and community facilities	50%	—
(of total acreage)		

(2) *Mixed Residential Area Standards*.

(a) 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.

(b) 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.

(c) 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 ($\frac{1}{4}$ 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.

C. *Blocks.*

(1) *Standards.*

(a) *Width.* Block depth/width (houses back to back) shall range from 200 feet - 400 feet.

(b) *Length.* Block length (intersection to intersection) shall range from 300 feet - 800 feet.

(c) *Perimeter.* The maximum block perimeter shall be 2,000 linear feet. This will serve as the controlling dimension. No block shall exceed this dimension without an alley or pedestrian easement providing through access. Blocks above 1,500 linear feet shall also consider the inclusion of pedestrian easements or other non-vehicular elements to reduce the perceived walking distance between street intersections.

(d) *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 the provisions of the Subdivision and Land Development Ordinance, §22-504.1.A, .B, and .D.

(e) *Required Mixture.* A mix of housing types shall be provided within blocks.

1) A minimum of 10% of the single family detached units provided shall be located directly adjacent to either duplex or townhouse units.

2) A minimum of 5% of all duplex units shall be directly adjacent to single family detached units.

3) Townhouse units must be dispersed among a variety of other residential and/or non-residential uses, and not segregated in clusters of single residential-type buildings.

a) The maximum number of townhouse units that may be attached in a single structure without separation by lot lines is four.

b) The maximum number of townhouse structures that may be located on a single lot is two. Two-structure townhouse lots may not be directly adjacent to each other.

c) The maximum number of townhouse structures that may be located adjacent to each other when the townhouse dwellings are established on individual lots is four - which provides 16 dwelling units.

d) A minimum of 25% of all townhouse units shall be

directly adjacent to single family detached dwellings.

4) 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.

5) 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) required by subsection .3.A(1)(b)7).

6) Mixing of uses is desired within structures as well as between and among individual lots.

1) 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.

2) 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.

3) 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.

7) Lot sizes shall be consistent with the following dimensions:

Type	Lot Size	Width	Depth
Single family detached	max:12,000 sf min: 4,000 sf	max: 75'	min: 90'
Single family semi-detached	max:10,000sf/unit min: 4,000sf/unit	max: 60'/unit	min: 90'

Type	Lot Size	Width	Depth
Single family attached	max: 6,000sf/unit min: 3,000sf/unit	min: 20'/unit max 50'/end unit	min: 90'
Multi-family	max: 65,000 min: 43,560	min:36' max:144'	-----
Live/work units and other mixed use structures outside of any retail core	max: 15,000 sf	min:36' max:108'	
Mixed use in a substantially commercial area	max: 25,000sf	min:45' max: 135'	
Civic, cultural, and community facilities	-----	-----	-----
Commercial	max: 80,000 sf	min:36' max:108'	

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

Type	Size
Retail	maximum non-residential building footprint: 30,000 sf max: 6,000 sf/unit or leasehold except grocery stores which may consume the entire permitted footprint of 30,000 sq.ft.
Anchor Retail	located at prominent intersections or focal points of the civic/commercial core - maximum 10,000 sq.ft. No more than one such unit for every 50,000 sq.ft. of non-residential development.
Apt/Condo	min: 600 sf

9) 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.

10) The maximum number of apartment or condominium units in a single structure shall be 24 except when such structure is shown to be a critical element of an existing commercial or civic core or focal point. In such instances, structures with 25 to 50 apartment or condominium units may be developed. However, the massing and articulation of such structures is subject to approval by the Township.

11) The maximum lot coverage permitted, regardless of use, is 50%. Through the use of incentives provided in subsection .4.F, this coverage may be increased as high as 65%.

12) The maximum impervious coverage permitted on each lot, regardless of use, is 85%. This includes any incentives that may be

applied to lot coverage through subsection .4.F.

D. *Density and Setbacks.*

(1) *Standards.*

(a) *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.

(b) *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.

(c) *Distance from Open Space.* All dwelling units shall be situated within 1,000 feet of a commons, square, greenway, park or playground.

(d) *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.

(e) *Fence Heights.* Fence heights at the front of residential units and along the side to the front facade of the structure shall not exceed 3.5 feet and, for the balance of the lot, shall not exceed 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.

(f) *Prohibited Fence Types.* Chain link, concrete block, unfaced concrete, plastic, fiberglass, plywood, slatted "snow" fences and mesh "construction" fences are prohibited.

Faux wood-type fencing, manufactured from plastic or fiberglass, may be approved.

(g) *Garage Setback.* Front entry garages shall maintain a front yard setback of a minimum of 40 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).

1) *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.

2) *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.

(h) *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, walks, 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.

(i) *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.

(j) *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.

(k) *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).

1) 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.

2) 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.

E. *Parking, Parking Lots, Parking Structures.*

(1) *Standards.*

(a) *Separation Distance*. On-street parking spaces shall not be located within 15 feet of a street, driveway, or access drive intersection. Additional separation distance may be necessary under certain circumstances to accommodate the required clear sight.

(b) *Off-Street Parking*. Where necessary to meet the applicable standards or to provide shared parking arrangements, off-street parking

compounds may be provided on the lot containing the principal use which necessitates such vehicle storage. No more than 60% of the required parking for residential or non-residential uses shall be accommodated in this fashion.

(c) *Distance.* Where off-street parking is required, it may be located on-site or, if located within 1,500 feet of the use for which it is required, in off-street community or shared parking facilities/structures which are encouraged to be provided. Rear vehicular access to all parking facilities shall be provided in lieu of access from the primary street frontage.

(d) *Number of Spaces.* The total amount of parking provided (on and off-street) shall not exceed the amount required by §27-809.B. However, if all parking is accommodated with on-street spaces, this number may be reduced by 10%. Additionally, the provisions to reduce off-street parking spaces, as provided in §27-809.E(1) - (4) shall be applicable.

(e) *Dimensions.* Parking space and associated aisle dimensions for off-street parking shall be as specified by §§27-809.B(1) and 27-809.C(1) respectively.

(f) *Spillover.* Any spillover parking required by this Chapter shall not be applicable to development within the TTD or associated Mixed Residential Area.

(g) *Location and Access.* When proposed, off-street parking facilities shall be accessed by alley or mid-block drives with spaces located underneath, or to the side or rear of the structures they are intended to serve. Exceptions include those residential lots approved for front access consistent with the provisions of subsection .3.B(1)(b)5), where front-entry garages are permitted to accommodate off-street parking, and where off-site parking is accommodated in parking structures.

(h) *Screening.* If design dictates that off-street parking is to be located to the side of a building, the entire parking perimeter that fronts a street or adjacent property shall be screened with a combination of a low architectural wall or fencing and a continuous shrub and tree row that adequately screens the parking and defines the street edge.

1) *Design.* The design of such areas shall be included in the required landscape plan.

2) *Bioretention.* Designing such perimeter landscape areas to serve as bioretention facilities is encouraged.

3) *Setback.* The setback of an off-street parking area located to the side of a building shall be consistent with the adjacent buildings. In no instance shall the off-street parking area be located beyond the front building setback line of adjacent structures.

(i) *Size.* The size and location of parking compounds shall not compromise the design or provision of pedestrian access.

(j) *Pedestrian Access.* Parking areas shall include clearly defined and marked pedestrian walkways within (not simply around) the parking area, providing access to the entrances of establishments. Pedestrian access to the primary entrances of each structure shall be clearly distinguished from motor-vehicle entrances.

1) *Material.* This walkway shall be distinguished from driving surfaces through the use of special pavers, bricks, scored concrete, stamped concrete, or a raised surface.

2) *Design.* Parking area walkways shall be a minimum of 17 feet in width. This is to accommodate a 5-foot walkway bounded by two 6-foot planting strips planted with a continuous shrub or hedge row and shade trees planted alternately on each side of the sidewalk at a maximum ratio of 1 tree for every 45 feet.

3) *Landscaping.* Landscaping that defines pedestrian access and/or separates it from automobile routes elsewhere within the site is strongly encouraged. The use of such areas to contribute to the on-site reduction of stormwater runoff is appropriate.

(k) *Multi-Use Parking Requirements.* All non-residential and multifamily uses shall adequately accommodate both handicap parking and bicycle parking. See subsection .4.E(1)(s) and §27-809.B(3) for appropriate standards.

(l) *Siting Criteria.* Parking lots or structured parking facilities shall not abut street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.

(m) *Access to Adjacent Areas.* Parking facilities shall not be permitted within side or rear setbacks unless formal arrangements have been made for the establishment of a common parking facility as specified in §27-809.A.2(a). However, both pedestrian and vehicular access between adjacent off-street parking areas shall be designed such that these areas, when located on adjacent parcels, are connected in a manner that minimizes the need to return to a main street. If the adjacent parcel is undeveloped or vacant, a connecting drive or street shall be extended to the lot line for access to future development.

(n) *Landscaping.* Parking areas shall 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 §27-807.16.A - .F.

(o) *Parking Structures.* Parking structures provided for public or common use, and not affiliated with specific commercial or office uses in the TTD shall only be permitted where the ground floor is dedicated to commercial or office uses consistent with those permitted in the TTD.

1) *Size.* Such structures shall not exceed 50% of any given block.

2) *Visibility*. Parked vehicles shall not be visible from adjacent public space.

3) *Architectural Elements*. Parking structures shall conform to guidelines pertaining to architectural scaling elements and building materials.

4) *Permitted Uses*. Such structures may incorporate residential uses as well as retail development.

5) *Density Bonuses*. Density bonuses may be available in return for the provision of parking structures as provided in subsection .4.F(11).

6) *Landscaping*. Interior landscaping requirements are not applicable to structured parking whether underground or multi-story. However, exterior buffering or screening standards may be applicable to such facilities depending on their size, location, and proposed design.

(p) *Back-Up Area*. All dead-end parking lots shall be designed to provide, when necessary, sufficient back-up area for all end stalls.

(q) *Circulation*. Painted lines, arrows, and dividers shall be provided and maintained to control parking and, when necessary, to direct vehicular circulation.

(r) *Shared Parking*. For mixed-use structures, a shared parking approach to the provision of off-street parking shall be permitted following the methodology described in the publication *Shared Parking*. (Urban Land Institute and Barton Aschman Associates, Inc., Urban Land Institute, 1984)

(s) *Bicycle Parking*. Bicycle parking facilities shall be provided for all non-residential, mixed-use, and multi-family structures within the TTD and associated Mixed Residential Area in accordance with the following:

1) *Visibility*. Bicycle parking devices shall be convenient to the structure for which they are provided. They shall be visible from at least one entrance to the structure and shall be appropriately illuminated.

2) *Location*. Bicycle parking devices shall permit at least 2 feet of free space between any bicycle attached to the device and the edge of the curb or sidewalk. For areas where motor vehicles are permitted to park overhanging the curb or sidewalk, the distance shall be increased to 4 feet. Along driveways having no curb or sidewalk, the minimum clearance shall be 3 feet between any bicycles attached to a parking device and the outside edge of the roadway and shoulder.

3) *Number*. One bicycle parking space must be provided for every 15 motor vehicle spaces required.

F. *Design Incentives.*

(1) *Intent.* Designs which incorporate one or more of the following elements shall qualify for modifications of the design standards as specified herein. These may include reductions in open space dedication, increases in maximum lot size restrictions, reductions in landscaping, and/or increases in permitted lot coverage.

(2) *Additional Workforce Housing.* For each unit of workforce housing provided in excess of the required 1:10 ratio, two dwelling units may be placed on lots of between 15,000 and 20,000 square feet. To qualify, both the workforce housing and the larger residential lots must be distributed in a manner that permits their integration within the community.

(3) *Rear Access.* For every dwelling unit provided with rear access and/or a garage which is not oriented to the street, one required street tree may be eliminated. The total reduction shall not be permitted to result in an average of less than 1 tree for every 50 feet of road frontage.

(4) *Passive Recreation Improvements.* When an improvement to passive recreational areas within the dedicated open space and/or to public areas is provided, a 2% decrease in the percentage of required open space will be considered. Qualified improvements shall include fountains, benches, trail surfacing, educational signage and/or additional landscaping. Each amenity provided will be considered separately; however, this incentive shall have a maximum total reduction of 10% of the required total.

(5) *Vertical Mixed-Use Structures.* For each vertical mixed-use structure provided within the development, three dwelling units may be placed on lots between 20,000 and 43,560 square feet. This incentive is limited to allowing no more than 5% of the total number of residential lots to be increased in this manner. In addition, the larger residential lots must be distributed in a manner that permits their integration within the community.

(6) *LID and BMP.* For either the use of low impact development techniques (LID) or the implementation of best management practices (BMP) as specified in the Act 167 Watershed Stormwater Management Plan and the use of pervious paving for all surface parking provided within the development, the maximum lot coverage permitted will be increased to 65%. However, the maximum impervious coverage standard shall not be increased above 85%.

(7) *Natural Building Techniques.* The use of natural building techniques or materials for a minimum of 5% of the total dwelling units shall permit an increase in maximum lot coverage to 65%. However, the maximum impervious coverage standard shall not be increased above 85%.

(8) *Public Space.* For every element of public space included in the design of any multi-family residential or non-residential structure proposed on the site, a 2% decrease in the percentage of required open space will be considered. Qualified public space would include courtyards, seating areas, landscape or planting amenities, fountains, increased walkway width or special paving. Each amenity provided shall be considered separately; however, this incentive

shall not permit an accumulated reduction in excess of 10% of the total.

(9) *Off-Street Pedestrian Improvements.* Every improved trail, greenway, or other off-street pedestrian way that connects residential development to an open space element such as a playground, conservation area, active recreation facility or a civic or institutional use shall be qualified to receive a 2% decrease in the percentage of open space required. Multiple connections may be considered separately; however, this incentive shall not permit an accumulated reduction in excess of 10% of the total.

(10) *Stormwater Management Amenities.* Where stormwater management facilities are designed as amenities to the development and aesthetically enhance the open space provided, a 5% reduction in the amount of required open space will be considered. Such enhancements might include the incorporation of walking paths, water features, and/or rain gardens. Such features can be considered separately; however, this incentive shall not permit an accumulated reduction in excess of 15% of the total.

(11) *Structured Parking.* The maximum building square footage of non-residential units within structures can be doubled when all parking associated with the use(s) is located either underground or in a parking structure designed to serve one or more uses within a TTD. The maximum footprint of any building approved shall, however, not exceed 30,000 square feet. The maximum square footage for grocery stores may not be doubled in this manner.

(12) *On-Street Parking.* Where the parking for a non-residential use is to be accommodated entirely on-street, the number of spaces required to be provided may be reduced by 10%.

G. *Landscaping.*

(1) *Standards.*

(a) *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.

1) *Planting Strip.* A grass strip of sufficient width shall be provided to accommodate such trees between the curb and sidewalk. Alleys, lanes, or rear access to residential units shall not be required to incorporate street trees.

Street trees may be located no closer than 4 feet and no further than 10 feet from face of curb. However, specific placement shall depend on access points, safety and visibility standards. In addition, such standards may be modified where pedestrian amenities are provided in conformance with the streetscape provisions below.

2) *Interference.* Where on-street parking is provided, street trees may be planted in sidewalk cut-outs, provided that the sidewalk is expanded as necessary to retain a sufficient pedestrian travel zone. Where no on-street parking exists or is planned, street trees may be

planted in planting strips. Trees shall be selected and placed in a manner that does not interfere with the street cartway, sidewalk, or utility line(s). Street tree branching shall not interfere with clear sight at intersections. Typical branching shall not be within 10 feet of ground level after 10 years of growth.

3) *Tolerance.* Salt-tolerant species with low maintenance and photosensitivity should be selected for placement along parkways, boulevards, avenues, and mixed-use streets. The provisions for shade trees, identified by the Subdivision and Land Development Ordinance, §22-509.A, .B, and .C are also applicable.

4) *Number.* A minimum of two trees shall be provided for every 50 linear feet of right-of-way. It may be necessary to group trees in some locations to avoid obstructions or create or retain views. Therefore, a rigid spacing criterion is not dictated. However, the appropriate number of trees is still required, whether or not they are spaced solely in 50-foot increments or occasionally grouped for impact or visibility.

Through the use of incentives provided above, (see subsection .4.F(c), "Rear Access") the two per 50-foot standard may be reduced to an average of 1 tree for every 50 linear feet of right-of-way.

5) *Species Selection.* In locations where healthy and mature trees of an appropriate species exist, they may be counted towards the fulfillment of these standards.

No one species shall comprise more than 25% of the entire number of street trees in a particular phase of the development or along a single street corridor.

6) *Standards.* Plant materials shall conform to the standards recommended by the American Association of Nurserymen, Inc., in the American Standard of Nursery Stock, ANZIZ60, current edition, as amended. All trees and shrubs shall be planted in accordance with the "Guide to Planting in Ferguson Township," and all landscape material shall meet or exceed the provisions of §27-807.8.A - .F

7) *Maintenance.* Trees are to be maintained and guaranteed for a minimum of 18 months. Planting of trees shall occur within the standard planting season (March-November). No more than one-third of a tree shall become damaged or dead without replacement. Replacement trees shall conform to all requirements of this Section and shall be maintained and guaranteed for a minimum of two planting seasons. Maintenance and replacement of landscape materials after the 18-month period shall depend on their location. Material within the street right-of-way(s) shall become the responsibility of the Township. Plantings located within common open space shall become the responsibility of the agency responsible for maintenance in accordance with the provisions of §27-702.4.C(4)(m).

To the degree that the public space is a portion of this open space, the same, agency shall responsible for this material as well. Where such landscaping is deemed to be owned by private interests, maintenance and replacement responsibility shall rest with the individual land owner.

Landscape maintenance should incorporate environmentally sound management practices, including use of beneficial reuse water available from UAJA for irrigation, drip irrigation, or rain barrels and gardens.

(b) *Landscape Plan.* A landscape plan, as required by §27-702.6.D(1) shall be prepared by a registered landscape architect and shall illustrate the project's conformance with the above requirements.

H. *Streetscape Elements.*

(1) *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.

Public space may also be provided to enhance the exterior of multi-family residential structures as noted in the TTD Design Manual.

I. *Signage/Lighting.*

(1) *Standards.*

(a) *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, 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.

(b) *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.

(c) *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.

(d) *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," §19-109, "Residential Use," §19-112, "Permits," §19-113, "Review," §19-116, "Administration and Enforcement," and §19-117, "Penalties."

(e) *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:

1) *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.

2) *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.

3) *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.

4) *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.

(f) *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.

1) *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.

(g) *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.

(h) *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.

(i) *Lighting Plan.* A comprehensive lighting plan in accordance with §27-702.6.D(7) 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.

(j) *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.

(k) *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.)

1) 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.

2) Fixture heights shall not exceed 12 feet except where necessary to provide effective lighting for parking areas. In such cases, a maximum height of 25 feet is permitted.

3) Fixtures shall be provided, at no greater than 80-foot intervals, along sidewalks and within parking areas.

4) To impact energy efficiency, the use of metal halide, low-temperature fluorescents, and LED lamps as well as solar powered and motion sensitive fixtures is encouraged.

(l) *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.

J. *Storage and Loading Areas.*

(1) *Standards.*

(a) *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.

(b) *Storage Areas.* Storage areas for live/work units, mixed-use buildings, civic uses and multi-family dwellings shall be integrated into overall building design.

(c) *Screening.* Adequate trash storage capacity 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.

(d) *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.

(e) *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.

K. *Erosion and Grading Control.*

(1) *Standards.* All requirements of the Subdivision and Land Development Ordinance, §22-510, shall be applicable to TTD and Mixed Residential Area development(s).

(Ord. 224, 3/15/1981; as added by Ord. 858, 12/12/2005)

§27-702. Plan Process and Procedure.

1. *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.

A. 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.

2. *Approvals.* Any TTD or Mixed Residential Area proposal within the zoning district shall follow the procedures outlined below which shall include each of the following steps:

Initial Conference.

General Master Plan.

Specific Implementation Plan.

3. *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 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 §27-701.3.A, .B, and .C 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 (Appendix 27-A). 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 here as Appendix 27-B.

4. *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 subsection .6 and shall be commensurate with the preliminary plan as provided for in Article V of the MPC.

A. 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.

B. *Approval Process.* The time period for approval of the general master plan application shall commence with the official submission of the plan and all required supplementary data to the Township Department of Planning and Zoning. All applications shall be acted on by the Township Board of Supervisors, who shall render a decision and communicate it to the applicant not later than 90 days after the date of the next regular meeting of the Planning Commission following the date the application is filed, or within such time limits as established by the MPC.

(1) In the event that an amended plan is submitted to the Township for consideration prior to formal action on the original submission, the owner or agent must provide the Township with a written 90-day time extension (in a form to be supplied by the Township) to review the plan. The 90 days will be measured from the date the revised plan is submitted.

C. *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:

(1) A completed application for subdivision or land development plus 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 (11"x17") copies of all plan sheets prepared in conformance with all provisions of this Part and the associated design guidelines.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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 out-croppings, 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.

(f) 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.

(g) 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.

(h) A professional land surveyor certification as to the accuracy of the plan information shall be provided.

(4) In addition, the following material shall be submitted:

(a) 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 §27-807.

(b) All trees and shrubs shall be planted in accordance with the "Guide to Planting in Ferguson Township," and all landscape material shall meet or exceed the provisions of §27-807.8.A - .F.

(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 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.

(d) 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.

(e) Two copies of a general grading and sedimentation and erosion control plan.

(f) 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.

(g) Two copies of a traffic impact study as per the adopted Township standards.

(h) Two copies of a phasing plan indicating:

1) 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.

2) 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.

3) The area, type, and location of public space, and open space to be provided with each phase.

4) The phasing plan shall ensure the coordinated installation of all public infrastructure as well as the timely construction of required street connections. 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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:

- 1) Inspect the facilities at any time.
- 2) 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.

(m) Two 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:

- 1) 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:

- a) Such land is accessible to all residents of the Township.
- b) The Township agrees to and has access to maintain such lands.
- c) Any infrastructure located within such area shall be subject to a separate agreement for maintenance and/or replacement.

- 2) 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:

- a) 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.
 - b) 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.
- 3) In addition, prior to final approval of the general master plan, the developer shall provide an affidavit setting forth the obligation to:
- a) Create the corporation.
 - b) Record the declaration of protective covenants prior to conveyance of the first lot.
 - c) 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.
- 4) 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:
- a) The conveyance is made to a bona-fide conservation organization with a perpetual existence which is acceptable to the Township.
 - b) Appropriate deed restrictions in favor of the Township are provided in language acceptable to the Township's Solicitor.
 - c) 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.
 - d) A maintenance agreement, acceptable to the Township and its Solicitor is entered into by the developer, the chosen organization, and the Township.

D. *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. All pertinent reviews, including those of the Township and CRPA staff, Township Planning Commission and Township Engineer, shall be

provided within 45 days of referral.

(1) Review and approval of the general master plan shall proceed as outlined in the Subdivision and Land Development Ordinance, §22-303.C through .E(1), (2) and (3)(b); including review by the Township Planning Commission, review by the County Planning Commission or its designee, and review by the Board of Supervisors.

(2) 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.

(3) As part of their review, the Board of Supervisors may decline or refuse to allow the density proposed within any TTD or associated Mixed Use Area if the number, type, or placement of units:

(a) Results in inconvenient or unsafe pedestrian or vehicle access to or within the site.

(b) Does not result in a compact and efficient pattern of development that minimizes infrastructure costs.

(c) Creates traffic congestion resulting in a significantly reduced level of service on streets which adjoin the development.

(d) is inconsistent with the type and amount of growth anticipated within the Township as reflected by the projections and strategies enumerated by the adopted comprehensive plan for the Centre Region, or

(e) places an excessive burden on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the proposed development. Such burden shall be measured according to accepted guidelines for service associated with each public facility.

5. *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.

A. *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.

B. *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 subsection .4 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 §27-407.8.B(1), (2).

6. *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.

A. 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:

(1) A completed application for subdivision or land development and payment of all application and escrow fees.

(2) 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.

B. Plans shall contain the information required for general master plan approval with the following exceptions and additions:

(1) 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).

C. Additional plan information required includes the following:

(1) 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.

(2) 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.

(3) The location and configuration of proposed buildings, parking compounds, streets, driveways, landscaping and all other significant facilities.

(4) Total number of lots, units of occupancy, density, and proposed land uses.

(5) Building setback lines, with distances from the street right-of-way line.

(6) Typical cross section for each proposed street. Each cross section shall include the entire right-of-way width.

(7) Curb radii at intersections.

(8) Curbs and gutters, location, cross-section and typical design.

(9) Vegetation to be planted between curb or shoulder and right-of-way line.

(10) Sidewalks, including location, width, grades and ramps for handicapped.

(11) Location of street lights.

(12) Proposed street address and address for each unit if applicable.

(13) Location, size and material of sewer and water mains and laterals to each lot.

(14) 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.

(15) 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.

(16) Final street names.

(17) Location and material of all permanent monuments and lot line markers provided in conformance with the provisions of the Subdivision and Land Development Ordinance, §22-508.A, .B.

(18) 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.

(19) Identification of any lands to be dedicated or reserved for public, semi-public, or community use.

(20) The location, face area and height of signs as regulated by the Sign Regulations [Chapter 19, Part 1].

(21) Space for approval signatures by the Chairman and Secretary of the Planning Commission including date of such approval

(22) Space for approval signatures by the Chairman and Secretary of the Board of Supervisors including date of such approval

(23) The following certification by the applicant's professional engineer or registered landscape architect:

I, _____, hereby certify that the stormwater management plan meets all design standards and criteria of the Ferguson Township Stormwater Management Ordinance.

Further, the professional engineer or registered landscape architect shall affix his seal to the plan.

(24) The following certificate for execution by the Township's Engineer:

I, _____, have reviewed this Stormwater Management Plan in accordance with the design standards and criteria of the Ferguson Township Stormwater Management Ordinance.

(25) The following acknowledgment:

I/We, the landowner(s), my/our heirs and assigns, acknowledge the Stormwater Management System to be a permanent facility which can be altered or removed only after approval of a revised plan by the Ferguson Township Board of Supervisors.

(26) 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.

(27) 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."

D. In addition, the following material shall be submitted:

(1) Two 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 §27-807. The landscaping plan submitted shall conform to the requirements of §27-807.5.A, .B, .C, and .D.

(2) All trees and shrubs shall be planted in accordance with the "Guide to Planting in Ferguson Township," and all landscape material shall meet or exceed the provisions of §27-807.8.A - .F.

(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 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) Two copies of a grading and sedimentation and erosion control plan with approval from the Centre County Conservation District.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(a) 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.

(b) Two copies of the final documents describing the disposition of ownership of the open space and public areas.

E. 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.

F. 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 subsection .4.B.

G. 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 subsection .8.B.

H. *Conditions to 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 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 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.

(1) 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.

I. *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.

7. *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.

8. *Corporate Bonds and Maintenance Guarantee.* Approval of the specific implementation 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 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 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 110% of the cost of completion of the improvements to be estimated as of 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 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.

A. 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).

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.

B. 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.

C. 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.

D. 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.

E. 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 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 1 year after completion of construction and installation of all such improvements.

F. A separate maintenance guarantee shall be provided by each applicant to

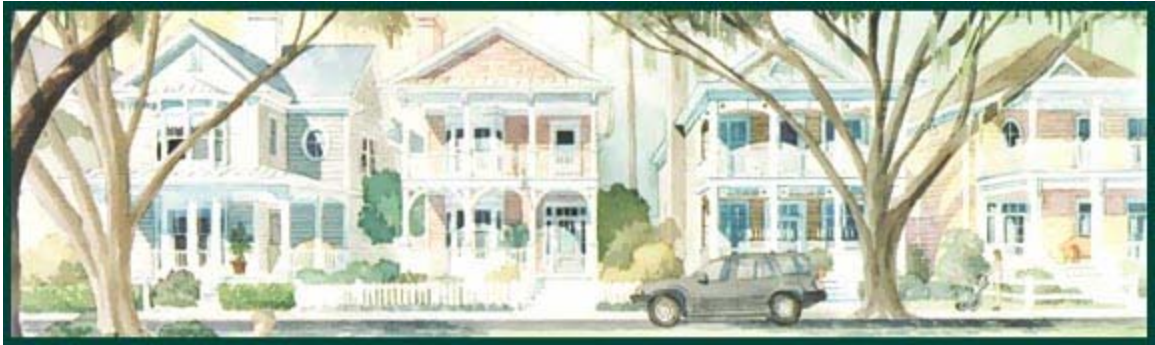
ensure the health and vitality of all plant material within the site, whether part of the open space or associated public space, for a period of 18 months from planting. Any of the landscaping that dies or is removed within this time frame shall be replaced with vegetation of the same size and species. 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 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.

9. *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.

10. *Use Regulations.* All development within a Traditional Town Development or associated Mixed Residential Area shall proceed in accordance with the standards of §§27-701.1, 27-701.2, 27-701.3 and 27-701.4, and the associated Design Manual adopted as a part thereof. The amount and type of uses shall be as specifically prescribed by these standards.

(Ord. 224, 3/15/1981; as added by Ord. 858, 12/12/2005)

APPENDIX 27-A TRADITIONAL TOWN DEVELOPMENT DESIGN MANUAL



INTENT

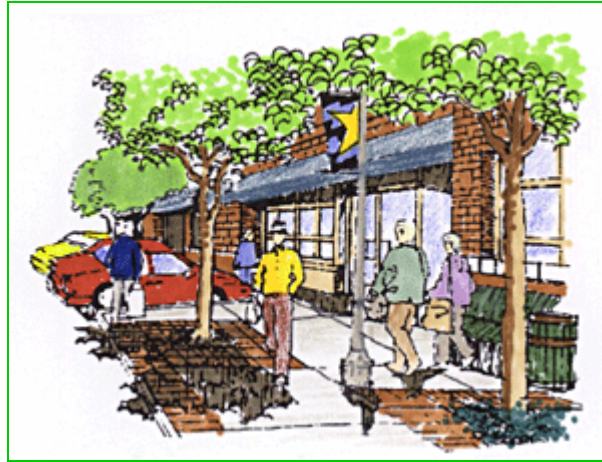
It is the intention of Ferguson Township to provide both written and graphic guidelines for the creation of Traditional Town Development (TTD) within our community. It is our belief that such information will provide assistance in understanding the intent of the applicable standards and the desires of the local government with regard to this type of development.



INTRODUCTION AND PURPOSE

The Traditional Town Development zoning district is intended to encourage innovative mixed-use developments as an alternative to conventional use-segregated models so prevalent in the region today. A TTD is a planned development that diversifies and integrates land uses in close proximity to each other while offering greater variety in type, design, and layout of residential and

non-residential uses. The district seeks to connect people to places by combining alternative housing types with limited office, retail, and civic uses into a pedestrian-friendly walkable design.



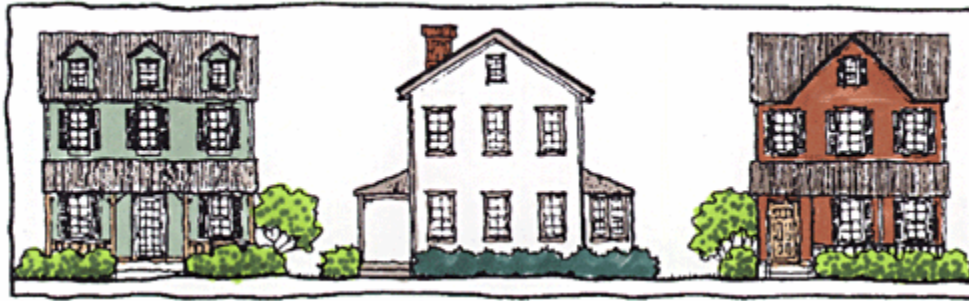
This manual contains design guidelines, illustrations, and other minimum standards of design for a Traditional Town Development. This information is intended to be used for planning, architectural design, streets and streetscapes, open space and landscaping, locating utilities, and designing drainage. The manual is intended to assist the property owner, designers, builders, contractors, and landscape professionals in understanding the expectations within the zoning district, and to guide both the review and the approval of a TTD or Mixed Residential Area plan, as well as the associated subdivision plats, and infrastructure construction plans. This document is not for the most part written in absolute terms however, it does contain certain standards from which no deviation shall be permitted. Where any question arises with regard to the interpretation of a term or the intent of a regulation, this document will be used to determine compliance.



Description of Terms –

Intent: *Intent statements are provided to define the purpose for which the details and standards have been created. In circumstances where the appropriateness or applicability of a standard or detail is in question or under negotiation, the intent statement will provide additional direction. Where a set of standards contains no separate intent statement, it is assumed that the standards are designed to implement the overall intent of the District as specified herein.*

Design Goals: *Design Goals provide further considerations to promote the objectives defined by the intent statements. Design Goals are considered relevant to achieving the stated intent, and will be pertinent to the review process but will not be required for approval. Design Goals will however be strongly considered when there is a request to waive or modify a related standard as provided for below..*



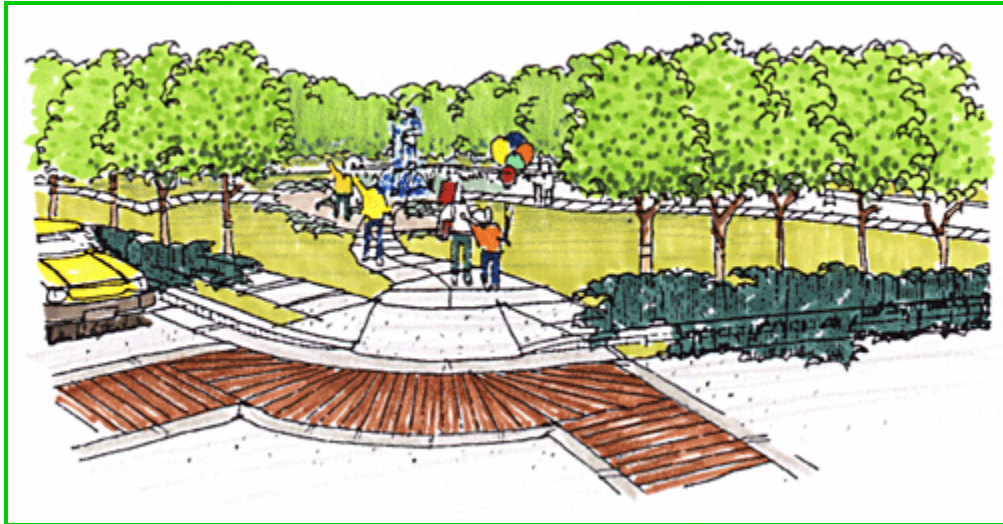
Design Details and Standards: *These are objective criteria that provide specific direction based on the stated intent. They are used to denote issues that are considered critical to achieving the stated intent. Both details and standards use the term “shall” to indicate that compliance is required unless it can be demonstrated that an acceptable alternative meets one or more of the following conditions:*

- *The alternative better achieves the stated intent*
- *The intent which the standard was created to address will not be achieved by application of the standard in this particular circumstance*
- *The application of other standards and guidelines to achieve stated intents will be significantly improved by not applying this standard*
- *Unique site factors make the standard impractical or cost prohibitive*

Decisions regarding the acceptability of alternative design proposals shall be reached prior to consideration of the General Master Plan and shall be reflected in the terms and conditions associated with any such approval action. While Design Details are reflected in this appendix, Design Standards are generally found in the body of the Traditional Town Development Ordinance.

FRAMEWORK PLANS:

OPEN-SPACE NETWORK



INTENT

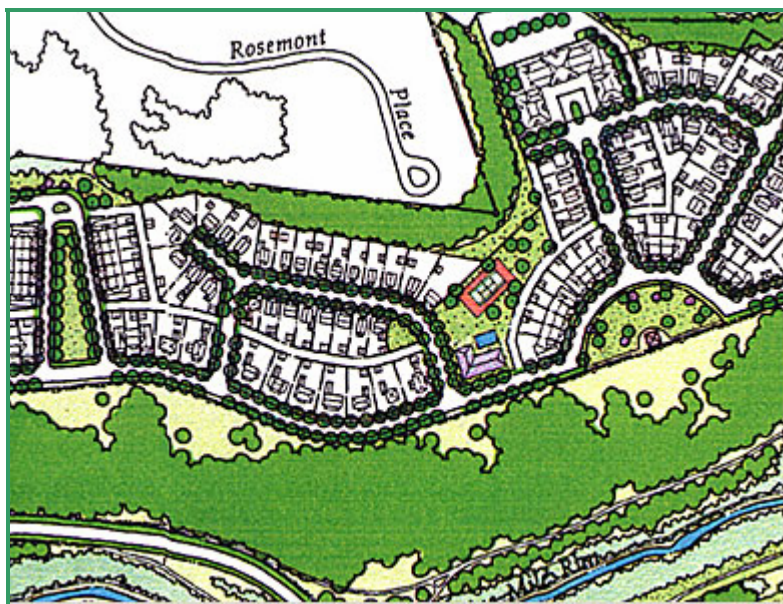
The retention and design of publicly accessible open space is a vital component of the Traditional Town Development and associated Mixed Residential Area. It is the express intent of these provisions to ensure that valuable resources located within each site are protected and that the network of open space within the development is appropriately designed to achieve one or more of the goals listed below.



While the priority for the location and designation of open space on any TTD site centers on the preservation of those aspects of each site that are environmentally sensitive and/or contain natural or historical resources,



where possible, consideration shall also be given to establishing portions of the open space network that are located so as to coincide with open space on adjacent properties such that a connected network of common open space is established.



Open space dedication and design under these provisions shall not be subject to the mandatory dedication or fee-in-lieu provisions of the Ferguson Township Subdivision and Land Development ordinance.

DESIGN GOALS:

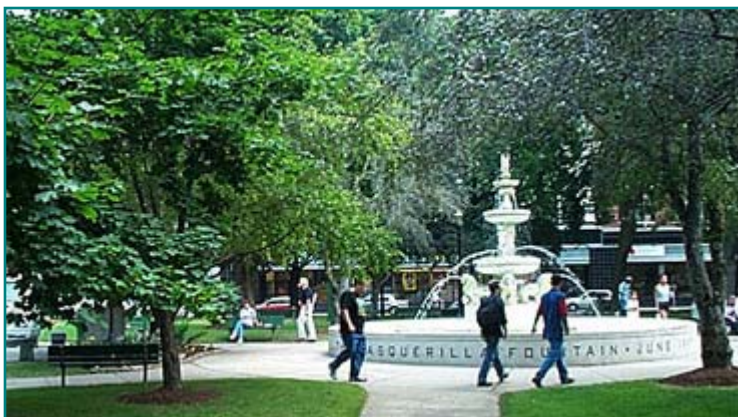
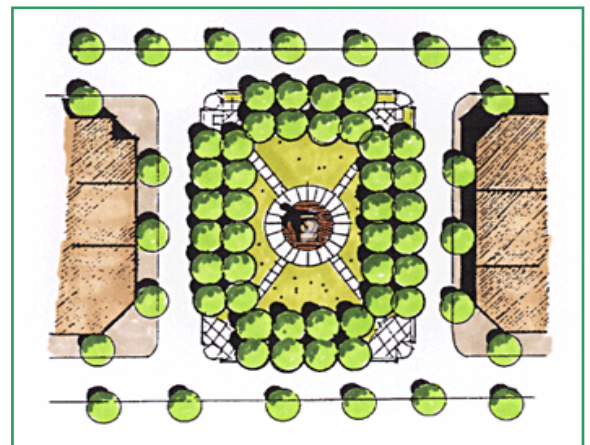
1. Encouraging development that complements rather than eliminates the distinctive resources of the site including woodlands, wetlands, stream corridors, historical and cultural resources, steep slopes, scenic view sheds, and prime agricultural soils.



2. Developing a network of interconnected streets, public spaces, and open spaces/recreational facilities.



3. Creating a sense of place and feelings of belonging through the location of parks and other physical features (built or natural) to act as landmarks and focal points for community identity.



DESIGN DETAILS:

Common open space shall be provided in the form of specialized squares, playgrounds, parks, greenways or linear trails, and public commons that are dispersed throughout the site in a manner that provides convenient access for all residents.



Trails, greenways, or linear parks provided shall complement the transportation network and provide connections to such features that are located adjacent to the site.



Common open space within the Traditional Town Development shall be designed to form a contiguous and integrated network that will connect public spaces and

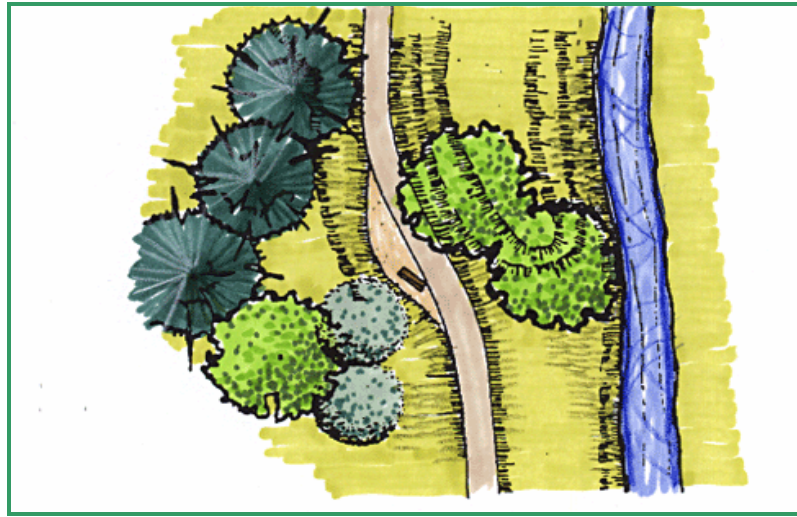
recreation areas to civic and residential structures as well as proposed or nearby commercial development. Visual continuity between these spaces shall be provided by using similar materials, forms, and street orientations.



This demands a coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit and automotive vehicles



in addition to well-configured greens, landscaped streets and parks woven into the pattern of the neighborhood and dedicated to the collective social activity, recreation and visual enjoyment of the populace



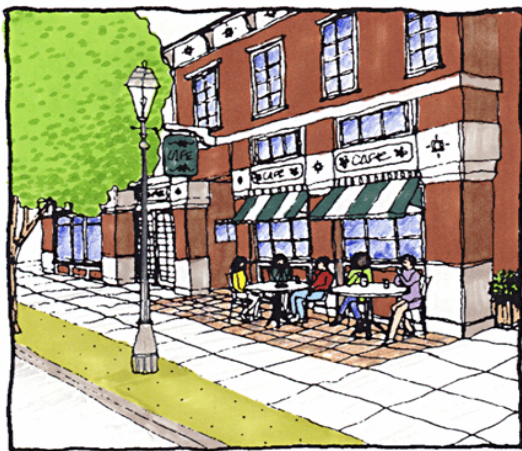
Public space shall serve as a focal point and may comprise up to 10% of the common open space provided. Such areas shall be subject to the same maintenance criteria as identified by §27-702.4.C(4)(m).



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 engineered for the purpose of inviting face to face contact and personal interaction within a human-scaled environment.



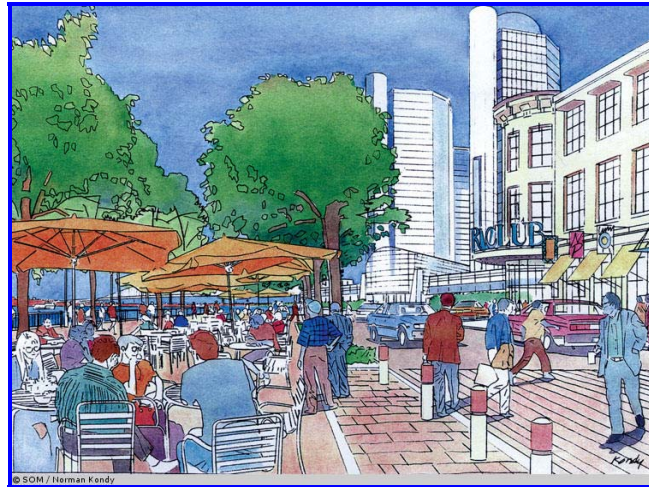
Visual continuity between and within these spaces shall be established by using similar materials, forms, and street orientations.



Public spaces shall be located and designed to create places with distinct identities within the project, and to afford protection from weather elements such as wind, rain, and heat.



In addition to street frontage, the space(s) between, beside, and behind structures can be designed to adequately provide public space as long as they are connected to the transportation and/or open space framework(s).



The open space provided on each site shall be responsive to the needs of the community as expressed in the Ferguson Township Recreation, Parks, and Open Space Plan and, to the extent feasible, shall provide useable play or

recreation areas, or equipment, that is conveniently accessible to residents throughout the community.



The reservation of passive parkland which may include wooded sites, formal gardens, conservation areas, and open grass spaces may also be included.

However, such facilities shall account for no more than 40% of the required open space. Where the existence of adequate play or recreation areas within walking distance of a proposed TTD can be shown, the percentage of passive parkland

permitted to be credited toward the total required open space may be raised to as much as 55%.



Civic buildings and/or community facilities shall be incorporated into the Traditional Town Development and associated Mixed Residential Area and shall be placed in locations which showcase their importance and allow them to serve as landmarks. The location and design of such sites is integral to the layout of the open space within the TTD



Existing features of each site shall be identified, retained, incorporated and highlighted as appropriate. This shall include:

The preservation of scenic views from public roads and neighboring properties as well as from within the site to both on and off-site locations



The protection of important historic and cultural resources located within the site.



The protection of important natural resources located within the site including, but not be limited to, the following:

groves of mature trees, hedgerows, rock outcroppings, ponds, woods, pastures, rolling hills, farm buildings, bridges, fence lines, and plants or animals unique to the site or area.



TRANSPORTATION NETWORK



INTENT

Circulation throughout a community greatly impacts how one experiences the character of a place. Since the focus of this zoning district is to provide a mix of uses in an efficient pattern that is walkable, the emphasis of the street design criteria is on creating safe and comfortable environments for pedestrians as well as convenient access and circulation for motorized and non-motorized vehicles.



The application of short blocks in traditional grids is intended to create multiple, direct routes for pedestrians, motorists, and bicyclists.



DESIGN GOALS:

1. Developing a network of interconnected streets that link the community to public spaces, and open spaces/recreational facilities. This network should also provide linkages from the adjacent community systems to new development.



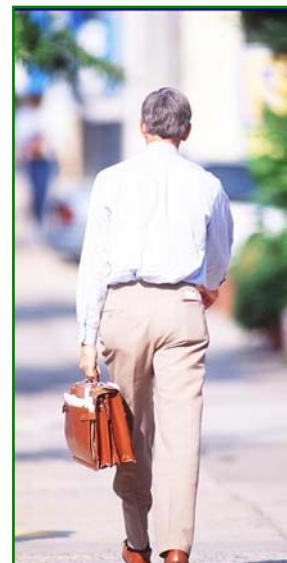
2. Making public transit a viable alternative by encouraging development at appropriate densities with flexible building arrangements not afforded by conventional zoning or lot-by-lot development.



3. Considering other multi-modal opportunities as an integral element of the design.

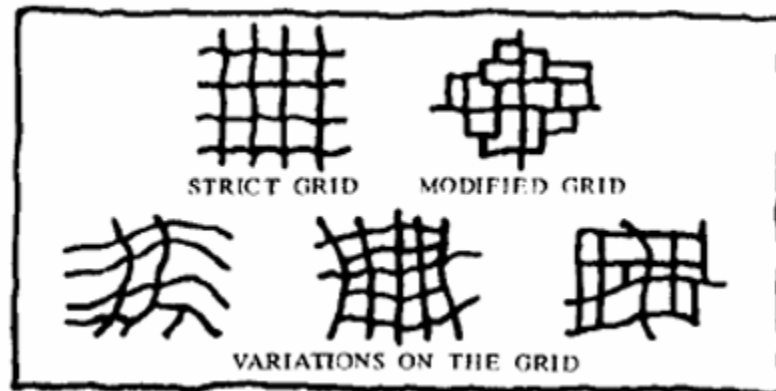


4. Orienting all design elements: from setbacks to permitted uses to street design, toward fostering pedestrian activity and achieving a human scale.

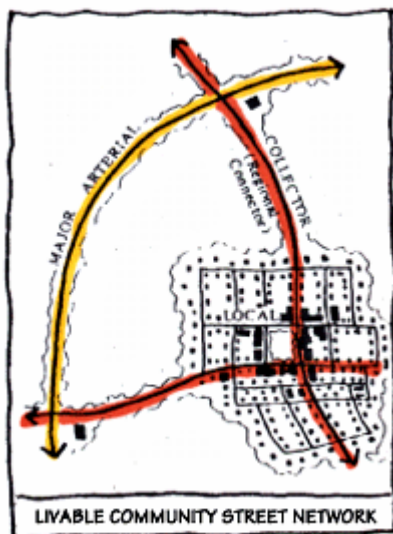


DESIGN DETAILS:

Traditional Town Development shall be designed in a pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, sidewalks, on-street parking, and public space.



The streets shall be laid out in a network that provides alternate routes to most destinations, that is designed to accommodate pedestrians and bicyclists, and that does not incorporate cul-de-sacs except as provided for in associated regulatory standards for TTD.



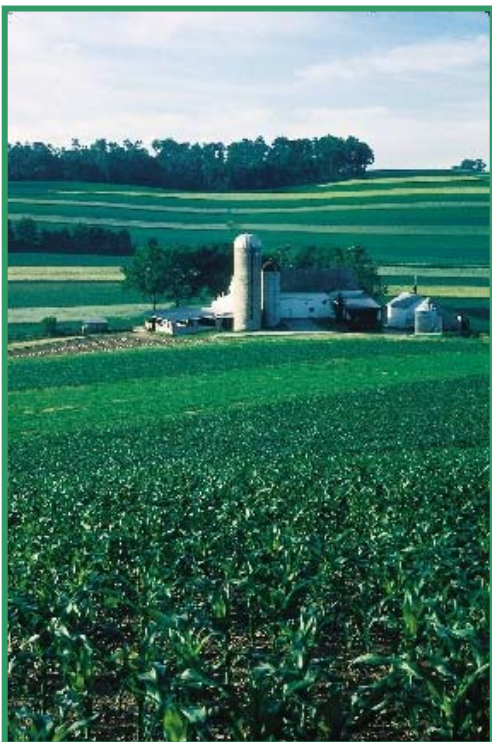
As noted previously, this demands a coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians,

bicycles, public transit and automotive vehicles in addition to well-configured greens, landscaped streets and parks woven into the pattern of the neighborhood and dedicated to the collective social activity, recreation and visual enjoyment of the populace.

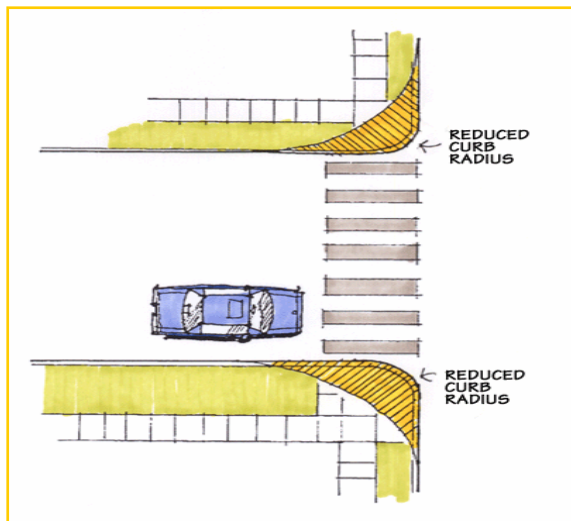


A street hierarchy shall be established with special consideration of the following:

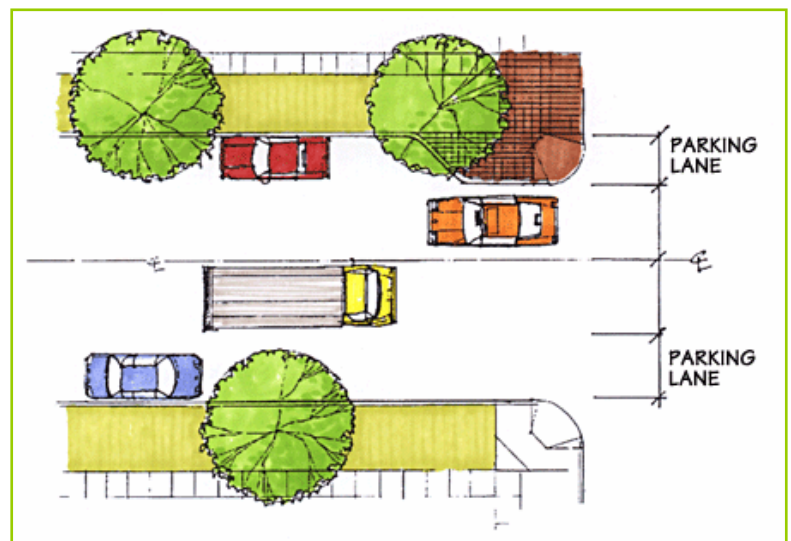
- a) Avoid alteration of cultural, historical or natural resources



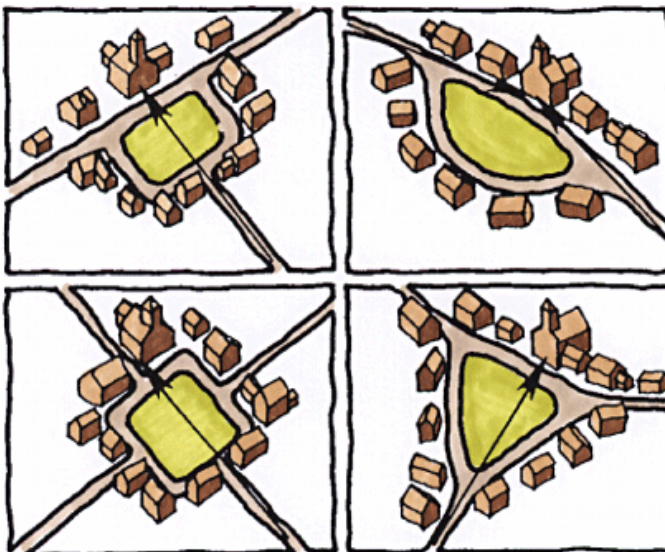
- b) Promote pedestrian movement and calm traffic speeds as necessary



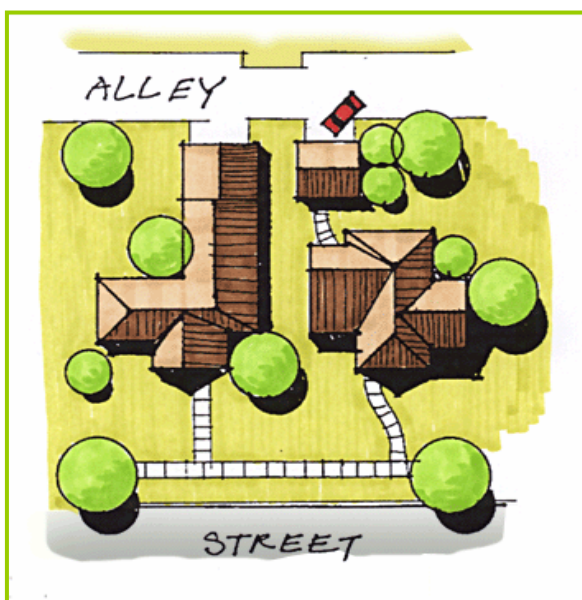
- c) Accommodate sidewalks, on-street parking and non-motorized traffic



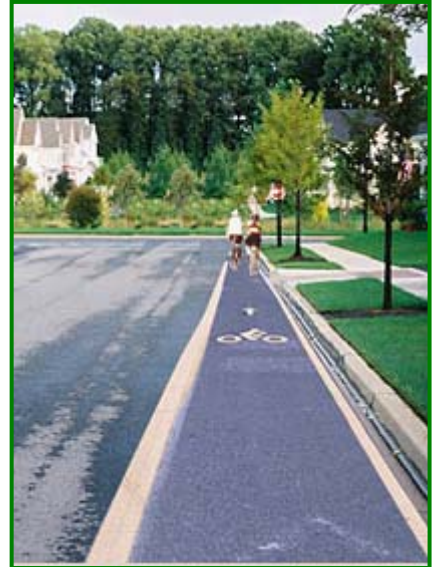
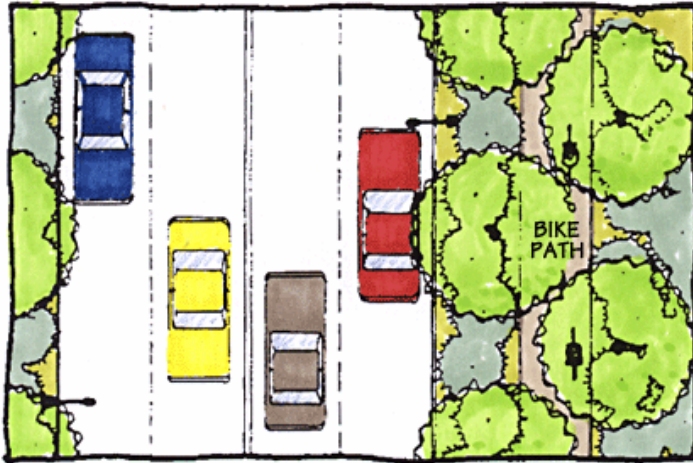
- d) Align in a manner that creates “terminal vistas” of specific features of the development or provides views to prominent vistas



- e) Separate through traffic from local trips to keep volumes low in appropriate areas of the development.



- f) Accommodate bicycle circulation and safety.



The orientation of streets shall be designed to enhance the visual impact of common open space and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients.



A coordinated road and infrastructure system shall be required to extend to adjacent undeveloped land to permit the continuation of the pattern of development in a cohesive manner.



Likewise, wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project provided this use is not adverse to the natural features of the site.

SITE PLANS

A. LAND USES



INTENT

Limiting the continued consumption of land by separate but non-distinct subdivisions that do not foster a sense of community or encourage pedestrian activity.



Promoting development that, through the use of distinctive architectural elements, the physical distribution of different housing types throughout the development, and distinct siting criteria, creates community character.



DESIGN GOALS:

1. To include a variety of retail uses, services, housing types and public facilities within a walkable distance. This entails the provision of retail, residence, workplaces, and civic buildings physically and functionally interwoven within a neighborhood; and all within close proximity.



2. To create neighborhoods which are distinctive yet complementary;



3. To orient all design elements: from setbacks to permitted uses to street design, toward fostering pedestrian activity and achieving a human scale.



4. To create a sense of place and feelings of belonging.



5. To create community character.



DESIGN DETAILS:

Buildings shall be diverse in function but compatible in size and disposition. A cohesive mixture of housing size and type, retail uses, offices, and multi-tenant or mixed-use structures shall be provided within buildings and blocks.

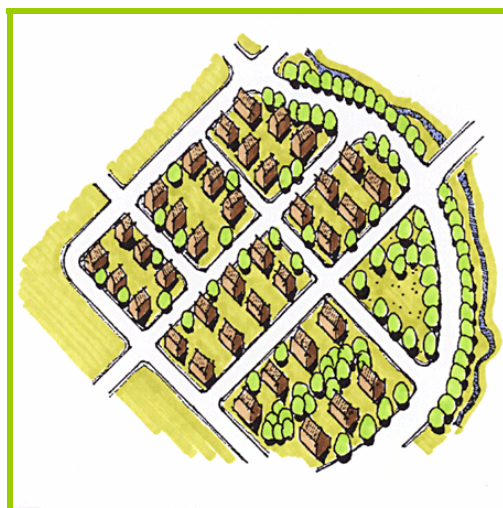


(Appendix 27-A)

The use of distinctive architectural elements, the physical distribution of different housing types throughout the development, and distinct siting criteria shall be incorporated to establish community character.



Recognizable neighborhoods shall be developed and each shall be provided with direct access to common open space such as centrally located public commons, greens, squares, or prominent scenic vistas.



Parks and other physical features (built or natural) shall act as landmarks and focal-points for community identity.



Garage apartments, elder cottages, or in-law quarters may be made available as accessory uses for single-family dwellings when such dwellings constitute the principal use of the lot.



Workforce housing shall comprise an element of each development and will be incorporated at a minimum rate of 1:10 residential units.

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.

No more than two (2) adjacent lots may contain such units.

No more than four (4) lots along any one block width or block length may contain such units.



Buildings shall be a minimum of two stories except where specially approved for single story development or, in the case of civic buildings, when designed to appear as a multi-story structure.

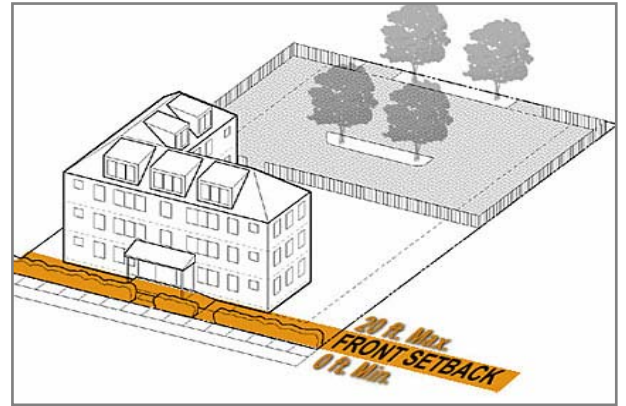


Commercial buildings shall be taller, and shall provide the opportunity for upper story housing or office space above permitted retail uses in a minimum of fifty (50%) percent of the structures.

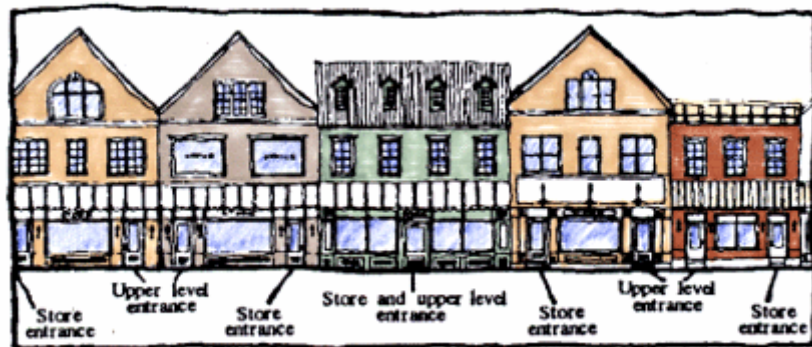


New residential structures within a T.T.D shall be no more than three (3) stories. Multi-family, commercial or mixed-use structures shall not exceed five (5) stories except through conditional use approval which could permit up to eight stories at appropriate locations.

Structures shall be aligned along streets and squares and located next to or, in appropriate circumstances, a short distance from, the sidewalk in accordance with the provisions of §27-701.4.D(1)(d).



Structures must be designed to create street level interest and pedestrian comfort. Doorways, covered walkways, windows and other street level ornamentation shall be incorporated to create a pedestrian scale and inviting spaces to sit, walk, or relax.



All structures shall have habitable space at street level or a façade comprised 50% by windows with a minimum height of 3', which ensure visibility to and from the sidewalk.



The interior of such structures shall be visible through these windows. Boxes, shelving, signage or other features must not be stacked or placed so as to obscure the view through these windows. Blank walls are prohibited along pedestrian routes.



All structures other than accessory uses shall front on a street or public space and the main pedestrian entrance shall be from this front façade.



All entrances to a structure which are visible from the street must be defined and articulated by architectural elements such as columns, porticoes, porches, overhangs, railings, balustrades, or other similar elements.



Commercial structures should provide fabric awnings, covered walkways, colonnades, or other weather protection.



Mailboxes shall be located on the front façade of detached, semi-detached, and townhouse dwelling units when located on individual lots. Multi-family, mixed-use, live-work, and townhouse units on common lots shall provide for mail pick-up at kiosks or other covered/enclosed shelter or within lobby area(s) of such units.



(Appendix 27-A)

Backs of structures shall face the backs of other structures and/or parking areas.



B. DIVERSITY

INTENT

Walkability and pedestrian scale are of paramount importance in achieving the intent and design goals of this zoning district.



In addition, diversity and community identity are integral elements that are expected to be provided through the inclusion of a unique mix of uses that provide opportunities to accommodate households of all sizes, incomes, and ages, as well as start-up businesses and neighborhood-oriented service operations.



The compatibility of buildings in the TTD is determined by their arrangement, bulk, form, and character, in addition to landscaping and the use of common architectural elements. To this end, guidelines for the composition of each Traditional Town Development and/or associated Mixed Residential Area shall be applied.



DESIGN GOALS

1. The overall size and type of each use is restricted to prevent the establishment of intensive commercial, educational, religious, or government facilities that exceed the desired local orientation.



2. Retail and commercial development shall be limited to those uses that residents are likely to need on a daily or regular basis and/or those that provide basic convenience commercial goods and services or entertainment venues for existing and future nearby residences in the surrounding service area.



3. A full range of housing types and sizes shall be available within each development.



DESIGN DETAILS

New construction shall, to the greatest extent possible, be sited so as to preserve natural vistas and existing resources of the site as well as to enhance energy efficiency.



The optimum position for maximum passive solar utilization is to orient the façade of the house directly south and streets on an east-west axis. A variation of twenty (20) degrees from true south can be accepted.

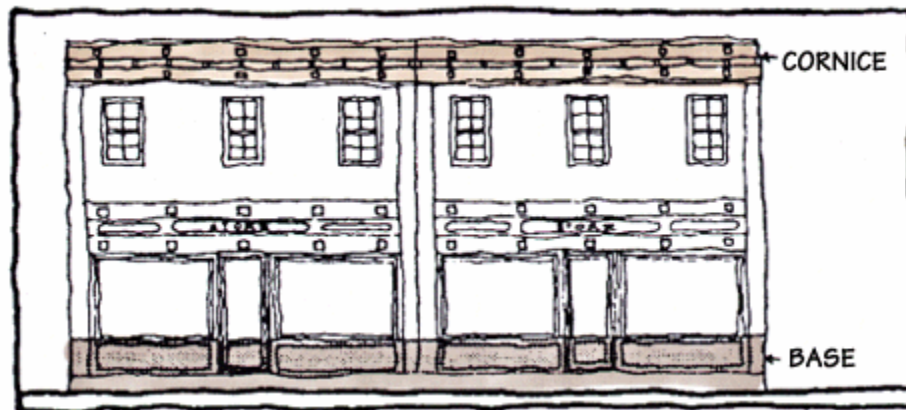


The orientation of dwelling units shall be established in a manner that reduces summer cooling costs and winter heating costs. This can be accomplished by building orientation within the lot, the location and amount of windows, and/or the use of building materials with an R-value of 25 or above.

It is not the intent of these provisions to dictate architectural style. However, due to the mixed-use nature of this type of development, architectural compatibility is necessary in order to visually integrate development and allow for the anticipated proximity of a variety of uses.



Style, proportion, massing and detailing are all elements which are integral to the achievement of the design objectives of the TTD as enumerated throughout. Therefore, a set of standards chosen by the applicant shall be identified and adhered to consistently throughout the development in a manner that supports the integration of the full extent of uses proposed.



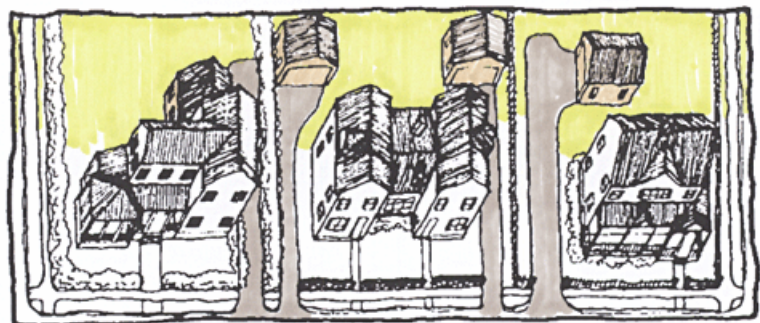
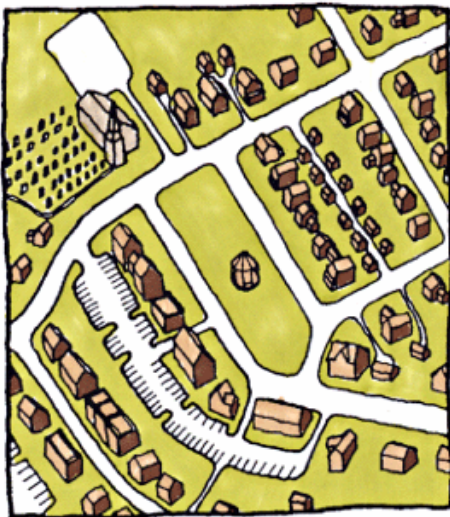
The type of consistency anticipated includes: buildings maintaining base courses, incorporating the continuous use of front porches on residential buildings, maintaining cornice lines on buildings of the same height, and extending horizontal lines of windows.

A variety of architectural features and building materials may be incorporated where appropriate to define distinct structures or provide character to a group of buildings.



Applicants may establish their conformance with this requirement by submitting documentation of the chosen architectural and community design in the form of a pattern book that establishes and graphically depicts the design, scale, and unified character of all proposed structures within the development.

The pattern book shall, at a minimum, define the lotting patterns for neighborhoods, establish the architectural style(s) for the community, illustrate neighborhood character, and define standard elements.



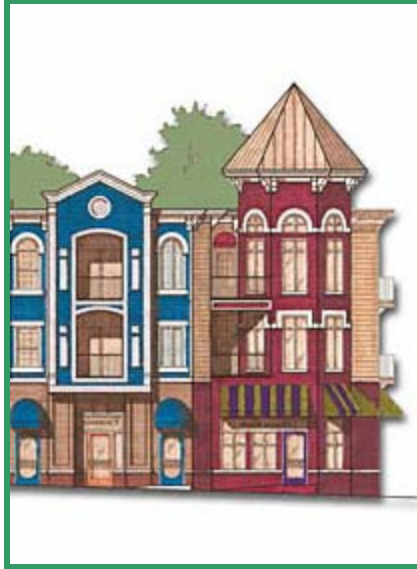
The height and massing of buildings within the TTD shall not be more than twice the height and massing of structures to which they are adjacent or from which they are across the street.



Existing structures, if determined to be historically or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.



The U.S. Secretary of Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.



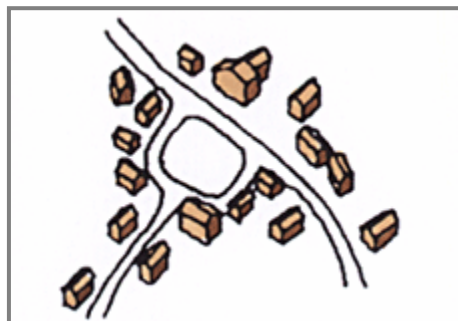
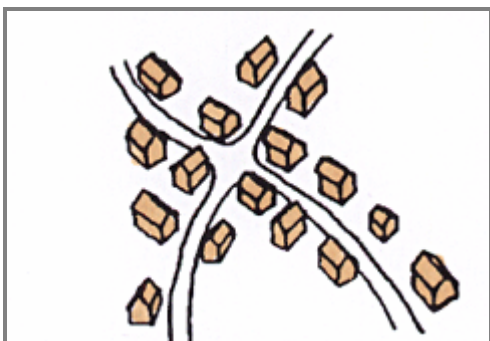
Where a mixed-use building is located in a predominantly residential area, its appearance shall be integrated and the building shall be sited within the lot in a manner that does not distinguish its use in a manner that detracts from the residential composition.



C. BLOCKS

INTENT

Block and lot regulations can facilitate the creation of pedestrian-friendly environments. Short blocks in traditional grids allow multiple routes for pedestrians, bicyclists, and motorists.



In addition, block design can be manipulated to be compatible with natural features. Such non-rectangular blocks can be arranged to respect site features such as topography, surface drainage patterns, existing vegetation or perhaps scenic vistas.



DESIGN GOALS

1. To facilitate the creation of a pedestrian-friendly community by creating short blocks which enhance walkability and provide multiple routes to various destinations.

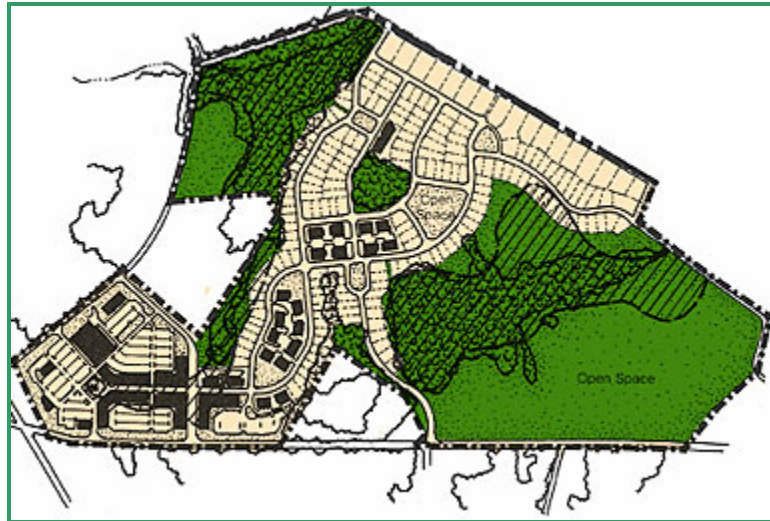


2. To enhance the diversity of the community by ensuring that each block contains a variety of uses as well as a range of lot sizes and housing types.



DESIGN DETAILS

The pattern of lots and blocks within the Traditional Town Development shall be established in a manner that minimizes pedestrian/vehicle conflicts, promotes street life and activity, reinforces public spaces, promotes public safety, and visually enhances the development of the site.



D. DENSITY & SETBACKS

INTENT

To locate buildings in a manner that defines and contains the street space; concentrates and reinforces pedestrian activity; and enhances the sense of the street as a place.



DESIGN GOALS

1. To create a hierarchy of space.
2. To establish densities that permit the viable use of transit.
3. To improve walkability and the efficiency of development.

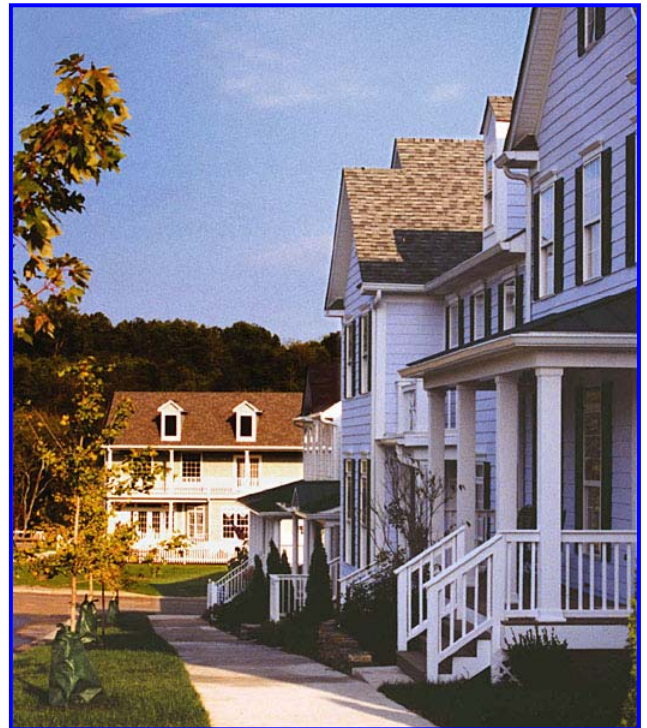


DESIGN DETAILS

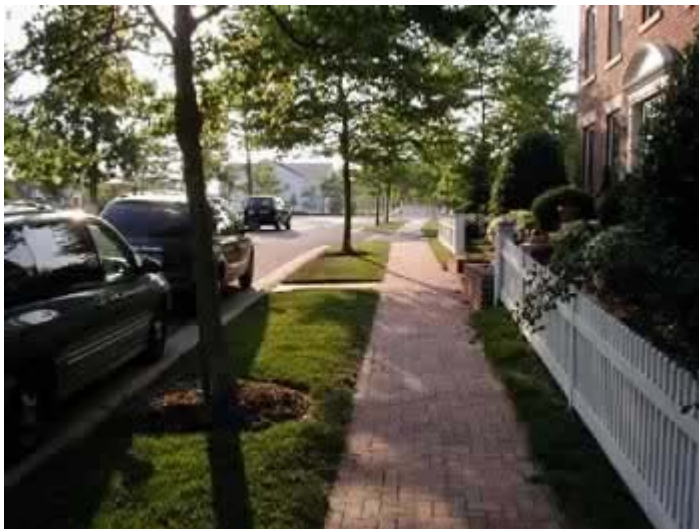
In residential settings, a hierarchy of space shall be provided along the street beginning with a “public” area defined by the location and width of the sidewalk. A “semi-public” walkway then runs perpendicular from the sidewalk to a front porch, stoop, or landing, which defines a semi-private space. This in turn frames the front door, leading to the “private” space of the house. The space between the primary and accessory structure(s) is again “semi-private” and, along the



alley, returns to “public”. This hierarchy is to be respected and maintained within all portions of the TTD which are predominantly residential in nature.



To ensure the function of the spatial hierarchy described above, residential structures shall provide a front setback between 0' – 20'. Within this setback, porches and other entry elements such as fences, walls, and hedges are encouraged to be provided to define the primary entrance to the building and signal the separation of public and private space.



.31



Supp. III; added 3/6/2006

Landscaping may also be located within this setback to provide an attractive street edge and reinforce a pedestrian scale.



The size of any porch, balcony, deck, or awning, shall relate to the overall size of the primary structure to which it is attached, shall be constructed with similar materials to that of the primary structure, and shall not encroach within the public right-of-way, or upon any significant open spaces, natural features, or neighboring properties.



Porch depth shall range from five (5') feet as a minimum to eight (8') feet as the preferred, while minimum porch widths shall be four (4') feet

As noted above, where appropriate or necessary to delineate “semi-private” areas, fences or walls may also be placed within the front yard setback. These shall be low and “transparent” in nature – allowing views into yards and providing interest to pedestrians.



Variation in the setback, height, color or size of residential structures to enhance and encourage pedestrian activity is welcome as long as it is carried out under a unified concept that provides a sense of visual continuity within each block.

The provision of public spaces such as plazas, courts, or outdoor seating areas which increase the setback of structures are encouraged and may encroach within the required setback as long as sufficient pedestrian walkways are retained.



In addition, in instances where a plaza, courtyard or other similar amenity is proposed, the maximum setback may be exceeded to accommodate such use if such areas further the design goals of the TTD and/or meet criteria for the design and location of public space.



However, in no instance shall the setback be extended to accommodate parking.



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 setback a minimum of two (2') feet from the face of curb.



E. PARKING, PARKING LOTS, PARKING STRUCTURES

INTENT

To minimize the visual impacts of parking – including driveways, garages, and garage doors as well as parking compounds and structures, on the pedestrian environment and adjacent development.

To minimize the runoff impacts of significant amounts of impervious area associated with uninterrupted surface parking arrangements.



DESIGN GOALS

1. To increase the safety of pedestrians within the predominantly car-oriented environment of off-street parking facilities.
2. To enhance the pedestrian activity and the impression of safety as well as walkability through the provision of street level commercial and service uses along any proposed parking structure frontage.



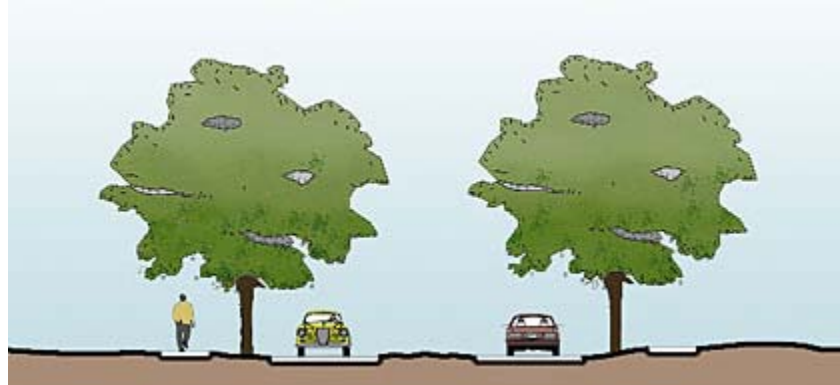
3. To reduce the quantity of connected impervious area devoted to the storage of motor vehicles.



4. To increase the amount and function of landscaping within required parking areas.



5. To accommodate the majority of parking through the provision of on-street spaces which reduce vehicle speeds, create a pedestrian buffer, and reduce the need to provide for the on-site storage of vehicles.



DESIGN DETAILS

Parking requirements shall be met primarily through the availability of on-street parking facilities. On-street parking provides a buffer zone between the roadway and the sidewalk. It also narrows the appearance of streets, reducing vehicle speeds.



On-street parking provides opportunities for people to access the sidewalk directly from their vehicles and increases street activity.



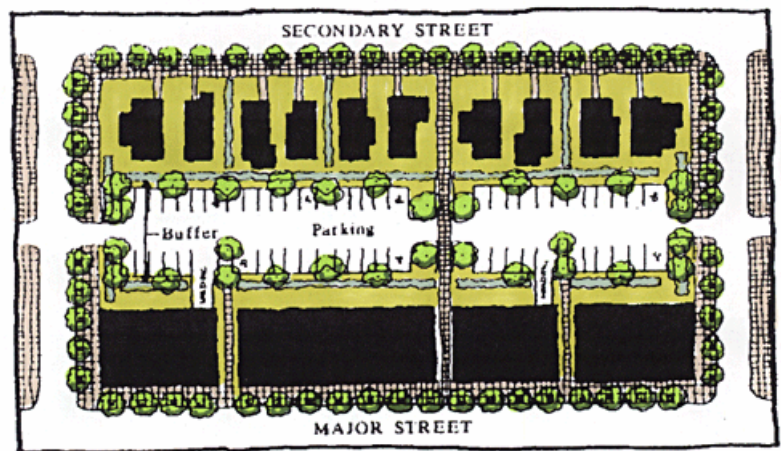
Parallel parking is the preferred method of accommodating on-street parking.



However, other on-street parking methods, including angled (45°) or head-in parking may be appropriate under certain circumstances.



On-site parking, when necessary, shall be subordinate to other uses. Front yards, whether residential or non-residential, shall not be designed to function as parking areas. No off-street parking shall be permitted in-between a building and the street and/or front yard area.



LANDSCAPING

INTENT

Landscaping shall be used to accentuate the natural and built environment, establish visual connectivity and community identity, and provide environmental and public health benefits.



DESIGN GOALS

1. To have the overall scale and composition of the landscaping provided complement the scale of the development and its surroundings.



III; added 3/6/2006

2. To create a sense of public space that is well defined, well maintained, and inviting.



3. To utilize plant material to create human-scale environments and provide appropriate screening of harsh, man-made intrusions into the landscape



DESIGN DETAILS

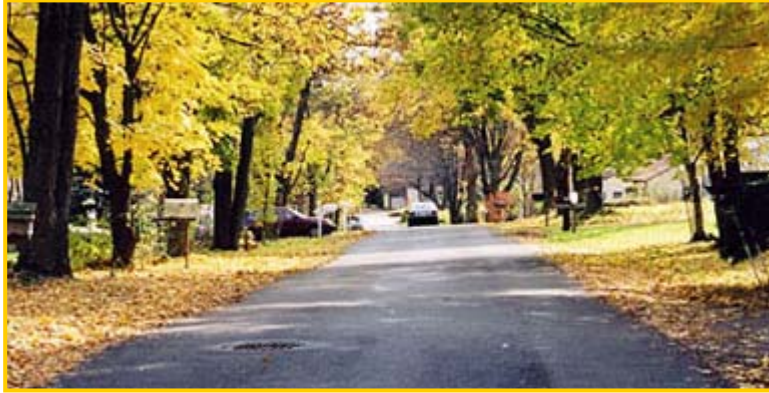
Street trees shall be provided and installed in accordance with an approved Landscape Plan.



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 boulevard or avenue.



(Appendix 27-A)



Medians may also contain shrubs and plant groundcover.
A grass strip of sufficient width shall be provided to accommodate street trees between the curb and sidewalk.



Alleys, Lanes, or rear access to residential units shall not be required to provide shade trees.



Supp. III; added 6/6/2000

STREETSCAPE ELEMENTS

INTENT

Creating a successful pedestrian environment that provides furnishings and creates attractive settings for pedestrians to gather, rest, socialize, and orient themselves.



To this end, seating and other pedestrian amenities are encouraged to be provided in public spaces associated with adjacent residential or non-residential structures, recreational areas, civic structures, parking facilities, and transportation nodes.

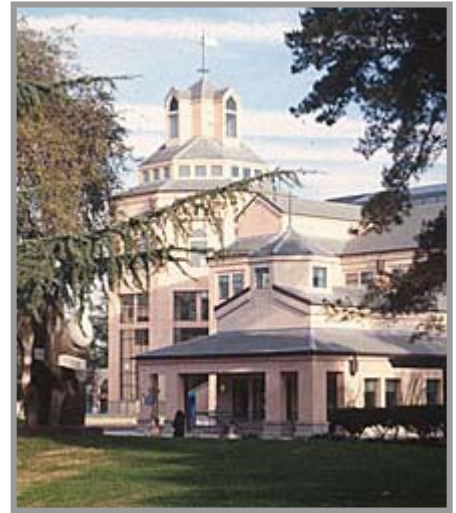


DESIGN GOALS

1. To incorporate natural features, landscaping, and human-scaled elements to create a distinctive public realm.



2. To develop and thoughtfully locate meaningful public spaces that stimulate civic pride.



3. To establish gathering/meeting locations for social interaction, observation, and casual conversation.



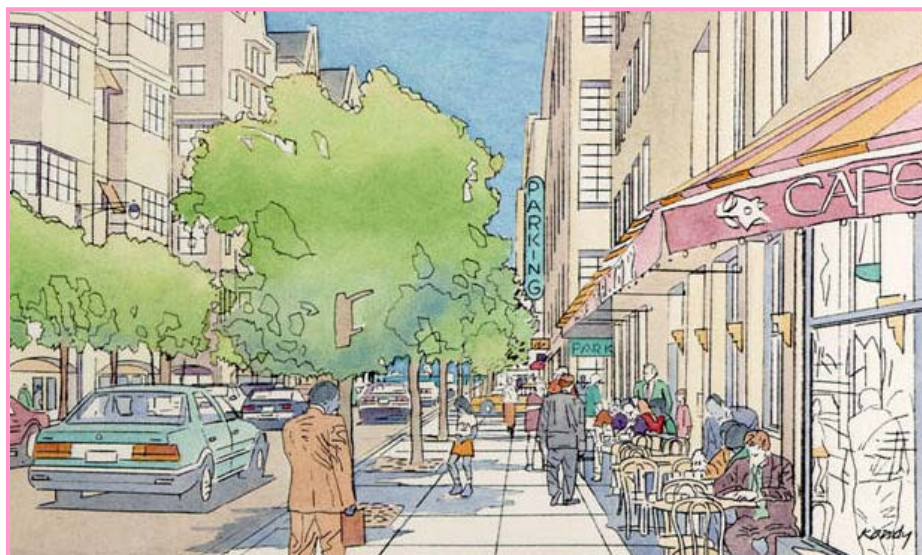
DESIGN DETAILS

Street “furniture” may include benches, artwork, trash receptacles, gazebos landscaping, monuments, fountains, bicycle parking, kiosks and/or pavilions.





The addition of such elements may not impede pedestrian movement but shall be located so as to facilitate access and complement adjacent spaces or buildings.



27-224.49

Supp. III; added 3/6/2006

(Appendix 27-A)

Where posted/design speeds are 35mph or less, street trees, poles and other street furniture shall be located no closer than three (3') feet from the face of curb.



For posted/design speeds greater than 35mph but less than 45mph, street trees, poles and other street furniture shall be located no closer than eight (8') feet from the face of curb.



Street plantings are encouraged to be used to complement the street tree and landscaping requirements within public space not dedicated as open space.



Supp. III; added

If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in climate.



Trees of heights and patterns complementary to human scale, with high branches and upward branching habits along walking areas,



and with the capability to provide shade and shelter in seating areas are also encouraged.



Trees shall be installed in a manner that avoids the buckling of pavement by root systems. The perpetual care and maintenance of all such plantings shall rest with the entity responsible for the open space.



For every one thousand (1,000) square feet of non-residential floor area proposed to be developed, twenty (20) square feet of public space(not including standard sidewalk dimensions) shall be provided. As noted previously, public space may comprise up to ten (10%) percent of the required open space.



The safety, comfort, function and attraction of such space shall be evaluated to determine its acceptability.

“safety” shall refer to both pedestrian safety from vehicles and crime prevention



“comfort” shall refer to the ability of the public space to reasonably accommodate the anticipated/expected public function(s)



“function” may include recreation, socialization, transportation, education, or relaxation



“attraction” shall refer to the design, location, and aesthetic value of the space.



Where public space is designed to be accessed and used exclusively by pedestrians (such as malls, plazas, or other pedestrian-only environments), the following guidelines shall be applied:



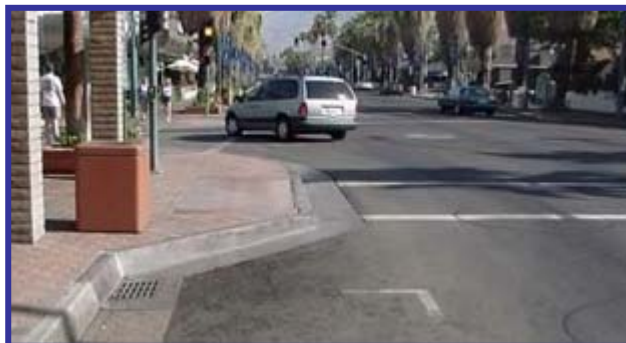
Special paving shall be used to delineate such areas from adjacent or nearby areas which include vehicular travel.



Drop-off and pick-up zones for buses or cars shall be clearly delineated and located so as to avoid interrupting pedestrian travel along sidewalks and impeding views of pedestrians or motorists.



Left-turns and free right turns at intersections in the immediate vicinity of such pedestrian zones should be restricted, especially where high volumes of pedestrian crossings are anticipated.



Pedestrian activity and the use of such areas can be enhanced by the inclusion of special events including music, entertainment, and associated concessions. The design should anticipate the potential for such activity.



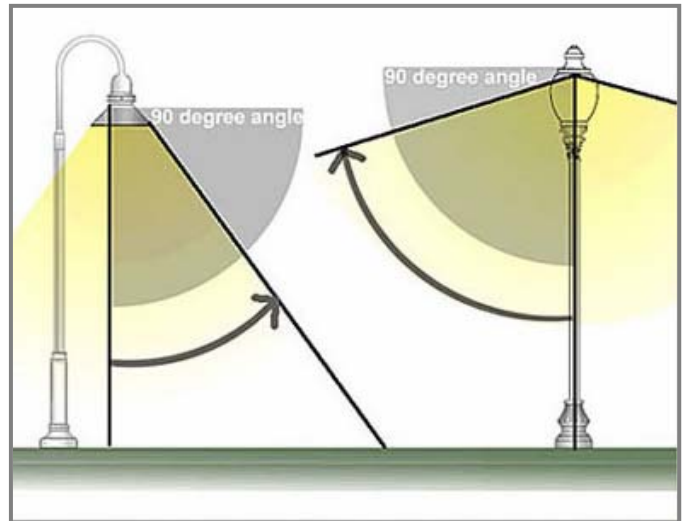
SIGNAGE / LIGHTING

INTENT

To encourage a variety of signs and graphic elements which are compatible with, and enhance the character of the surrounding district,



respect the architecture of the building they serve, and are appropriate to and expressive of the use they identify.



DESIGN GOALS

1. To create an organized and inter-related system of signs, sign structures, lighting, and graphics.



2. To utilize pedestrian scale lighting in a manner that enhances the streetscape, ensures pedestrian safety, and creates a sense of place.

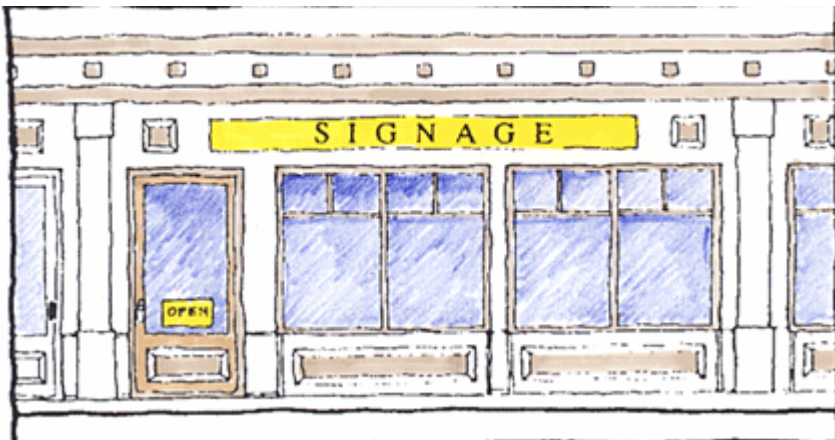


DESIGN DETAILS

Signs should fit within the architectural features of the façade and compliment the structure's architecture. Signs should not overlap or conceal architectural elements



Signs should creatively use two and three dimensional form, profile, and iconographic representation



lighting, typography; color, and materials in expressing the character of the use, the identity of the development, the character of the neighborhood, and the architecture of the building.



APPENDIX 27-B

The following set of questions may be posed to determine each project's consistency with the requirements of the text. Applicants' should be prepared to provide evidence of their understanding of these concepts as well as their project's adherence to the associated criteria.

FRAMEWORK PLANS - OPEN SPACE NETWORK

1. Can you identify the intended function of the various areas proposed as open space within the site?
2. How is this space coordinated with the needs expressed by the Township's recreation, parks, and open space plan?
3. The regulations request consideration of the coordination of open space with adjacent properties in order to establish a connected network. How have you addressed this?
4. How do you anticipate using the proposed open space to create landmarks or focal points for the community as required?
5. How does the development you propose complement the distinctive resources of the site - not simply avoid them? What scenic viewsheds are created and/or preserved?
6. Can you identify what access (other than streets) is provided to the various open space areas?
7. How does the open space network you propose connect residents to civic and commercial areas? (on this AND adjacent sites)
8. How/Where has public space [plazas, courtyards, walk-ways, civic uses] been provided within the site? Does this public space serve as a focal point?
9. Which, if any, design incentives have you incorporated with regard to the preservation of open space? What then is the percentage of your site that is composed of required open space?
10. Have you investigated whether there are any plants or animals which are unique to your site? If so, what have you done to ensure their continued presence? If not, why not - and how will you revise the proposed design accordingly?

FRAMEWORK PLANS - TRANSPORTATION NETWORK

1. How does your design foster pedestrian activity?
2. How does your design facilitate transit opportunities? Where do you anticipate placing transit facilities?
3. How were the number and location of access points to Circleville Road and/or Blue Course Drive selected?
4. The regulations call for the alignment of streets in a manner that creates terminal vistas of specific features of the development or that provides views to prominent

(Appendix 27-B)

vistas. Can you show us how your design accomplishes this?

5. How is bicycle traffic accommodated on your local streets?
6. Based on your street pattern, can you show us which lots are oriented in a manner that allows them to be able to take advantage of passive solar-design?
7. What type of crosswalks will be utilized throughout the site? How do you intend to handle pedestrian crossings of Blue Course Drive? Have you included sidewalks along Blue Course Drive as dictated by the Corridor Overlay Zone requirements?
8. Can you describe your street hierarchy? What percentage of your lots were able to be designed with rear access?
9. Where is bicycle parking provided for within your site?
10. Are all streets designed as through-streets? If not, why not?

FRAMEWORK PLANS - UTILITIES FRAMEWORK

1. How have you coordinated drainage and stormwater management to ensure the continued function of groundwater resources?
2. How/Where has your stormwater management infrastructure been incorporated as an element of your open space?
3. How have utility locations been coordinated with your street system and landscaping plans with regard to the placement of aboveground utility structures?
4. Do you anticipate incorporating garden roofs or pervious paving to minimize the impact of impervious coverage on the site? If not, why not?
5. Where are infiltration and/or bio-retention features utilized on the site?

SITE PLANS - LAND USE STANDARDS/DIVERSITY/BLOCKS

1. Where/How have you incorporated the potential to construct desired accessory units?
2. What portion of your site is designed to accommodate commercial uses? If none, why? If none, what is the composition of the 20% that otherwise would have been dedicated to commercial uses?
3. What is the variation in lots sizes within the average block? What is the average block size?
4. Where have you implemented the requirements for work force housing? Can you tell us how these units will differ from market rate dwellings?
5. Have you incorporated cottages or patio homes? If so, where? What percentage of the units are these types? How will you control the total number to assure it remains within the standards?
6. How do you anticipate that the design you have developed will foster a sense of

community among the residents?

7. What architectural elements or siting criteria do you intend to incorporate to establish community character?
8. What elements of the various housing types you propose make them cohesive and compatible?
9. What centrally located open space is designed to serve those units located _____?
10. What street level improvements do you anticipate incorporating to create a pedestrian scale and/or inviting places to sit, walk, or relax?
11. What is the range of household sizes, incomes, and ages that your development has been designed to serve?
12. What standards will you be incorporating to assure the visual integration of the various uses permitted?
13. How have you addressed the massing requirements of the ordinance?
14. What site features have you retained through the pattern of blocks you propose?
15. Have you been able to minimize the potential for pedestrian and vehicle conflicts? If so, how?

SITE PLANS - DENSITY & SETBACKS/PARKING

1. How much density have you achieved on the site?
2. What is the average lot size?
3. What is the farthest distance from a dwelling unit to a commons, square, greenway, park, or playground? What is the average distance?
4. What is the anticipated setback for dwelling units along local streets? How does this help to define the street space?
5. How do you intend to use landscaping to reinforce pedestrian scale?
6. How many units will be designed to include garages on site? How many of these will be attached?
7. How do you intend to assure visual and acoustical privacy between units?
8. How do you anticipate creating a sense of visual continuity within each block?
9. Are any off-street parking compounds required to be provided? If so, where are these located? How are they accessed?
10. How have you minimized the visual impact of driveways and garages on the pedestrian environment?
11. How is the design for pedestrian access separated from vehicular access points on lots where off-street parking is utilized?

(Appendix 27-B)

12. What is your design for landscape installation in required off-street parking areas?
13. How will lighting be used to complement pedestrian walkways and off-street parking compounds?

INCENTIVES

1. How many of the incentives have you taken advantage of?
2. Which ones, and why?

LANDSCAPING

1. How does the landscaping you propose accentuate the natural and built environment?
2. Do you propose the use of any planted medians or other public landscaped areas?

STREETScape ELEMENTS

1. What amenities [benches, artwork, gazebos, fountains, pavilions, etc.] will be provided within proposed public spaces?
2. How will the public spaces you propose function for social interaction or casual conversation?
3. Have any public and/or open spaces been designed to accommodate special community events? If not, why not?
4. Have public spaces been designed and located to promote civic pride? If so, how?

SIGNAGE/ LIGHTING

1. What types of light fixtures are to be installed?
2. How do you anticipate that these fixtures will enhance the streetscape? Ensure pedestrian safety? Create a sense of place?
3. How will signage be used to complement the character of the community?
4. Will informational and/or directional signage be provided? How will signage be coordinated for consistency?

APPENDIX 27-C

**STREET DESIGN STANDARDS APPLICABLE TO THE
TRADITIONAL TOWN DEVELOPMENT ZONING DISTRICT¹**

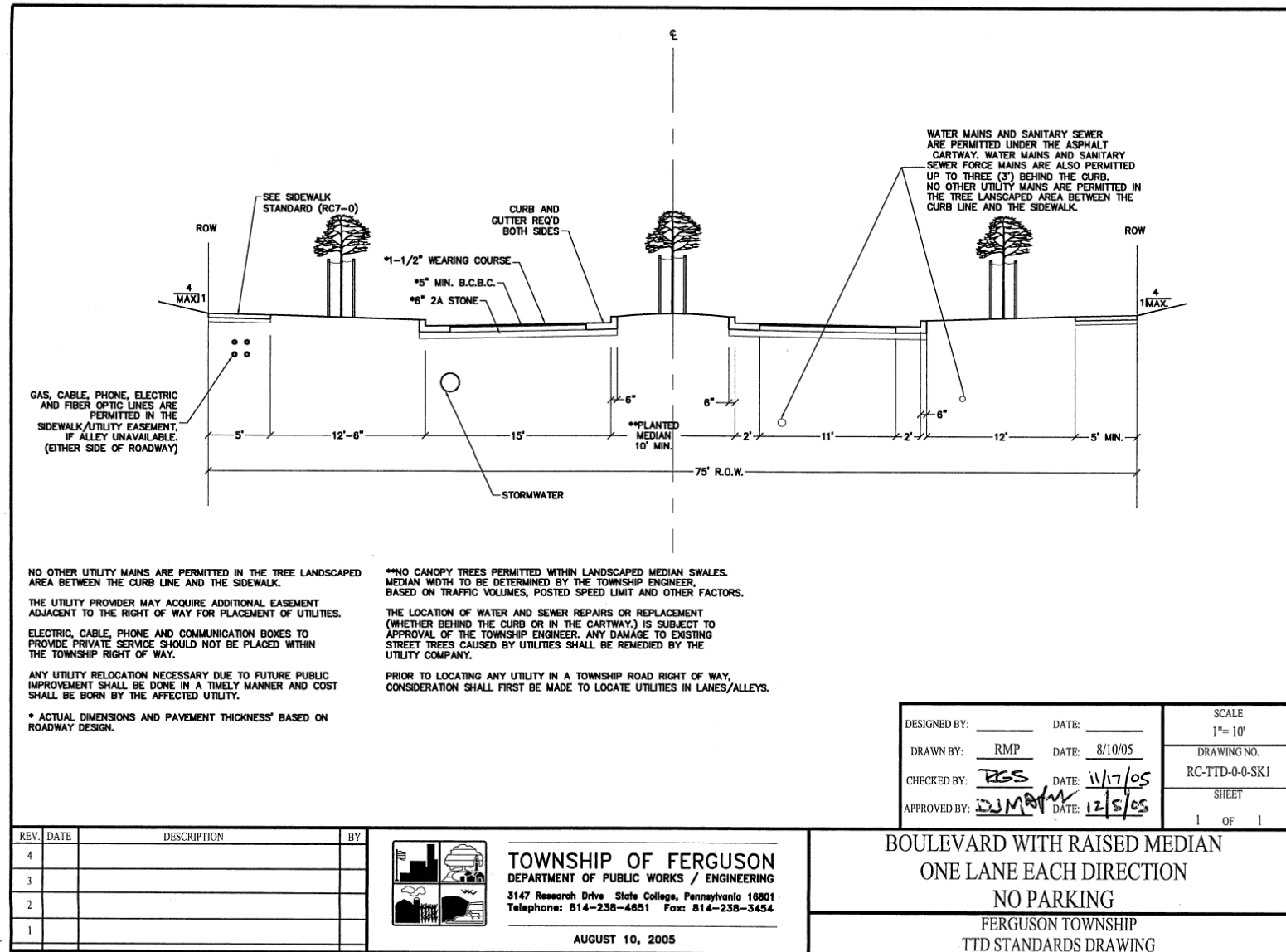
¹WHEREAS the Township of Ferguson has adopted within its general zoning ordinance a Traditional Town Development Zoning District that encourages a creative mixed use development and,

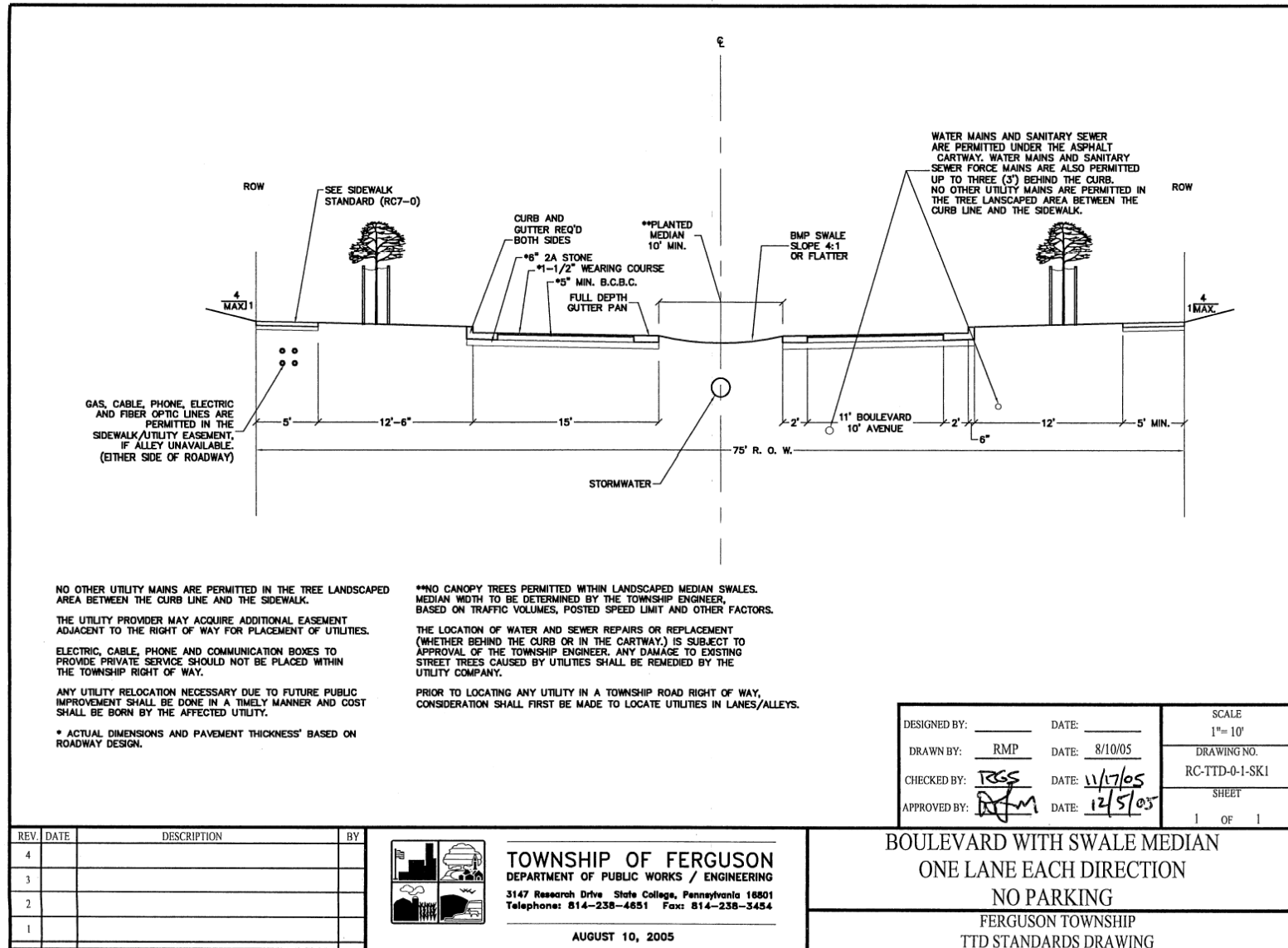
WHEREAS the Traditional Town Development Zoning District is substantially different in design and density as compared to conventional subdivision developments permitted in other zoning districts of the Township and,

WHEREAS the Township has created specific street design standards that compliment the design encouraged and required by the Traditional Town Development Zoning District and design guidelines,

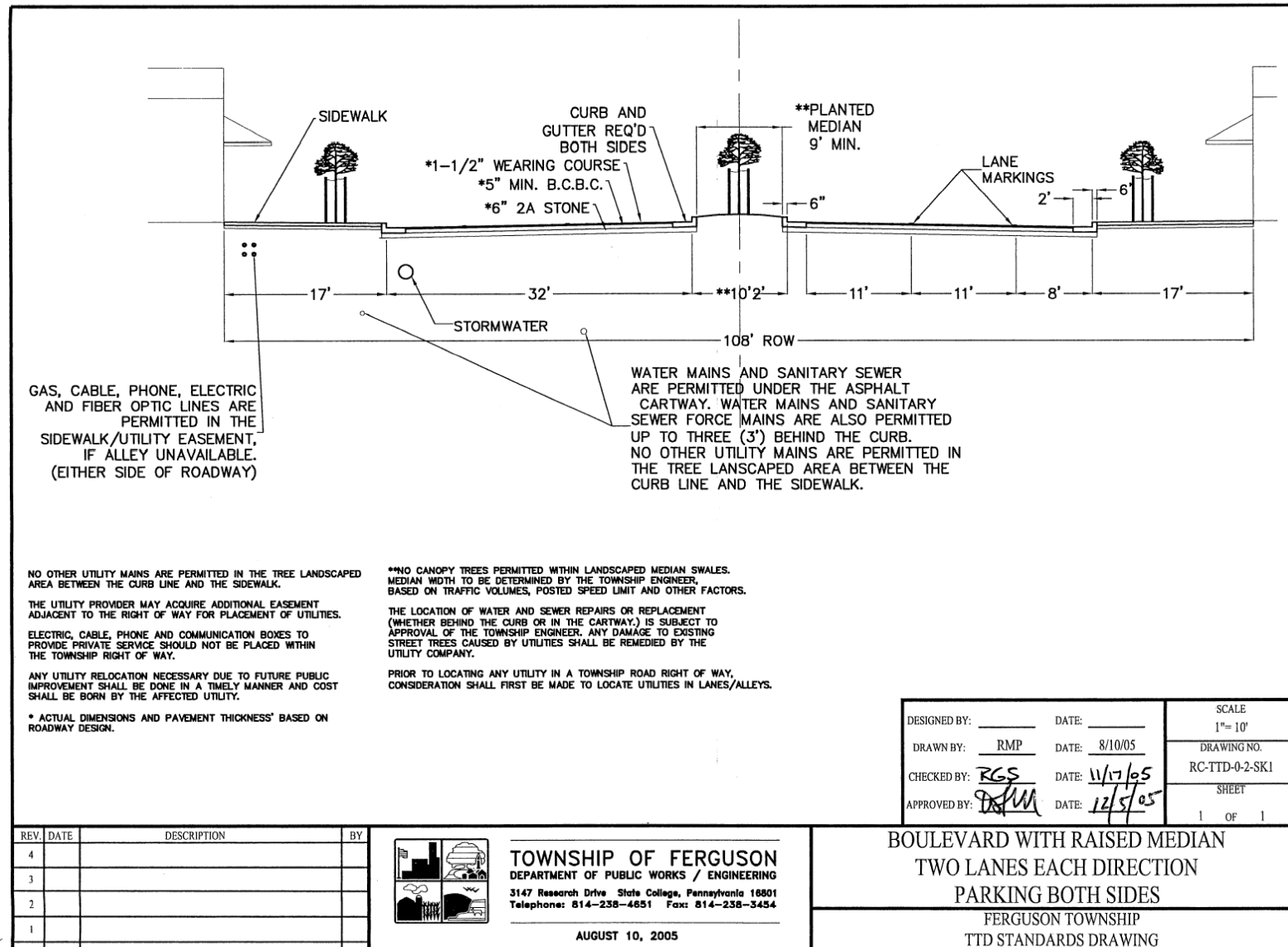
NOW THEREFORE the Ferguson Township Board of Supervisors hereby adopts the Traditional Town Development Street Design Standards as set forth in Attachment "A."

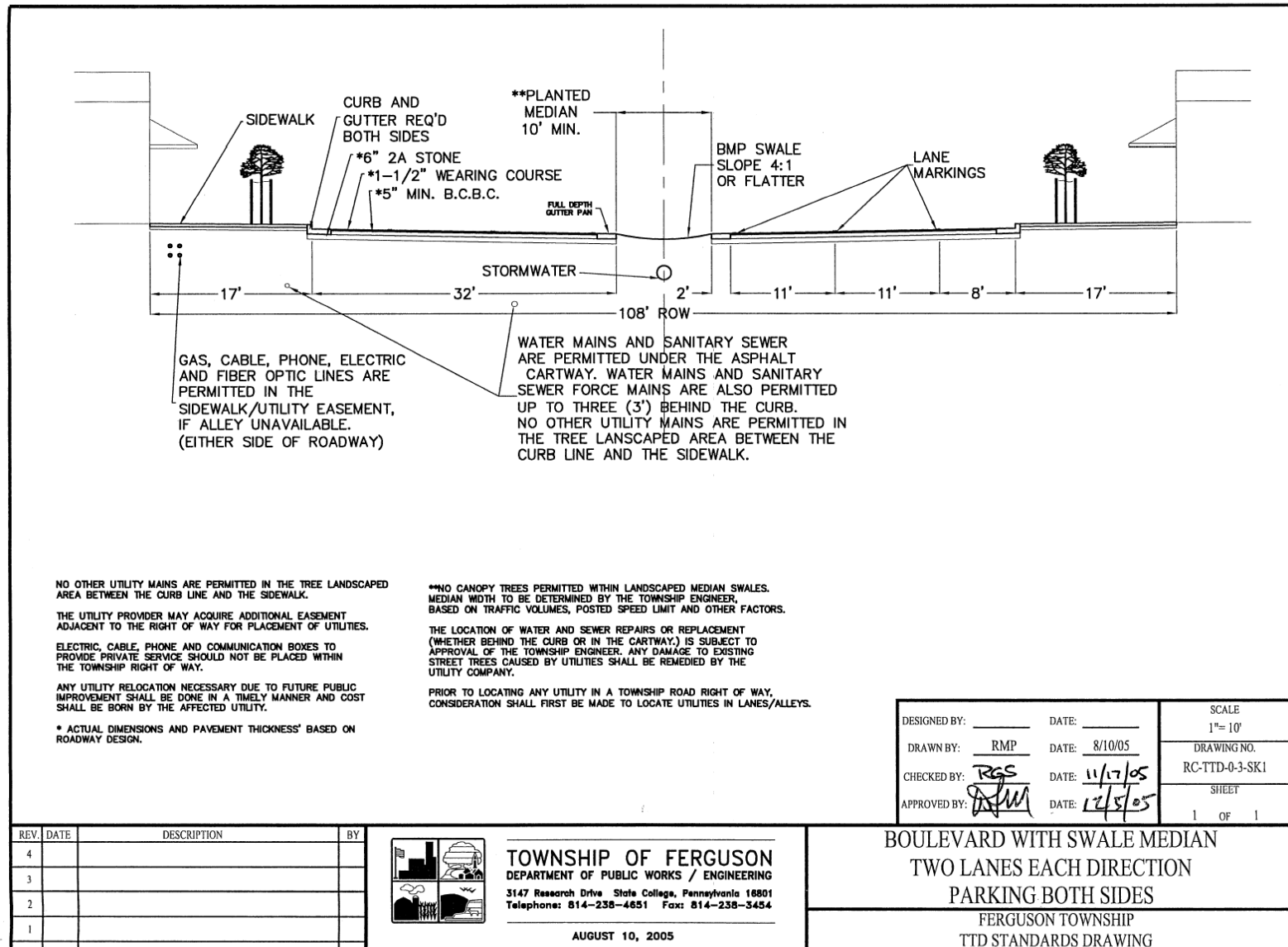
(Appendix 27-C)



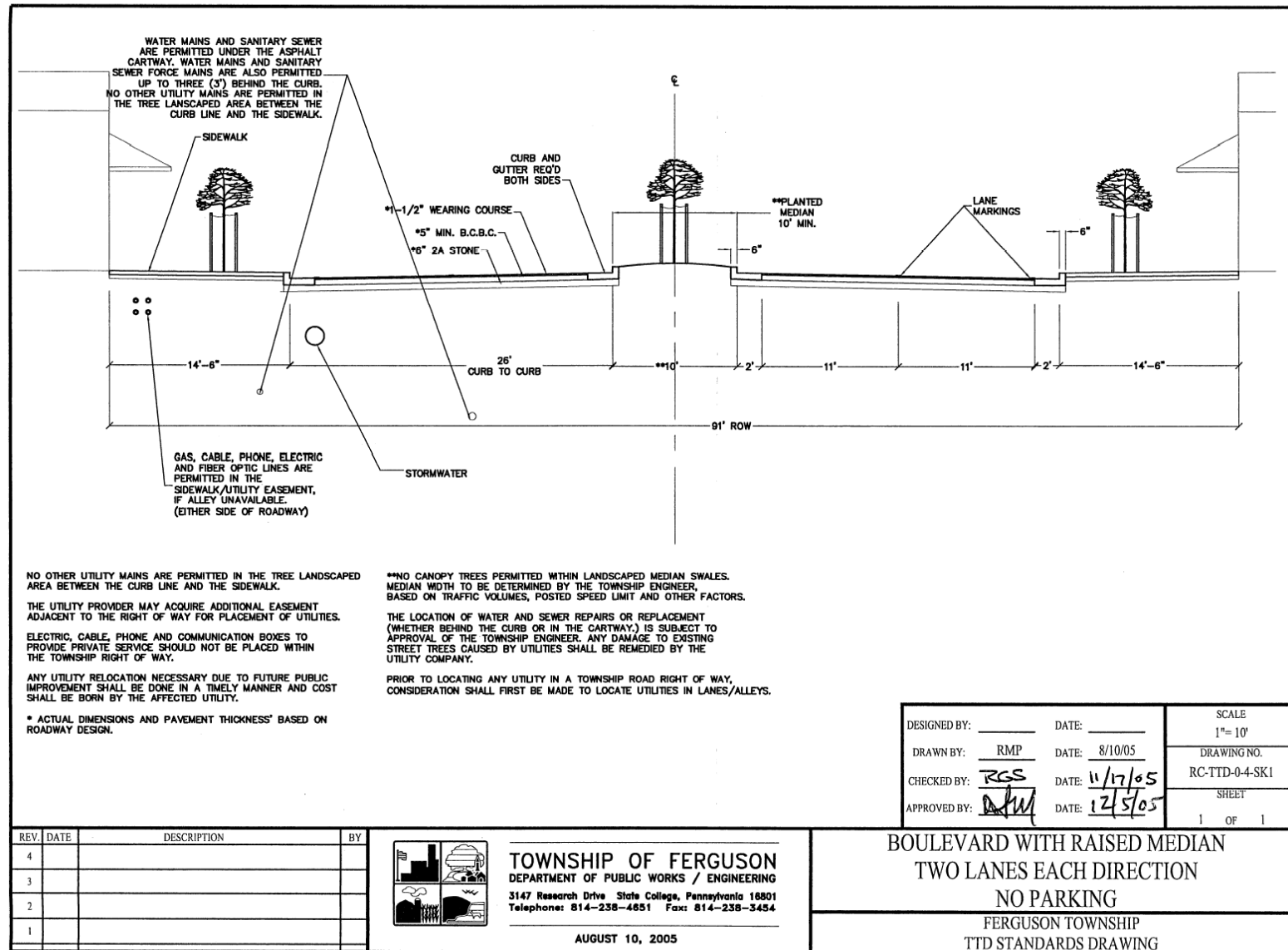


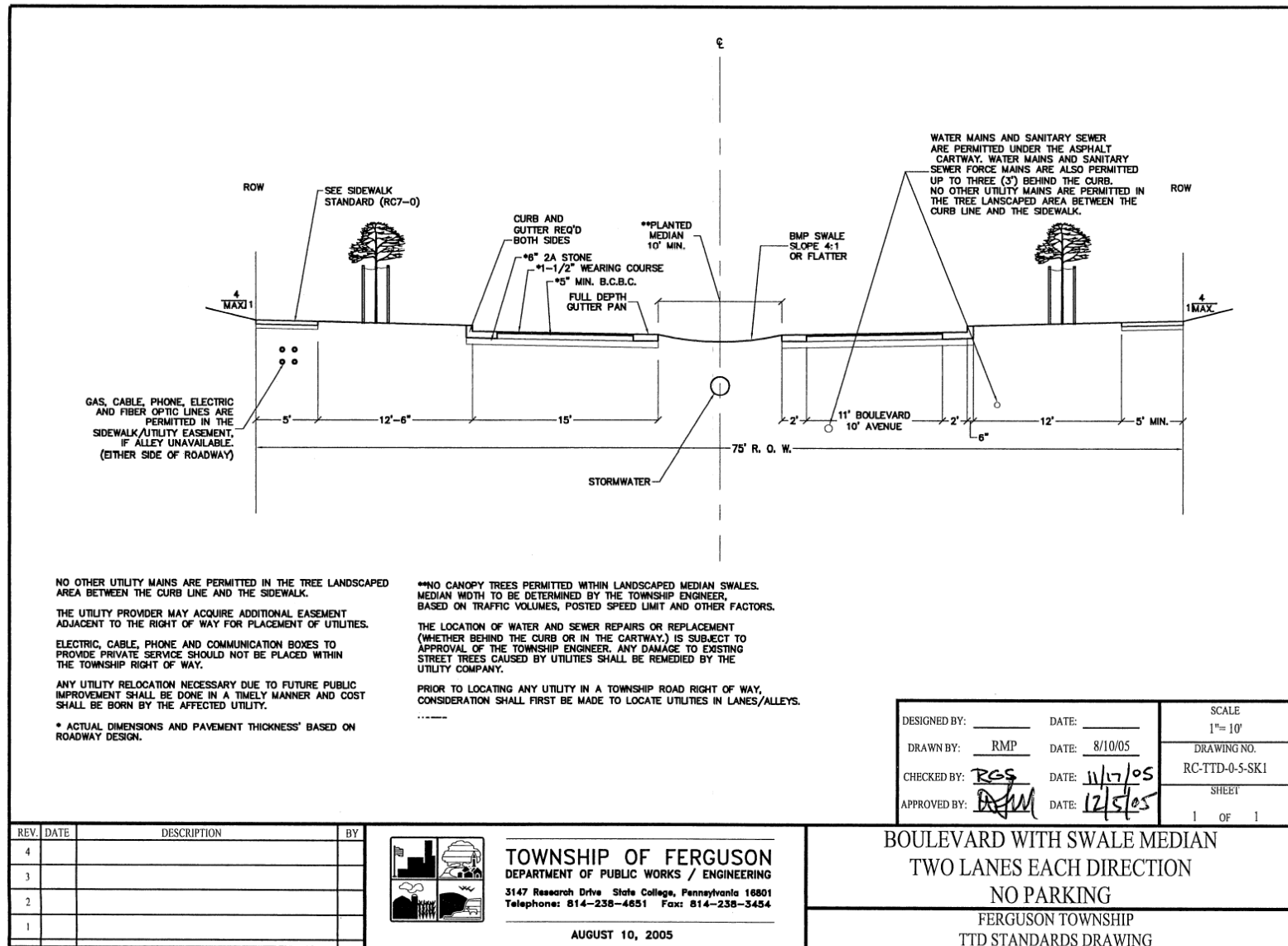
(Appendix 27-C)



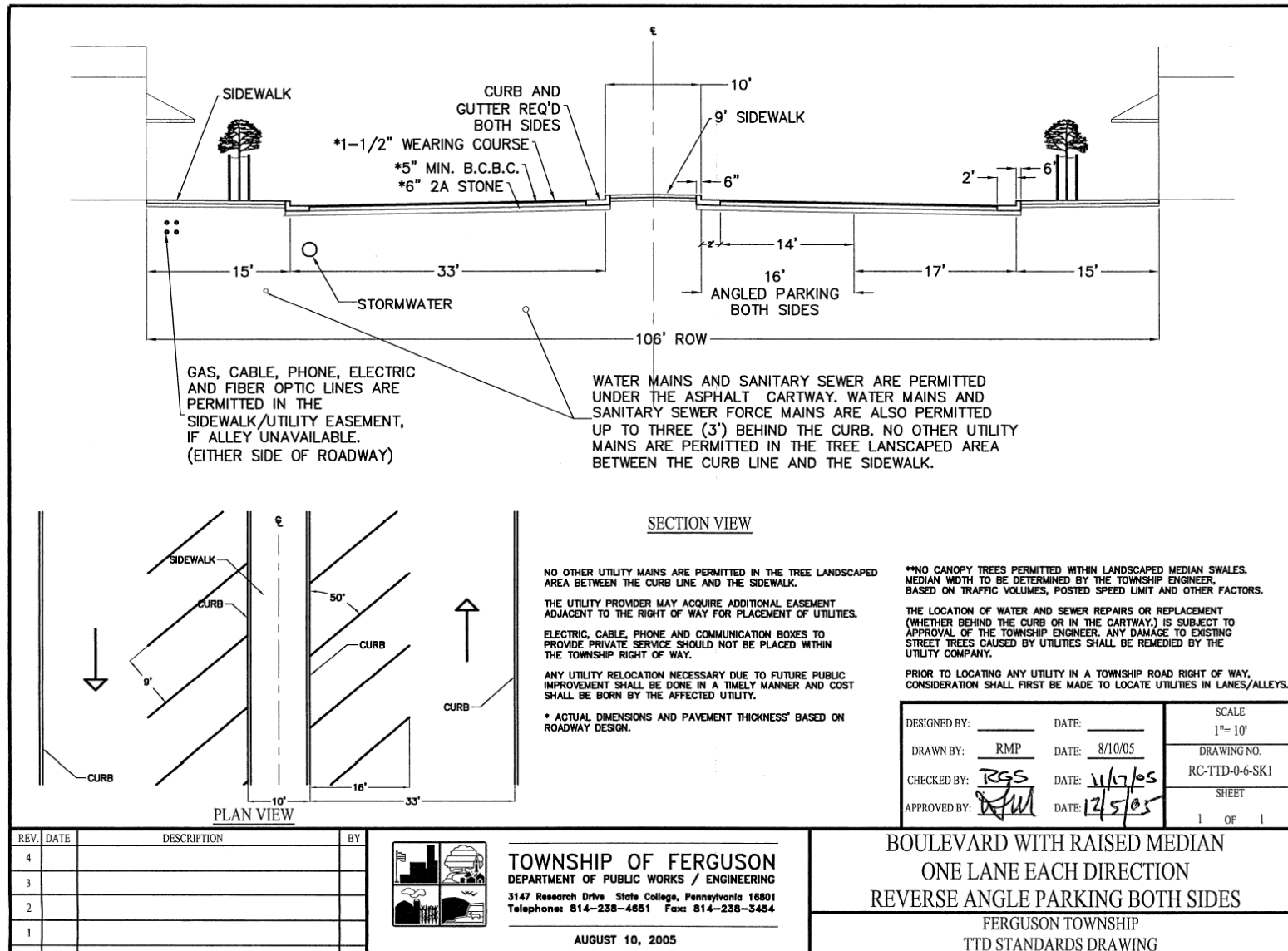


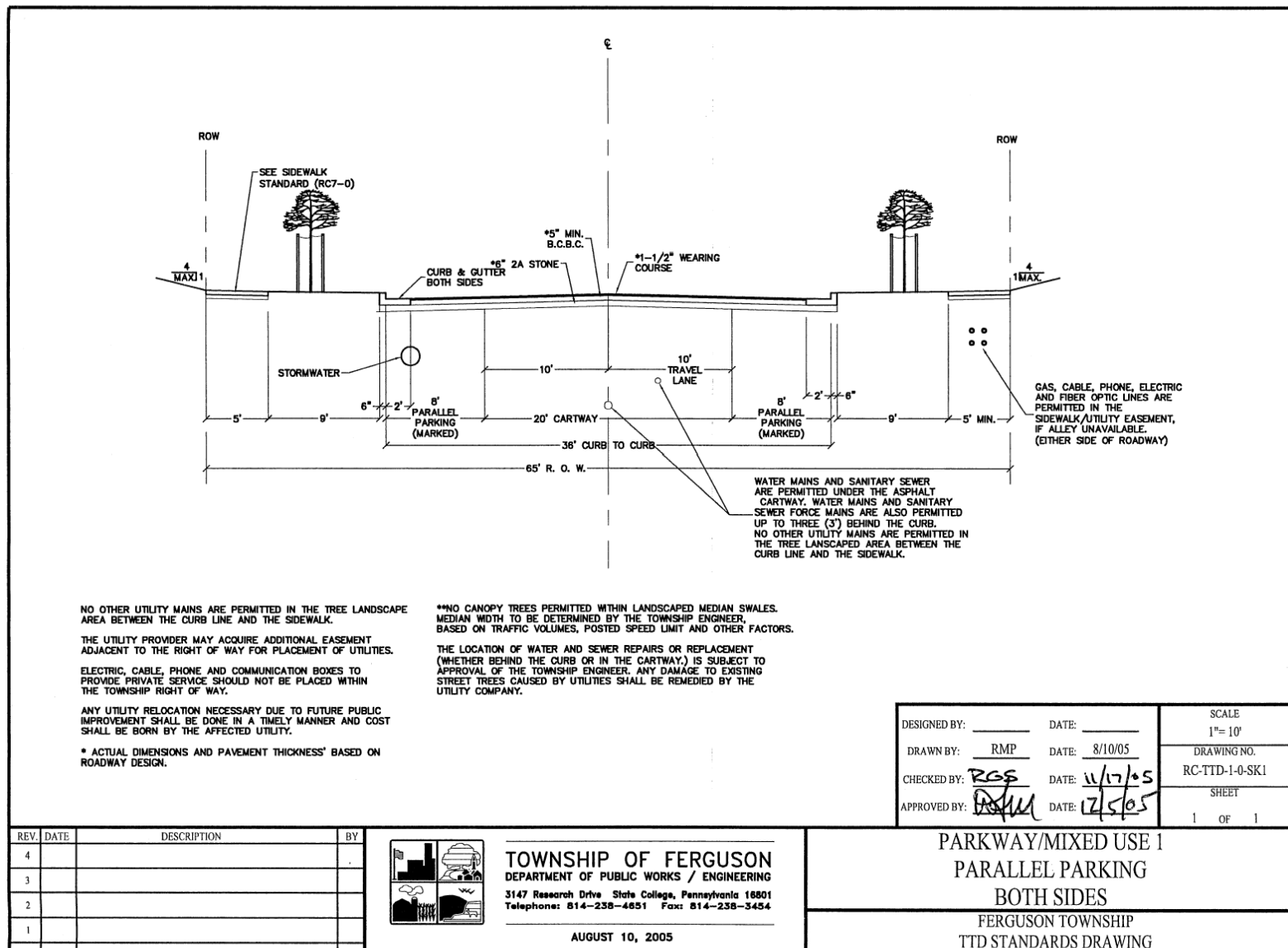
(Appendix 27-C)



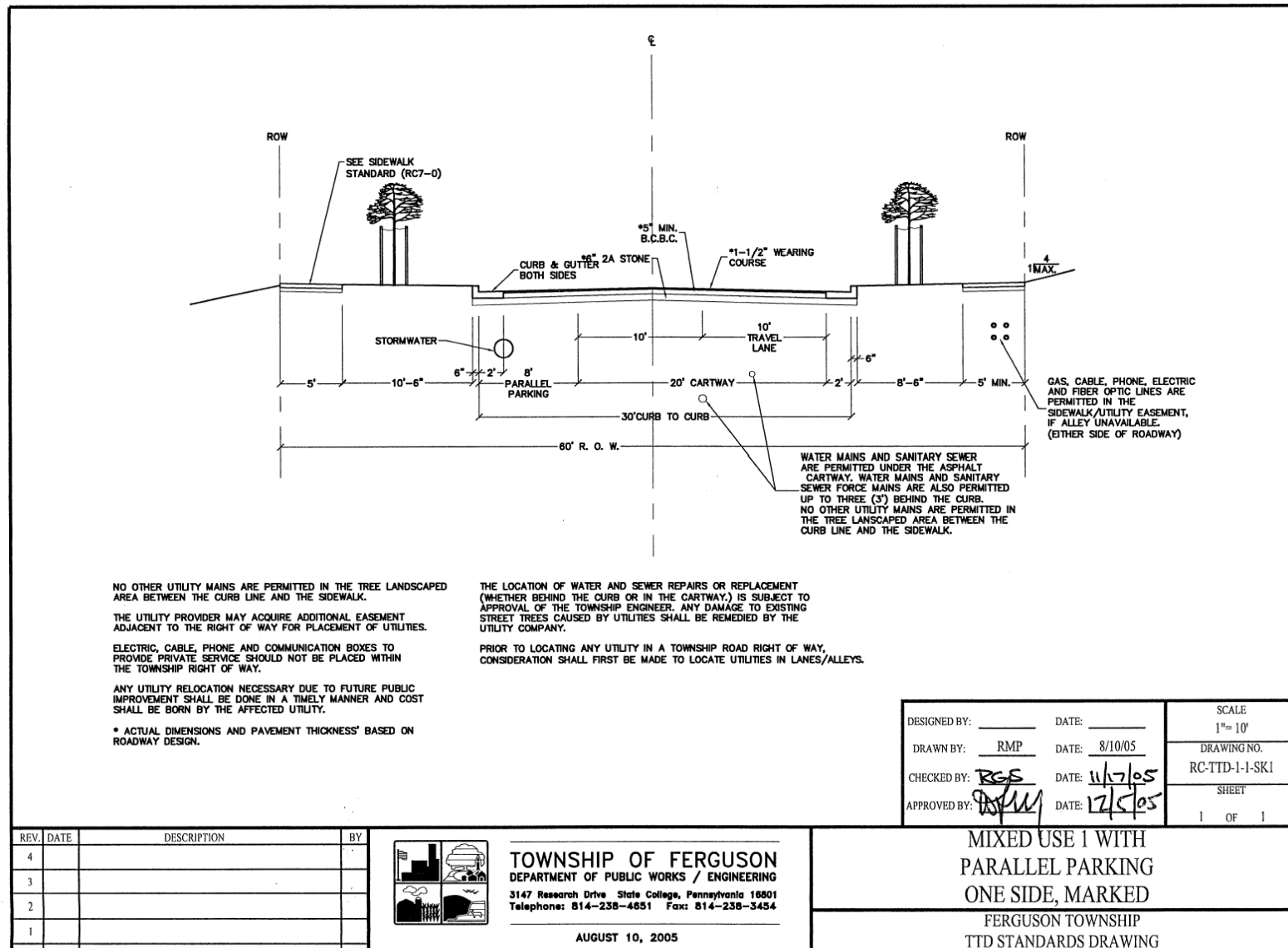


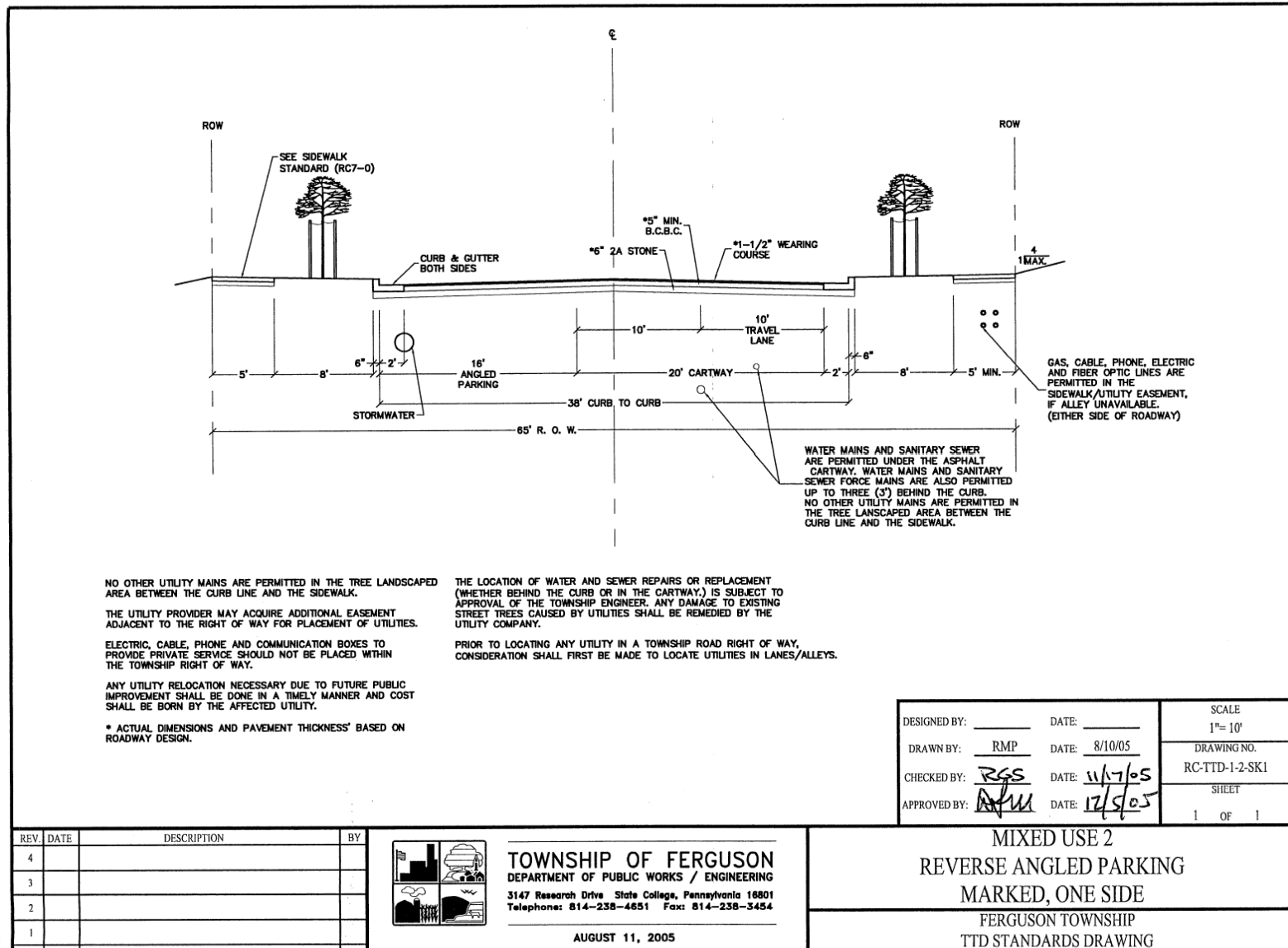
(Appendix 27-C)



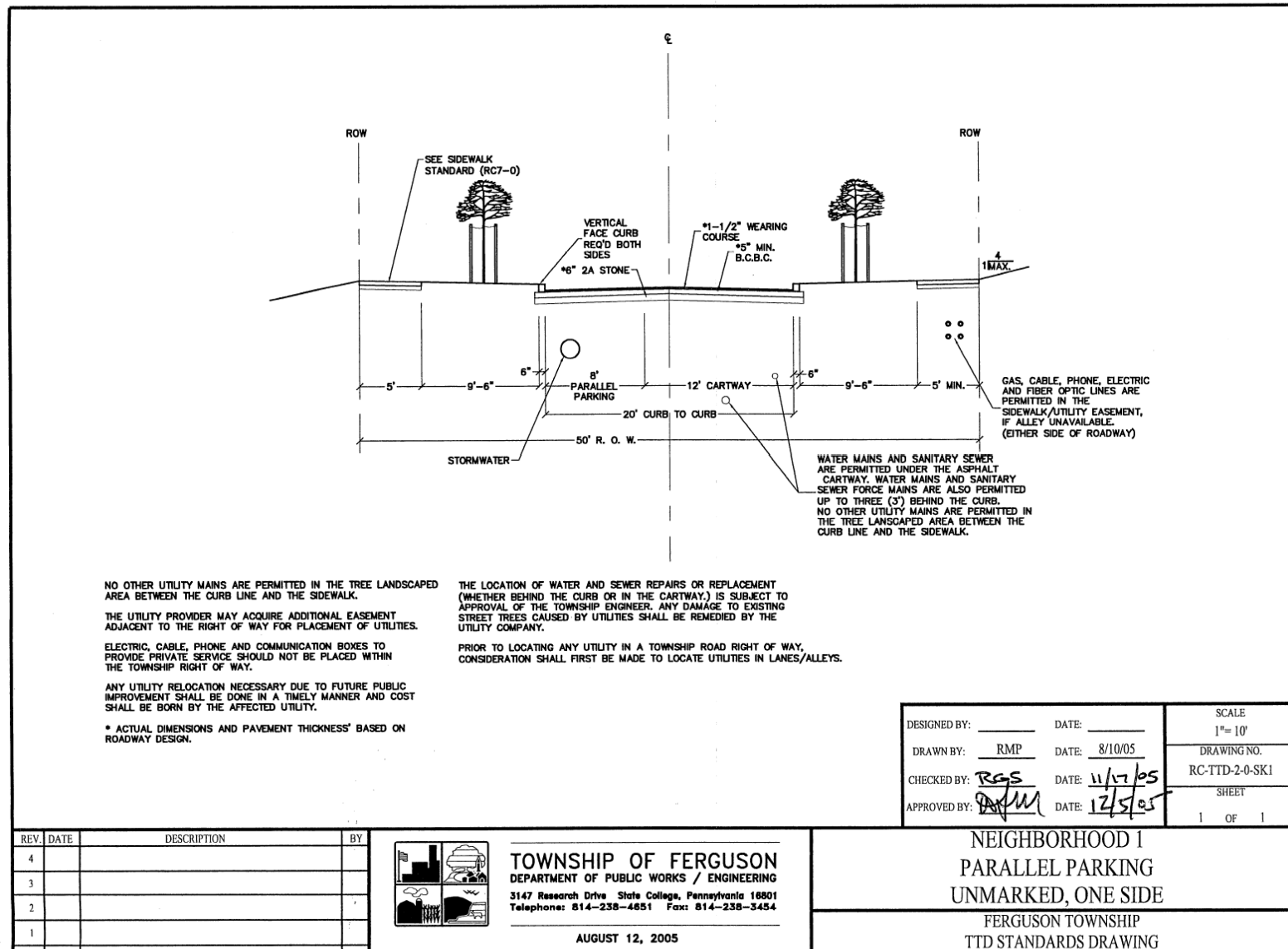


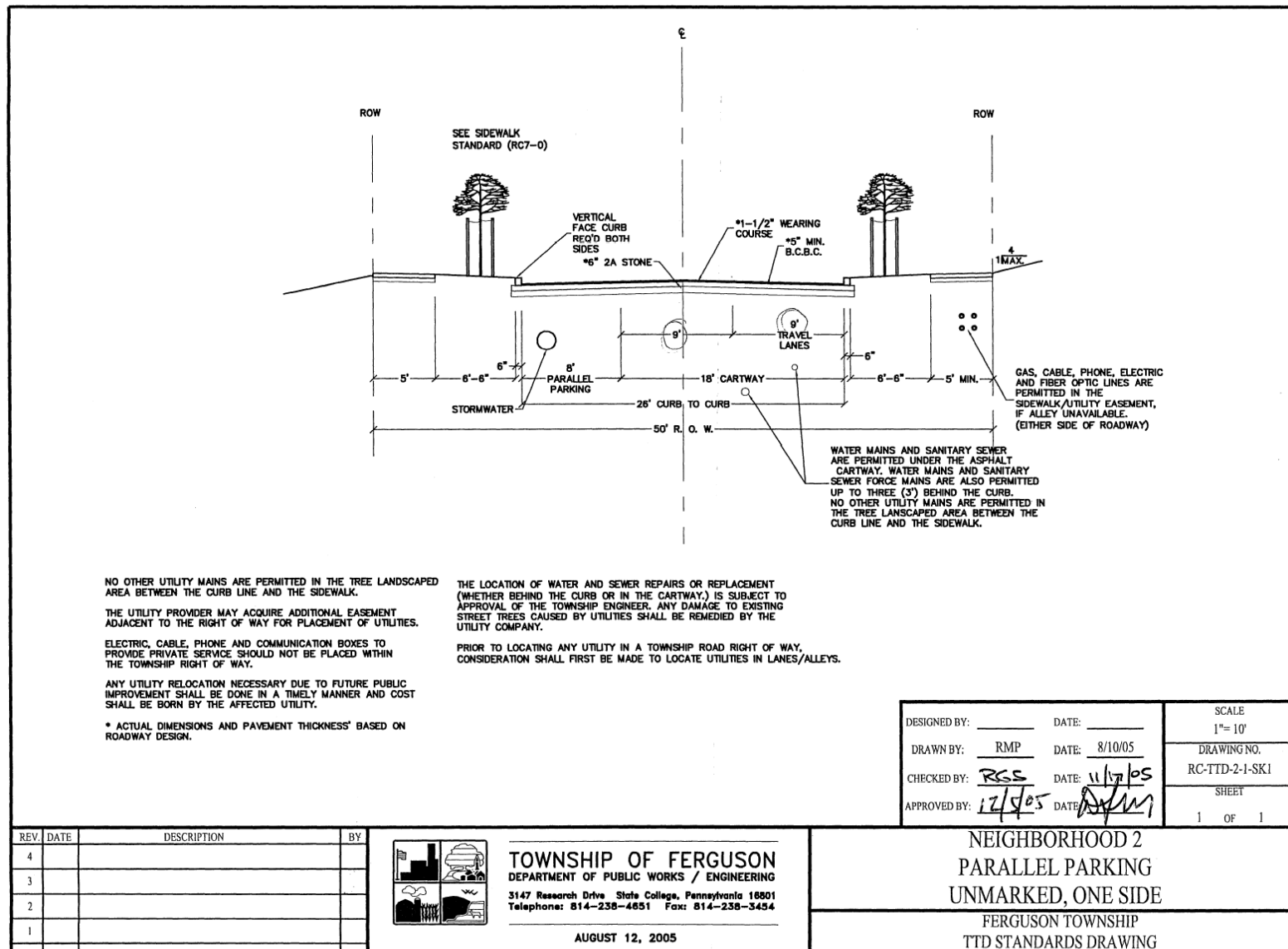
(Appendix 27-C)



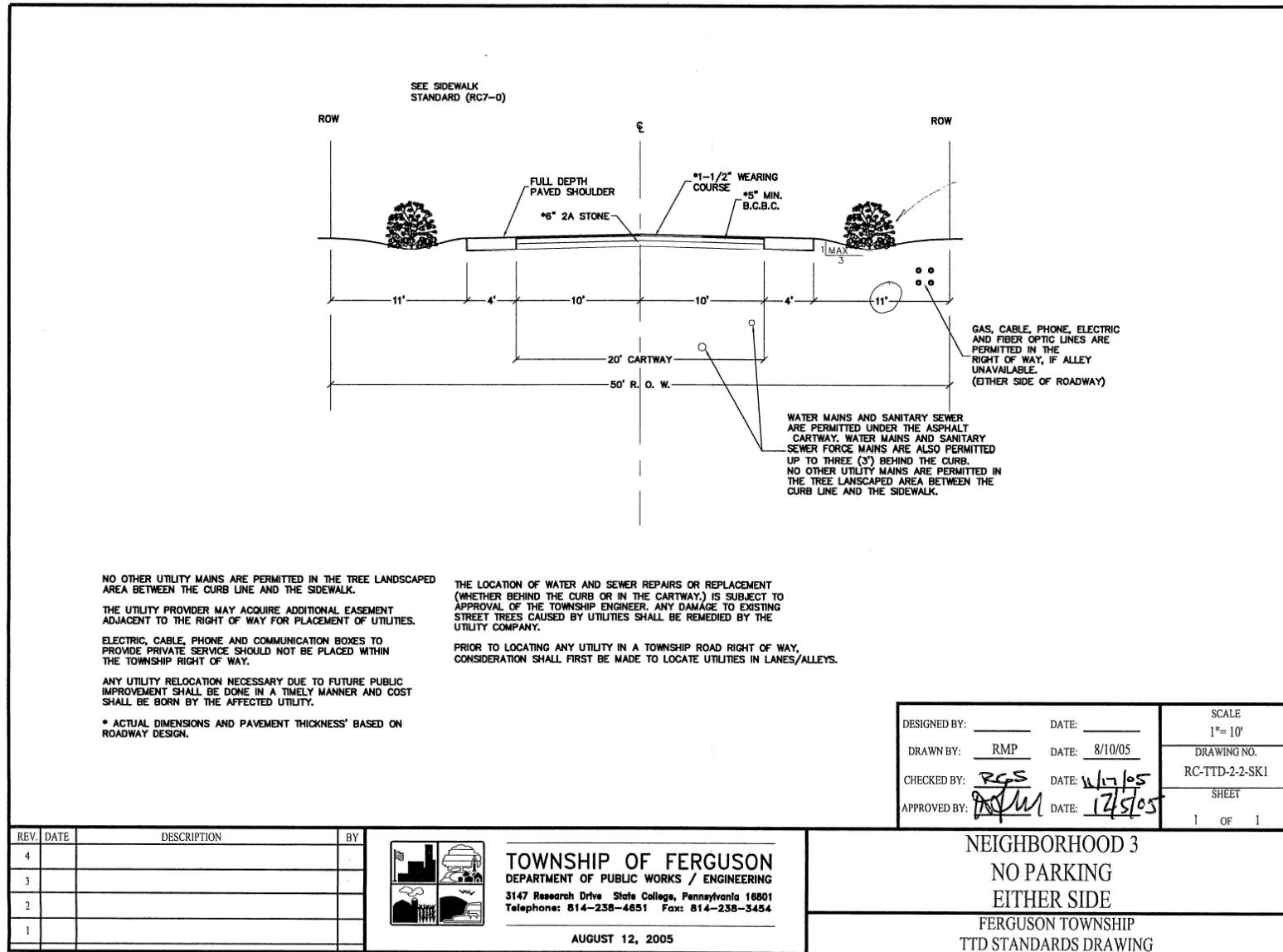


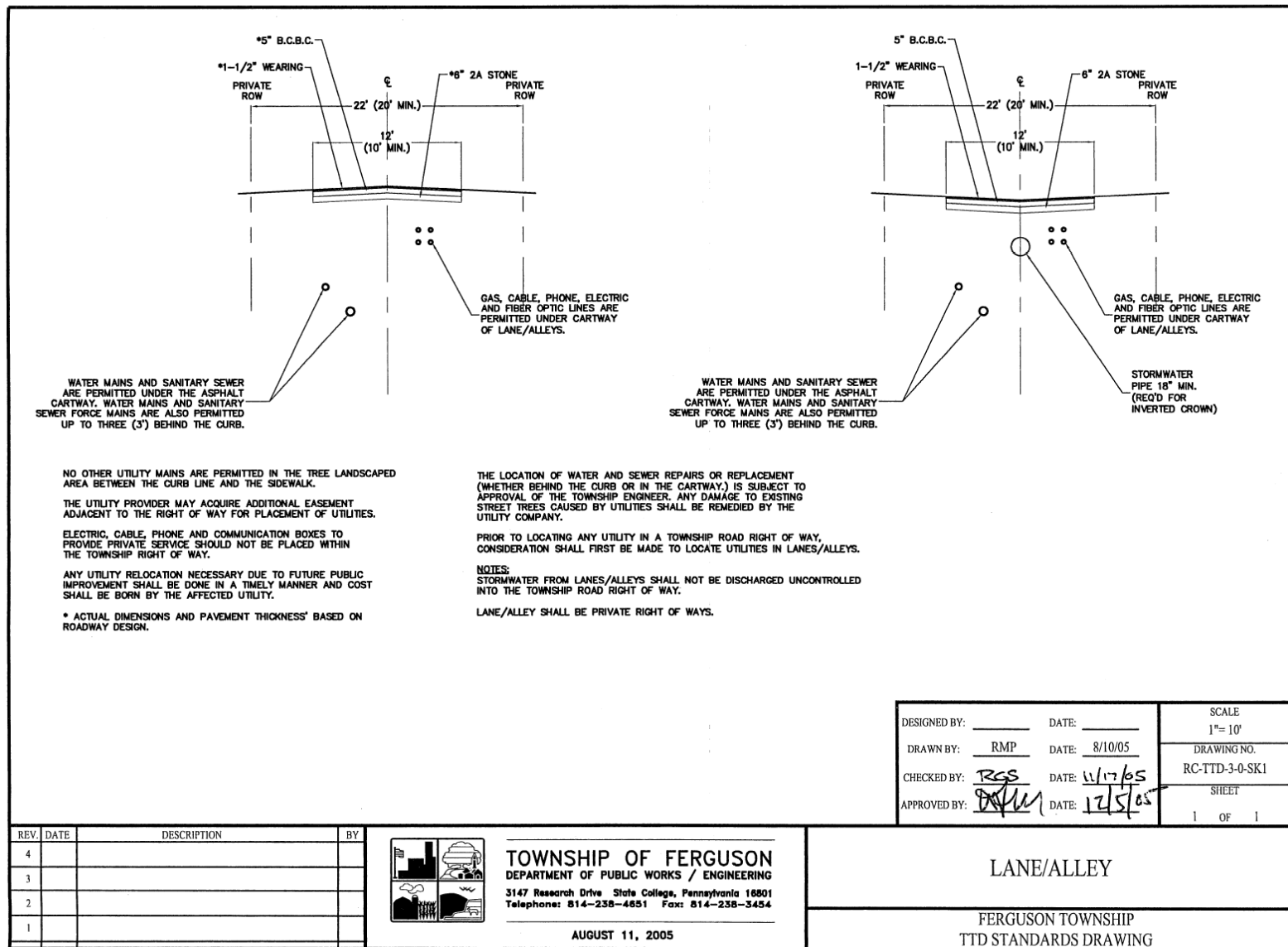
(Appendix 27-C)





(Appendix 27-C)





Part 8

Supplemental Regulations

§27-801. 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
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 subsection .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) Park and recreational area, including golf courses and driving ranges in districts where permitted.

(6) Essential services.

(7) Retaining walls, flood retention dams, culverts and bridges as permitted by the Pennsylvania Department of Environmental Protection.

(8) Customary uses accessory to the above.

C. *Use Limitations.* Uses permitted in subsection .B, above, 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.

(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 Building Permit Officer 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.

(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 subsection .E.

(2) In addition to meeting the requirements of subsection 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.

(Ord. 224, 3/15/1981, §701; as amended by Ord. 270, 3/8/1984, §§1-6; by Ord. 399, 7/11/1989, §§1-10; by Ord. 623, 8/21/1995, §3; by Ord. 644, 3/18/1996, §1; by Ord. 820, 12/8/2003; by Ord. 822, 12/8/2003, §1; by Ord. 858, 12/12/2005; and by Ord. 921, 3/16/2009, §2)

§27-802. 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, (4) to maintain adequate foliage cover on hillsides and (5) 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 Part 10 of this Chapter. [Ord. 820]

(Ord. 224, 3/15/1981, §702; as amended by Ord. 820, 12/8/2003; and by Ord. 858, 12/12/2005)

§27-803. Nuisance Standards.

1. All uses of land and structures shall be prohibited which produce heat or vibration perceptible beyond the lot line.

2. 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.

(Ord. 224, 3/15/1981, §703; as amended by Ord. 858, 12/12/2005)

§27-804. 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.

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. [Ord. 661]

(Ord. 224, 3/15/1981, §704; as amended by Ord. 661, 12/9/1996, §1; and by Ord. 858, 12/12/2005)

§27-805. Sewage Disposal.

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

(Ord. 224, 3/15/1981, §705; as amended by Ord. 858, 12/12/2005)

§27-806. 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."

(Ord. 224, 3/15/1981, §706; as amended by Ord. 733, 8/16/1999, §5; and by Ord. 858, 12/12/2005)

§27-807. Landscaping.

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

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

2. *Definitions.*

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.

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, can be expected to reach a height of at least 30 feet. See the Township's official plant list for a listing of permitted canopy trees.

Ericaceous/broadleaf evergreens - 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.

Evergreen tree - a tree, either single-stemmed or multi-stemmed (clump form), which is a minimum of 6 feet tall at planting and is of 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.

Mulch - an organic or inorganic material used to cover the ground or a planting bed (i.e. tree bark, stones). The depth of mulch should be no less than

2 inches with periodic refreshing to maintain the 2 inches.

Shrub - an ornamental plant with woody stems that is at least 2 gallons at planting. See the Township's official plant list for a listing of permitted shrubs.

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.

3. *General Requirements.*

A. 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.

B. 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.

C. 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 for verification prior to issuance of the occupancy permit.[Ord. 820]

D. 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.

E. Plant materials with seasonal diversity should be selected and distributed throughout the site.

4. *Conflicting Requirements.* In the event that one or more of the subsections of this Section, is applicable and there is a conflict among them, the more restrictive subsection requirement shall apply.

5. *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:

A. The location of all buffer yards and planting areas shall be graphically depicted.

B. 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.

C. 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 within each flexible buffer yard, 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 plant.

D. 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.

6. *Planting Requirements.* All trees and shrubs shall be planted in accordance with the "Guide to Planting in Ferguson Township."

7. *Maintenance.*

A. 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.

B. Any plant material that is 25% dead or more shall be considered dead and must be replaced.

C. Replacements shall be made during the first spring or fall planting season following the death of the plants.

D. Replacements shall be of the same size and type (canopy, understory, shrub) of plant as shown on the plan.

E. All parking lots and buffer yards shall be kept free of litter and trash.

8. *Standards.* All landscape material planted shall meet or exceed the following standards at the time of planting:

A. All canopy trees shall reach a minimum height of 20 feet at maturity 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.

B. 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.

C. 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.

D. All deciduous or evergreen shrubs used for screening purposes in the corridor overlay district or flexible 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.

E. 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.

F. Where the plantings identified in subsections .8.A through .8.D, 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:

(1) Two understory trees (1½ inch caliper) may be substituted for one canopy tree.

(2) Two evergreen trees may be substituted for one canopy tree.

(3) One evergreen tree may be substituted for five shrubs.

9. *Use of Existing Vegetation.*

A. Where an existing hedgerow or forested area is located within a proposed buffer yard, the use of existing vegetation is 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. The existing tree must be listed on the Township's official plant list.

B. Any existing understory vegetation which is shown to be native and noninvasive may be counted toward the buffer yard planting requirements.

C. 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.

D. Prior to plan approval, the plan for tree and/or understory vegetation substitution must be verified by the Zoning Administrator.

[Ord. 876]

10. *Preservation of Existing Vegetation.* Existing site vegetative tree growth of 4 inches trunk diameter or larger is encouraged. [Ord. 820]

11. *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.

12. *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.

13. *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.

14. *Corridor Overlay District.* In addition to the requirements of §27-210, including the buffer yard options set forth as Figures 1 through 6 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:

A. 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. [Ord. 820]

B. 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. (See figures 1-6 attached for illustrative examples). The type of canopy shade trees chosen shall be in accordance with §22-509.2 of Chapter 22.

(1) 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 area (excluding driveway openings) (Figure 1).

(2) 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 and ten shrubs per 35 linear feet of frontage along the parking area (excluding driveway openings) (Figure 2).

(3) 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 and ten 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).

(4) 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 and five shrubs per 35 linear foot of frontage along the parking area (excluding driveway openings) (Figure 4).

(5) A minimum 25 foot wide strip of existing woodlands or tree growth of sufficient trunk diameter or caliper of 6 between any parking lot or buildings and the corridor street (Figure 5).

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

(a) A landscaped planting strip shall be planted with a minimum of one canopy tree for every 50 feet of frontage along the display parking area. Each tree shall have a landscaped planting bed around its base. In

addition, each end of the display area shall include a planting bed/mound which includes one canopy tree and ten shrubs (Figure 6). Subsections 14.B(1) through 14.B(4) require a certain number of plants per 35 linear feet. Within the specified length, the plantings may be staggered and do not have to be planted in a linear fashion.

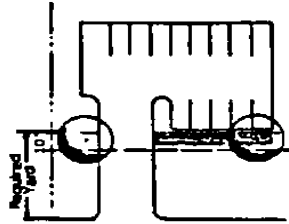


Figure 1

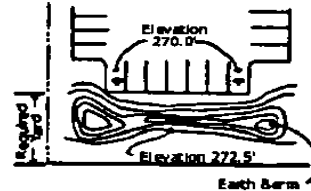


Figure 2

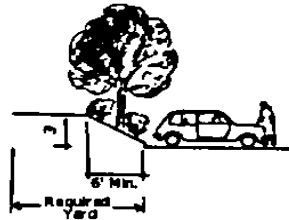


Figure 3



Figure 4

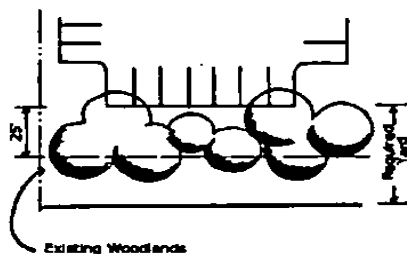


Figure 5

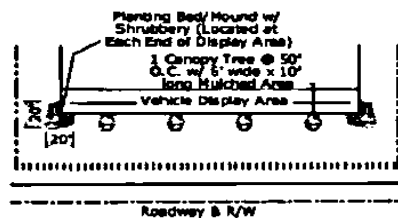


Figure 6

15. Flexible Buffer Yard.

A. *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.

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

(1) *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

Public/Private Recreational Areas

Townhouses, Multifamily Housing, Duplexes, Quadplexes

Churches and other places of worship

Schools

Group III

All uses not identified in Group I or II

If there is a question as to which group a use should be classified under, the Township Zoning Administrator shall determine the group based on the most comparable land use to the use listed in the application for a zoning permit. The use group of vacant land adjacent to the site is determined by identifying the least intensive use permitted within the applicable zoning district. [Ord. 820]

(2) *Step Two.* Determine the buffer yard required between uses by referring to the following Buffer Yard Table 1.

Buffer Yard Table 1

The table set forth below displays the range of buffer yard requirements associated with the site use from the use groups found on the Land Use Intensity Classification Chart at subsection .15.B(1), above. The letters A-D denote the planting plan buffer option set forth in Buffer Yard Table 2. The letter (N) means that no buffer yard is required.

Land Use Intensity Classification of Proposed Development	Land Use Intensity Classification of Adjacent Lot(s)		
	I	II	III
Group I	(N)	(N)	(N)
Group II	B	A	C
Group III	D	C	A

(3) *Step Three.*

(a) Determine the specific buffer yard to be used based on the options for each buffer yard in the following table (Buffer Yard Table 2).

(b) Table 2 below displays the range of buffer yard requirements associated with each buffer yard set forth at §27-206.I(3)(b), above, and shows the minimum planting units required 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.

Buffer Yard Table 2

<u>Buffer Yard</u>	<u>Required Width</u>	<u>Canopy Tree</u>	<u>Understory Tree, Evergreen Tree</u>	<u>Deciduous or Evergreen Shrub</u>
A	30 ft.	6	2	—
	25 ft.	3	4	—
	15 ft.	2	6	—
B	30 ft.	1	4	5
	25 ft.	2	5	8
	15 ft.	2	6	9
C	30 ft.	2	5	9

<u>Buffer Yard</u>	<u>Required Width</u>	<u>Canopy Tree</u>	<u>Understory Tree, Evergreen Tree</u>	<u>Deciduous or Evergreen Shrub</u>
	25 ft.	2	7	12
	15 ft.	1	8	15
	12 ft.	1	4	8 w/fence/wall
D	30 ft.	2	6	12
	25 ft.	2	7	17
	15 ft.	2	8	26
	12 ft.	1	3	18 w/fence/ wall

The installation of a fence shall satisfy a portion of the buffer yard requirements of Buffer C and D as identified above if the fence consists of at least 50% fence material distributed evenly, not less than 4 feet nor more than 6 feet in height. A perimeter wall shall also satisfy a portion of the buffer yard requirements of Buffer C and D as identified above if the wall is not less than 4 feet nor more than 6 feet in height. 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.

(4) *Step Four.* 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.

C. *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 Table 2 of this Section shall be measured at right angles to the lot line of the applicant's land development.

16. *Interior and Exterior Parking Lot Landscaping.*

A. All parking lots shall meet the location requirements stipulated in §27-809.A(2). 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.

B. 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.

C. Utility poles and light standards are permitted within the planting areas; provided, they are separated from the spaces and aisles as required by §27-809.C(1). 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.

D. 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. No islands are required in parking lots that are less than 62 feet in width as long as perimeter planting is used around the entire parking lot with the exception of where the parking lot abuts the building. 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.

E. 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 45 feet of the strip length inclusive of driveway widths. These trees shall be planted no less than 25 feet nor greater than 50 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.

F. 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.

17. Commercial District Planting Requirements.

A. In the C District, the off-street parking located within the front yard setback area shall be provided with a 12 foot wide buffer yard between the parking lot and property line fronting any street right-of-way.

B. 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.

C. One of options in subsections .14.B(1) through .14.B(4), hereinabove, shall be used for the perimeter planting.

D. 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.

(*Ord. 224, 3/15/1981, §707; as amended by Ord. 747, 12/15/1999, §4; by Ord. 820, 12/8/2003; by Ord. 858, 12/12/2005; and by Ord. 876, 12/11/2006, §1*)

§27-808. Motor Vehicle Access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with motor vehicle access to a private street. The intent of the following regulations is to provide safe and convenient access for servicing, fire protection, traffic circulation and required off-street parking:

A. On arterial streets, access for each lot shall be limited to not more than two driveways for the first 300 feet of frontage or fraction thereof and one driveway for each additional 300 feet of frontage. On all other streets, access shall be provided by not more than one driveway for the first 50 feet of frontage or fraction thereof and one driveway for each additional 50 feet of frontage.

B. No driveway shall be closer to the side or rear property line than 2 feet, unless the two adjoining property owners mutually agree to a common driveway in such form and manner acceptable for recording in the Office of the Recorder of Deeds of Centre County, Pennsylvania, binding their heirs and assigns to the easement so created, or unless the two adjoining property owners agree that each may locate this driveway at the lot line joined to the driveway of the other.

C. Driveways which provide access individually to single-family and two family dwellings on individual lots shall have a throat width of not less than 10 feet nor greater than 20 feet and curb returns are not required. A single driveway which provides joint access to no more than two dwelling units on an individual lot shall have a throat width of not less than 15 feet nor greater than 35 feet and curb returns are not required. Driveways which provide access to all uses other than single-family and two-family dwellings shall have a throat width of not less than 15 feet or greater than 35 feet and the curb return radius shall not be less than 13

feet or greater than 55 feet. [Ord. 591]

D. In the R-3, R-4, OC, C, I and IRD Districts, all driveways shall enter a public street right-of-way at least 100 feet from its intersection with another public street, except for intersections of two or more arterial streets, in which case the minimum distance shall be at least 200 feet. A lot fronting on an arterial street travel lane which carries traffic away from the intersection of two arterial streets; provided, (1) that a full width right turn lane is constructed by the lot owner, which right turn lane extends from point of tangency of the street to the point of tangency of the driveway curb returns, and (2) that said configuration and construction is not prohibited by any ordinance, statute, law or regulation. In all other districts, all driveways shall enter a public street right-of-way at least 50 feet from its intersection with another public street of any classification. For all cases cited above, the distance in which access is prohibited shall be measured from the tangent of the curb return of the intersecting street cartway to the tangent of the curb return of the driveway. [Ord. 302]

E. *Distance Between Driveways.*

(1) When the use on a lot is single-family detached dwelling, single-family semidetached dwellings, two-family detached dwellings or two-family semidetached dwellings, and if two or more driveways of the same lot, any of which serve more than one dwelling, enter a public street right-of-way, the distance between the entrances of the driveways shall be at least 50 feet, measured between the inner edges of the driveway. [Ord. 591]

(2) When the use on a lot is other than single-family detached dwelling, single-family semidetached dwellings, two-family detached dwellings, or two-family semidetached dwellings, and if two or more driveways of the same lot enter a public street right-of-way, the distance between the entrances of the driveways shall be at least 75 feet measured between the inner edges of the driveway. [Ord. 591]

F. Driveways to corner lots or through lots shall gain access from the street of lower classification when the lot is bound by streets of two different classifications. [Ord. 557]

(Ord. 224, 3/15/1981, §708; as amended by Ord. 302, 10/22/1985, §1; by Ord. 417, 12/5/1979, §1; by Ord. 557, 6/7/1993, §§1-3; by Ord. 591, 6/20/1994, §§1,2; and by Ord. 858, 12/12/2005)

§27-809. Off-Street Parking and Loading Regulations.

Off-street parking and loading space shall be provided and maintained for each use and structure hereafter established, erected, altered or extended in accordance with the provisions of this Section.

A. *General Regulations.*

(1) *Use.* All required off-street parking spaces shall be used solely for the parking of motor vehicles by residents, visitors, patrons or employees. [Ord. 835]

(2) *Location.*

(a) All required parking spaces shall be located on the same lot as the use they serve, except that:

1) The owner of two or more abutting lots may locate the use on one lot and the parking space required for the use on another of his abutting lots.

2) Two or more abutting property owners may locate the parking space required for their uses on any of their lots if:

a) The lot(s) providing the parking space abuts the lot(s) containing the use(s) it serves.

b) All of the affected lots are in the same zoning district.

c) The total number of spaces provided is not less than the sum of spaces required for all the uses.

d) Means of pedestrian access is provided from the parking space to the uses so that pedestrians are not required to traverse property owned by other than said property owners, except where public sidewalks may provide the access.

e) That a lease, easement or other form of agreement be executed among said property owners assuring use of the required parking spaces are located on the same lot as the use they serve, and recorded in the office for the recording of deeds of Centre County. [Ord. 672]

f) In the event that an applicant for a permit for a private recreation area shall utilize the shared parking requirement of §27-809.A(2)(a)2), the same shall be noted on the land development plan. [Ord. 820]

In all cases above, both lots shall be included in the application for a zoning permit.

(b) All parking spaces and lots open to the sky (i.e., not in garages or carports) shall be located no closer than 2 feet from any property line, except for abutting property lines of two or more lots exercising the options for common parking stipulated in subsection .A(1)(a) of this Section.

(c) All covered parking spaces and lots, including garages and carports, shall not be located within any yard setback area, except when permitted as an accessory building regulated in §27-204.A of this Chapter.

(d) No parking lots open to the sky shall be permitted within the front yard setback area, except in the C District. [Ord. 747]

(e) Parking of self-propelled motor vehicles (not including recreational vehicles) is prohibited on the lawn or in yard areas for all residential uses in all districts except for the RA and RR zoning districts.

This does not include the incidental parking of vehicles for washing or cleaning. [Ord. 733]

(3) *Existing Facilities.* Parking spaces and lots serving structures and uses in existence at the date of the adoption of this Chapter shall not be subject to the requirements of this Section as long as the kind or extent of use is not changed; provided, that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements, or if already below such requirements, be reduced further.

(4) *Change in Requirements.* Whenever there is an alteration or extension of a use or structure which increases the parking requirements according to subsection .B, below, the total additional parking required for the alteration or extension shall be provided in accordance with the requirements of that subsection.

(5) *Construction.* All required off-street parking spaces and aisles shall be paved with an all-weather material. For spaces and aisles which are not part of a parking lot as herein defined, this may include gravel or other crushed stone. However, for parking lots, the paving material shall be limited to asphalt, concrete or similar hard surface material with all parking spaces designated with a 4 inch contrasting stripe painted the entire length of each space in accordance with the dimensional requirements stipulated in subsection .B, below. All required off-street parking spaces and aisles for private recreational areas shall be constructed with 6 inches of crushed and compacted stone. Private recreation areas shall be exempt from such other construction regulations. [Ord. 560]

B. *Required Off-Street Parking Spaces.* All uses and structures shall provide off-street parking spaces in an amount equal to, or greater than, the number listed below. The total number of parking spaces necessary for two or more uses on the same lot shall be the sum of that required for each use.

(1) *Dimensions.* Each required off-street parking space shall be at least 9 feet wide and 18 feet long if set at an angle to the access aisle or 8 feet wide and 24 feet long if parallel to the access aisle. [Ord. 453]

(2) *Number and Computation.* In computing the required number of spaces, all fractional numbers more than $\frac{1}{2}$ shall be increased to the next highest integer. When computation is based on the number of employees, the number employed during the largest work shift shall be used.

Table of Required Parking Spaces per Use*

1. *Residential Uses.*

<u>Use</u>	<u>Parking Spaces Required</u>
A. Single family detached dwelling (1 dwelling unit)	2 per dwelling unit

<u>Use</u>	<u>Parking Spaces Required</u>
B. Single family semi-detached dwelling (2 dwelling units) - duplex	2 per dwelling unit
C. Single family attached dwelling (3 or more dwelling units) - townhouse	2 per dwelling unit
D. Two family detached dwelling (2 dwelling units)	1.5 per dwelling unit
E. Two family semi-detached dwelling (4 dwelling units)	1.5 per dwelling unit
F. Two family attached dwelling (6 or more dwelling units)	1.5 per dwelling unit
G. Multi-family detached dwelling (3 dwelling units)	1.5 per dwelling unit
H. Multi-family semi-detached dwelling (6 dwelling units)	1.5 per dwelling unit
I. Multi-family attached dwelling (9 or more dwelling units)	1.5 per dwelling unit

[Ord. 802]

2. *Commercial Use.* Any portion of a building used for office, repair/service, retail, and restaurants require parking as pertains to that individual use, as if it were a freestanding use.

<u>Use</u>	<u>Parking Spaces Required</u>
A. All retail as follows:	
(1) Supermarket/grocery stores	1 space per 200 sq. ft. of GFA [Ord. 820]
(2) Retail, general	1 space per 200 sq. ft. of GFA
(3) Furniture, appliance, carpet, musical instrument stores	1 space per 350 sq. ft. of GFA
B. Construction equipment, farm equipment, feed sales, boat and marine, mobile/motor home vehicles, motor vehicles, and monument burial vault and casket sales	1 space per 350 sq. ft. of GFA of office, sales and service area plus 1 per 3,000 sq. ft. of GFA outside sales area.

<u>Use</u>	<u>Parking Spaces Required</u>
C. Automobile service station	1 per pump (does not count car at pump as space), 6 per repair/ service bay, and additional number based on retail space of GFA.
D. Barbers and beauticians	2 per chair
E. Car wash	4 per stall, plus 1 per vacuum unit if applicable
F. Mortuary (funeral home)	1 per 3 seats based on maximum capacity, as permitted by Centre Region Code Administration
G. Bowling alley, miniature golf go-cart race track	5 per alley, 2 per golf tee, 2 per game machine or machine table, and 2 per go-cart, based on operational capacity
H. Billiard parlors, table tennis, pinball and video machine amusements or similar amusement enterprises	2 per table; 2 per machine
I. Business, professional and financial offices	1 per 250 sq. ft of GFA
J. Veterinary office/clinic [Ord. 888]	1 per 200 sq. ft. of GFA
K. Arenas, stadiums, auditoriums, theaters, roller rinks, ice rinks, dance halls	1 per 4 fixed seats, otherwise 1 per 4 persons based on maximum rated capacity, as permitted by Centre Region Code Administration. Arenas and stadiums shall be permitted a maximum of 50 impervious parking spaces unless additional spaces are approved by the Board of Supervisors in accordance with §27-204.Q [Ord. 821]
L. Eating and drinking establishments (bars, lounges included). Apply dance hall to dance floor area	1 per 50 sq. ft. of GFA, inside seating area, plus 1 per 100 sq. ft. of GFA outside seating area
M. Hotels, motels, tourist homes, bed and breakfast establishments 1.2 spaces per room [Ord. 704]	See eating and drinking establishments for additional spaces

<u>Use</u>	<u>Parking Spaces Required</u>
N. Radio and/or television studios [Ord. 597]	1 per 250 square feet of GFA.
O. Post office	1 space per 200 sf of GFA [Ord. 733]
P. Mining and quarrying	1 space per 250 sf of office use [Ord. 733]
Q. Horse riding stables and academies	1 space per 2 stalls, for an indoor arena - 1 space per 4 persons based on maximum capacity as determined by the Centre Region Code Office. These spaces will be permitted to be gravel. [Ord. 733]
R. Kennels [Ord. 888]	1 space per 250 sf of office, 1 space per 4 animal holding areas [Ord. 733]
S. Commercial cemeteries	1 space per 350 sf of public area in mausoleum or similar structure [Ord. 733]
T. Caterers	1 space per 200 sf of GFA [Ord. 733]
U. Reading room-classified under commercial uses/retail	1 space per 200 sf of GFA [Ord. 733]
V. Shoe repair - classified under commercial uses/retail	1 space per 200 sf of GFA [Ord. 733]
W. Tailors - classified under commercial uses/retail	1 space per 200 sf of GFA [Ord. 733]
X. Mail order agency - classified under business office	1 space per 250 sf of GFA [Ord. 733]
Y. Public and private garages for the storage and maintenance of motor vehicles	1 space per 250 sf of office and 6 spaces per repair or service bay [Ord. 733]
Z. Take-out restaurant	1 space per 100 square feet of seating/standing/waiting area [Ord. 733]
AA. Tanning salon	1 space per tanning bed [Ord. 733]
BB. Laundromat	1 space per each three washers or dryers. [Ord. 733]
CC. Rural agricultural service establishments (i.e., small engine, farm machinery, dairy equipment repair, etc.)	1 space per 250 sq. ft. of GFA [Ord. 744]

<u>Use</u>	<u>Parking Spaces Required</u>
DD. Greenhouses open to the public	1 space per 250 sq. ft. of sales area [Ord. 744]
EE. Pet care and pet day care	1 space for each staff person and 1 space for every 10 pets, as well as parking required for any retail element of the facility
[Ord. 888]	

3. *Industrial Uses.* Any portion of a building used for office, repair/service, retail and restaurants require the parking as pertains to that individual use, as if it were a freestanding use, in addition to the following:

<u>Use</u>	<u>Parking Spaces Required</u>
A. All industrial uses except those specified below	1 per 350 sq. ft. of GFA plus 1 per 1,000 sq. ft. of outdoor operations (excluding storage)
B. Auto wrecking, junk and scrap establishments	In addition to onsite office, repair/service area, etc., 1 per 5,000 sq. ft. of indoor/outdoor storage area
C. Freight and trucking terminals, moving and storage, parcel delivery and express transfer stations, depots and wholesale distribution warehouses, telecommunications switching facilities	1 per 2,000 sq. ft. of GFA [Ord. 746]

4. *Public, Quasi-Public and Transportation Uses.* Any portion of a building used for office repair/service, retail and restaurants require the parking as pertains to that individual use, as if it were a freestanding use, in addition to the following:

<u>Use</u>	<u>Parking Spaces Required</u>
A. Ambulance, emergency fire and rescue, taxi and limousine service	2 per vehicle plus 1 per 350 sq. ft. of GFA
B. Bus passenger station (park and ride lots for busses, vanpooling)	1 per 200 sq. ft. of GFA or lot area sufficient to support program
C. Child daycare center	1 per 350 sq. ft. of GFA (minimum of 3)
D. Churches and other places of worship	1 per 4 seats, based on maximum capacity of the nave, as permitted by the Centre Region Code Administration

E. Clubs, lodges, fraternal organizations, community centers, health and athletic clubs. Studios for instruction in music, performing arts and visual media art, photographic and handicrafts studios, martial arts, dance and gymnastics [Ord. 730]	1 per 3 persons based on maximum design capacity, as permitted by the Centre Region Code Administration
F. Golf courses and driving ranges	4 per hole; 2 per tee on driving range(s)
G. Hospital	1 per 400 sq. ft. of GFA
H. Nursing homes, personal care homes and other convalescent homes	1 space for every rooming unit, plus small personal care homes shall have an additional 2 spaces as required for a single-family residence [Ord. 646]
I. Public libraries, museums, art galleries, government buildings	1 per 500 sq. ft. of GFA with bus/van parking of 1 per 2,000 sq. ft. of GFA; auditoriums to be included as a separate freestanding use
J. Institutions of higher education and high schools. Vocational/technical and business training schools. [Ord. 730]	Based on largest component, i.e., arena, theater, etc., as per §27-809.B(2)(K), plus 1 per 300 sq. ft., GFA for classrooms, offices, cafeteria
K. Nursery, kindergarten, elementary and middle schools	1 per 1000 sq. ft. of GFA
L. Archival library [Ord. 737]	1 per 750 sq. ft. of GFA
M. Private Recreational Areas. [Ord. 560]	25 spaces per established field/activity area
N. Tutoring and Study Center [Ord. 910]	1 space for every 200 sq. ft.
5. <i>Agricultural Research District.</i>	
<u>Use</u>	<u>Parking Spaces Required</u>
A. Greenhouse for agricultural research	2 gravel or paved spaces adjacent to each greenhouse
B. Laboratory	1 space per 350 sq. ft. of GFA

C. Exhibit hall	1 space per 500 sq. ft. of GFA with bus/van parking of 1 space per 2000 sq. ft. of GFA
D. Ag Progress Days/educational trips/field days	Open field parking is permitted [Ord. 736]
6. <i>Forest / Gamelands Uses.</i>	
<u>Use</u>	<u>Parking Spaces Required</u>
A. Archery range	1 space per target
B. Rifle or pistol range	1 space per stand or shooting bench
C. Skeet or shotgun range	1 space per shooting station
D. Day/overnight camp	1 per 3 persons based on maximum design capacity of the largest component (dining hall, recreation building), as permitted by the Centre Region Code Office
E. Hunting, fishing and gun clubs	1 per 3 persons based on maximum design capacity, as permitted by the Centre Region Code Office
F. Nature education center	1 per 3 persons based on maximum design capacity, as permitted by the Centre Region Code Office
G. Picnic area	1 space per table
H. Seasonal dwellings	2 spaces per dwelling
Note: All Parking areas within this zone are permitted to be gravel. [Ord. 738]	

*Sufficient delivery and pick-up area is to be provided such that streets and private/public roads are not congested nor hazardous as a result of the above uses. [Ord. 453]

(3) *Handicapped Parking.* The size and number of these spaces shall be required as specified in the Township Building Code. The signage for each space must contain the handicapped symbol, state that violators will be towed or fined and the minimum and maximum fine. [Ord. 820]

(4) *GFA.* GFA is gross floor area. For buildings with more than one use, the parking shall be calculated based on the GFA for each use. [Ord. 733]

C. *Parking Lots.* For the purposes of this Chapter, parking lots are defined as facilities providing off-street parking space for five or more motor vehicles. All

parking lots shall meet the design and maintenance standards specified below. All applications for a zoning permit to use land, in whole or in part, as a parking lot as herein defined shall be accompanied by a land development plan as stipulated in Part 10 of this Chapter. [Ord. 820]

(1) *Dimensions.* All parking spaces shall comply with the dimensions specified in subsection §27-809.A(1) above. The minimum dimensions of all aisles providing access to parking lot spaces shall be as follows:

<u>Angle of Parking Space to Aisle (in degrees)</u>	<u>Aisle Width (in feet)</u>	
	One Way	Two Way
Parallel	12	20
30 (150)	12	20
45 (135)	15	20
60 (120)	18	20
90	24	24

No portion of any parking space shall intrude into the required aisle width. For aisles providing access to parking spaces set at angles other than those specified above, the required aisle width shall be that of the nearest specified angle of parking. If equidistant from specified angles, the greatest aisle width of the two nearest angles shall apply.

(2) *Obstructions.* Parking lots shall be designed to permit each motor vehicle to proceed to and from all unoccupied parking spaces without requiring the moving of any other parked motor vehicle.

(3) *Ingress and Egress.* Entrance and exit driveways and aisles linking parking lots to public streets shall comply with the standards for motor vehicle access stipulated in §27-808. Parking spaces shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot.

[Ord. 747]

D. *Loading Regulations.* Space for the loading and unloading of vehicles shall be provided when required below. Each required space shall be at least 12 feet in width, 45 feet in length and have a vertical clearance of at least 14 feet. Spaces shall be located no closer than 10 feet from a public right-of-way and 5 feet from any other lot line and shall be paved with an all-weather material.

(1) One off-street loading space is required for all nonresidential uses with a floor area of at least 5,000 square feet but less than 20,000 square feet or more, one additional space shall be provided for each additional 20,000 square feet or fraction thereof.

(2) Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

(3) All required loading and unloading spaces shall be located on the same property as the use they serve.

(4) The provisions of subsections §27-809.A(3) and §27-809.A(4), above, pertaining to off-street parking space shall also pertain to all required off-street loading and unloading spaces.

E. *Provisions to Reduce Required Off-Street Parking Spaces.* In an effort to reduce impervious coverage, traffic congestion and allow an increase in landscaped green space area and/or building size, the following shall be considered:

(1) Shared parking spaces that are accessible by neighboring properties or uses may be permitted when use of the spaces does not occur during the same daily time period. The applicant must provide justification showing calculations of the peak parking use for the spaces that would have overlapping users, during their respective hours of operation. The hours of operation must show that sufficient spaces would be available for the shared parking purpose. As a result, the number of parking spaces could be reduced no more than one half of the total required for the particular use(s) participating in shared parking. Should the use change in the future, and its associated off-street parking, the parking must be provided as required or shared additional parking be pursued.

(2) When increasing the passengers per vehicle to sites with high employment would decrease parking demand, relief in the required parking spaces may occur. The parking spaces may be reduced by a factor of 25% if the applicant for land development plan approval provides a transportation management program to utilize one or a combination of the following modes to reduce single occupant vehicles that is based on substantiated projections of reduction in demand: [Ord. 820]

(a) Shared ride/car pooling.

(b) Van pooling.

(c) Subscription bus service(s); CATA bus.

(3) To qualify for the above, the applicant must provide evidence to the approval of the Board of Supervisors that:

(a) The applicant shall establish an approved carpooling program.

(b) Applicant will obtain or lease to qualified employees vans, buses or the high passenger-capacity vehicles, for the purpose of providing transportation of additional passengers (vanpooling).

(c) Applicant will operate or hire vans, buses or other high passenger-capacity vehicles to provide exclusive or non-exclusive commuter transportation of employees from residential areas, other transit

terminals, such as park and ride.

(d) Applicant shall contribute to the public bus service to add routes, shelter, amenities or fare contribution that would be generated by those employees to utilize the bus service.

(4) Additionally, programs to increase vanpooling and carpooling, are examples that follow:

(a) Applicant will employ working day policy known as flextime where employees are given some latitude on starting and quitting times.

(b) Applicant will provide adequate lunch facilities on the site.

(c) Applicant will provide preferential parking.

As a part of the request to reduce parking spaces, the applicant shall show to the satisfaction of the Board of Supervisors that the actions proposed shall reduce the parking demand by the amount requested.

(5) At the option of the approval by the Board of Supervisors, a reduction of off-street parking spaces may be considered as follows that would pertain only to parking at the site fronting arterial and/or highway roads:

(a) The buffer yard in the front contains unique natural features as determined by the Board of Supervisors that may require an area to be wider than the minimum front buffer.

(b) The buffer yard in the front contains features that contribute to the community character of the Township as determined by the Board of Supervisors that may require an area to be wider than the minimum front buffer.

(c) The requirements of a corridor overlay zone that may provide for a wider than minimum buffer.

(d) Opportunities to preserve stands of existing trees using creative landscaping designs would be helpful to enhance the appearance of pedestrian areas, as well as breaking up the monotony of a large lot.

The Planning Commission may recommend and the Board of Supervisors may approve the reduction in off-street parking spaces associated with increasing the front buffer yard. The area removed from parking must be sufficient to provide the required parking. The area removed from parking may be returned to parking at a future date should the operator of the use experience a parking shortage based on demand after the use has been in operation for a period exceeding 2 years. The requirement of land development plan submission and approval must follow in order to return the area to parking.[Ord. 820]

[Ord. 453]

F. *Parking for Vehicles for Sale or Rental and for Vehicle Storage.* Motor vehicles, motorcycles, mobile homes, recreational vehicles, boats and marine craft,

6/7/1999, §§3, 4; by *Ord. 733*, 8/16/1999, §§6, 7, 8; by *Ord. 736*, 9/7/1999, §4; by *Ord. 737*, 10/9/1999, §2; by *Ord. 738*, 10/18/1999, §6; by *Ord. 741*, 10/18/1999, §4; by *Ord. 744*, 11/1/1999, §3; by *Ord. 746*, 12/13/1999, §2; by *Ord. 747*, 12/13/1999, §§5, 6; by *Ord. 820*, 12/8/2003; by *Ord. 821*, 12/8/2003, §4; by *Ord. 835*, 8/16/2004, §2; by *Ord. 858*, 12/12/2005; by *Ord. 888*, 7/2/2007, §8; and by *Ord. 910*, 11/3/2008, §3)

§27-810. Sidewalks.

1. For new construction, sidewalks constructed to Township specifications shall be provided along all property lines which abut paved streets, as required below:

- A. In the C, OC, I and IRD Districts, along both sides of all streets.
- B. In the R-1, RIB, R-2, R-3, R-4, MHP, V and PRD Districts, along both sides of all streets.
- C. In the RA, AR and FG Districts, no sidewalks shall be required.
- D. Refer to §22-512 of Subdivision and Land Development Ordinance for the RR District. [*Ord. 820*]

2. Sidewalks shall be required when a land development plan is required for a zoning permit under §27-1003.1.C or §27-1003.1.E and otherwise in accordance with *Ord. 331* [Chapter 22, Part 2]. [*Ord. 820*]

(*Ord. 224*, 3/15/1981, §711; as amended by *Ord. 538*, 11/15/1992, §5; by *Ord. 768*, 4/2/2001, §2; by *Ord. 820*, 12/8/2003; and by *Ord. 858*, 12/12/2005)

Part 9

Nonconformities

§27-901. 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.

(*Ord. 224, 3/15/1981, §801; as amended by Ord. 858, 12/12/2005*)

§27-902. Nonconforming Lots of Record.

1. In any district in which dwellings are permitted as primary 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. Such nonconforming lot must be in separate ownership and not abut other lots under the same ownership. 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.

2. 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.

3. Lots which fail to meet minimum width or area requirements may be expanded to include abutting lots under the same ownership.

(*Ord. 224, 3/15/1981, §802; as amended by Ord. 858, 12/12/2005*)

§27-903. 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.

(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. [*Ord. 293*]

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 subsections .A to .D of §27-903 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. [*Ord. 674*]

(*Ord. 224, 3/15/1981, §803; as amended by Ord. 293, 4/2/1985, §1; by Ord. 674, 7/7/1997, §1; and by Ord. 858, 12/12/2005*)

§27-904. Nonconforming Uses, Structures and Lots.

In order to administer this Part, the Zoning Administrator may review, identify and

list for the purposes of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22], nonconforming uses, structures and lots, as the individual instance may arise.

(*Ord. 224*, 3/15/1981, §804; as amended by *Ord. 403*, 9/12/1989, §1; by *Ord. 820*, 12/8/2003; and by *Ord. 858*, 12/12/2005)

§27-905. 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.

(*Ord. 224*, 3/15/1981, §805; as amended by *Ord. 858*, 12/12/2005)

Part 10

Administration And Enforcement

§27-1001. General Provisions.

For the administration and enforcement of this Chapter, a Zoning Administrator, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors. 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. [Ord. 820]

A. *Duties of the Zoning Administrator.* The duties of the Zoning Administrator shall be as follows:[Ord. 820]

(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. [Ord. 403]

(3) To receive all fees to the Township as required by this Chapter and to post a schedule of fees in his office.

(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. [Ord. 820]

(1) The schedule of fees shall be available in the Township Office. [Ord. 820]

(2) All such fees shall be payable to the Township at the Township Office. [Ord. 820]

(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.

[Ord. 820]

(Ord. 224, 3/15/1981, §901; as amended by Ord. 403, 9/12/1989, §2; by Ord. 820, 12/8/2003; and by Ord. 858, 12/12/2005)

§27-1002. Zoning Permits.

1. 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.

2. 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.

A. 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.

B. In the Rural Agricultural Zoning District, a zoning permit shall be required for all agricultural uses as follows:

(1) A fee zoning permit is required for residential structures, including houses, trailers, etc. and nonagricultural structures for primary uses including churches, other places of worship, parish houses or convents.

(2) A nonfee zoning permit is required for other farm structures, including barns, i.e., nonresidential primary farm use structures.

(3) A zoning permit shall not be required for structures that are accessory to nonresidential, agricultural primary uses such as, but not limited to, corn cribs, lean-tos, calf booths, silos and similar storage structures.

C. No such zoning permit shall be required for the alteration of any structure which meets the above test for structures in the RA Zone.

D. 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.

3. *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 §27-810

and §27-1002 in this Chapter will be complied with.

4. *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.

5. When a land development plan is required, the following provisions shall apply:

A. The land development plan shall be prepared in accordance with Chapter 22 and submitted 28 days or more prior to the Planning Commission meeting at which it shall first be considered.

B. 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 in accordance with subsection .A.; provided, that should said Planning Commission meeting occur more than 30 days following the filing of the application, then approval or disapproval shall be within 120 days from the filing of the application.

6. 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.

(*Ord. 224, 3/15/1981, §902; as amended by Ord. 232, 7/13/1982, §3; by Ord. 257, 4/12/1983, §4; by Ord. 270, 3/8/1984, §7; by Ord. 300, 9/10/1985, §1; by Ord. 304, 11/12/1985, §1; by Ord. 374, 1/18/1989; by Ord. 406, 9/16/1989, §1; by Ord. 496, 7/15/1991, §1; by Ord. 508, 12/18/1991, §1; by Ord. 557, 6/7/1993, §4; by Ord. 600, 12/5/1994, §5; by Ord. 662, 12/9/1996, §1; by Ord. 663, 12/9/1996, §1; by Ord. 820, 12/8/2003; by Ord. 858, 12/12/2005; and by Ord. 921, 3/16/2009, §4*)

§27-1003. Land Development Plan Review.

1. A land development plan, submitted in accordance with Chapter 22, shall accompany all applications for a zoning permit whenever such applications propose the following: [*Ord. 820*]

A. A proposed use or structure located within 100 feet of a floodplain as stipulated in §27-801.D. [*Ord. 623*]

B. A proposed use or structure on steep slopes as stipulated in §27-802.

C. A proposed use required to have a parking lot as stipulated in §27-809.

D. Whenever development is proposed involving the location of two or more primary uses or structures on a single lot including, but not limited to, apartment complexes, mobile home parks, shopping centers and industrial parks; provided, however, no land development plan shall be required if the zoning permit application proposes only a change in use, and the change in use would not increase the parking requirement. [Ord. 820]

E. *Any Commercial or Industrial Uses.*

(1) If an approved land development plan exists on record with the Township, then no revised land development plan shall be required; provided, the zoning permit application proposes only a change in use and the change in use would not increase the number of onsite parking spaces required beyond those parking spaces shown on the plan of record. A minor alteration plan may be required depending on the extent of the change (see §27-1003.4). [Ord. 820]

(2) If there is an existing structure on site and there is no site or land development plan on file, a land development plan will be required in the following instances: [Ord. 820]

(a) If the proposed use is a change in the permitted use category or a change to a similar use that, by this Chapter, requires five or more off-street parking spaces from what is on site based on the current parking standards.

(b) If the proposed use results in an increase in the size of a structure or use.

In order to determine compliance with subsection .E.1., above, a sketch with the appropriate dimensions labeled shall be submitted to the Zoning Administrator. This sketch must depict the following: property boundaries, building location, driveway access, parking aisles and parking spaces. All parking dimensions must be in accordance with the this Chapter. In the event the sketch does not provide sufficient detail, the Zoning Administrator may require additional information in order to determine compliance. [Ord. 820]

(3) A site or land development plan is required for all commercial and industrial building expansions.

[Ord. 740]

F. A potable water well pump station facility in a Residential Zone. [Ord. 556]

G. A proposed use in the Rural Agricultural Zoning District involving establishments for the raising, processing, storage, sales and/or service of farm products, supplies and commodities. [Ord. 744]

H. An athletic facility use in all permitted zoning districts. [Ord. 821]

2. *Review Procedure.* All applications for a zoning permit which include a land development plan, as herein required, shall be reviewed in accordance with Chapter 22,

Part 3. [Ord. 820]

3. *Alterations.*

A. Minor alterations to a previously issued zoning permit may be made by the applicant submitting a revised application and land development plan, if applicable, to the Zoning Administrator for approval. If the alterations are major, then the procedure in §27-1002.4 shall apply.

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

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

C. The revised land development plan (minor alteration plan) referenced in §27-1003.4A, above, shall be a full size copy of the latest recorded land development plan with the appropriate changes as required below:

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

“This Minor Alteration Plan revises the plan recorded in the Centre County Recorder's Office in Plat Book __, Page __, only in the manner identified herein. Such alteration(s) do(es) not meet the definition of Subdivision or Land Development [Chapter 22] and is/are therefore exempted from the approval process set forth in Chapter 22 of the Ferguson Township Code of Ordinances. This represents a true and correct copy of the approved plan as of _____(date).

- (6) Submission of sufficient documentation to demonstrate compliance

with the minor alteration criteria set forth in §27-1003.4.B.

D. No applicant/landowner shall be permitted to file more than one minor alteration plan to a previously issued zoning permit based on any these subsections of §27-1003.3.B.(1),(2),(5),(6) or (7). More than one minor alteration plan may be filed for a site, but only one for each of the subsections listed above.

E. *Process.* All applications for approval of a minor alteration plan shall commence with the official submission of a plan and all required supplementary data to the Township Department of Planning and Zoning.

(1) A plan shall be deemed submitted for review when the applicant has submitted to the Township Department of Planning and Zoning the following documents:

(a) One copy of a completed Application for Subdivision or Land Development [Chapter 22], plus payment of all application fees.

(b) Three prints of the plan which comply with the above regulations.

(2) Upon receipt of the above, the Township Department of Planning and Zoning shall forward immediately one copy of the plan to: the Centre Region and Centre County Planning Commissions as required by the MPC.

F. *Review.* The copy of the plan forwarded to the Centre County Planning Commission (or its designee) shall be reviewed to determine its conformance with these regulations. The Township shall take no official action on the application until this review is received or until expiration of 45 days from the date the plan was forwarded, whichever comes first.

(1) Upon receipt of the recommendation of the Centre County and/or Centre Region Planning Commission(s) or upon the expiration of the 45 days, if the plan is in conformance with the above regulations, the Zoning Administrator will sign a mylar version of the plan.

(2) Prior to returning the signed mylar to the applicant, the plan must be provided to the Township in digital format. The data shall be in a format readily compatible with the Township's Geographical Information System (GIS) software and shall provide a true and complete display of the minor alteration plan. The specific requirements for submission are outlined in a resolution adopted by the Board of Supervisors.

(3) Within 90 days of the execution of the mylar by the Zoning Administrator, the Minor Alteration Plan shall be recorded in the Office of the Recorder of Deeds of Centre County by the applicant. Such recording shall be otherwise in conformity with §513 of the Municipalities Planning Code, 53 P.S. §10513, as amended. Within 10 days after the Recorder of Deeds has properly recorded the plan, a copy of such, including the endorsement of the Recorder of Deeds, shall be forwarded by the applicant to the Township Secretary. A zoning permit will not be issued until the Township is in receipt of the record copy of the plan.

[Ord. 937]

4. *Development Review Notice Signs.* The provisions of §22-308 of the Subdivision and Land Development Ordinance [Chapter 22] requiring the posting of development review notice signs shall apply to applicants filing land development plans, land

development plan or PRD development or final plans with the Township. [Ord. 709]

5. *Improvements Depicted on Plan.* The design and physical improvements to the property being subdivided shall be provided, constructed, installed and maintained by the developer as depicted on the approved land development plan in accordance with the requirements of this Chapter. [Ord. 820]

(Ord. 224, 3/15/1981, §903; as amended by Ord. 257, 4/12/1983, §5; by Ord. 278, 10/25/1984, §4; by Ord. 374, 1/18/1989; by Ord. 396, 5/23/1989, §1; by Ord. 400, 7/15/1989, §24; by Ord. 410, 11/14/1989, §1; by Ord. 411, 12/5/1989, §5; by Ord. 455, 6/18/1990, §1; by Ord. 469, 11/19/1990, §1; by Ord. 556, 6/7/1993, §§1, 2; by Ord. 557, 6/7/1993, §5; and by Ord. 615, 3/20/1995, §1; by Ord. 623, 8/21/1995, §2; by Ord. 664, 12/9/1996, §1; by Ord. 685, 12/1/1997, §1; by Ord. 709, 10/5/1009, §4; by Ord. 733, 8/16/1999, §§9, 10; by Ord. 740, 10/18/1999, §1; by Ord. 741, 10/18/1999, §5; by Ord. 744, 11/1/1999, §4; by Ord. 747, 12/13/1999, §7; by Ord. 771, 4/16/2001, §1; by Ord. 772, 4/16/2001, §2; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, §5; by Ord. 858, 12/12/2005; and by Ord. 937, 7/19/2010, §§1, 2)

§27-1004. 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. [Ord. 820]

A. Within 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 7 day time limitation. [Ord. 820]

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. [Ord. 820]

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. [Ord. 820]

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 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 6 months after issuance. [Ord. 820]

E. Upon completion of the structure and all improvements set out on the land development plan, an “as-built” plan, certified by the individual or firm preparing the plan, or a letter of certification from the individual or firm preparing the plan, shall be filed with the Township. [Ord. 820]

[Ord. 300]

F. 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. [Ord. 820] (Ord. 224, 3/15/1981, §904; as amended by Ord. 300, 9/10/1985, §§2,3; by Ord. 820, 12/8/2003; and by Ord. 858, 12/12/2005)

§27-1005. 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. [Ord. 820]

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: [Ord. 820]

(1) The enforcement notice shall be sent to the owner of record of the parcel 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 30 days by filing a request for appeal in writing with the Zoning Hearing Board within the said 30 days period.

(f) That failure to comply with the notice within the said 30 days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions, which may be as much as \$500 per day of each violation plus all court costs, including reasonable attorneys fees incurred by Township as a result of prosecution of such violation.

[*Ord. 403*]

C. *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. [*Ord. 403*]

D. *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. [*Ord. 403*]

(*Ord. 224, 3/15/1981, §906; as amended by Ord. 403, 9/12/1989, §§4-7; by Ord. 820, 12/8/2003; and by Ord. 858, 12/12/2005*)

§27-1006. 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.

(*Ord. 224, 3/15/1981, §907; as amended by Ord. 858, 12/12/2005*)

§27-1007. 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.

(*Ord. 224, 3/15/1981, §908; as amended by Ord. 858, 12/12/2005*)

Part 11

Zoning Hearing Board

§27-1101. 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.

(*Ord. 224, 3/15/1981, §1001; as amended by Ord. 858, 12/12/2005*)

§27-1102. 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 7 consecutive days prior to the hearing. The posting shall consist of a sign at least 30 inches by 30 inches.

(*Ord. 224, 3/15/1981, §1002; as amended by Ord. 403, 9/12/1989, §8; by Ord. 820, 12/8/2003; and by Ord. 858, 12/12/2005*)

§27-1103. Functions.

The Zoning Hearing Board shall have the functions set forth in §§909.1, 910.2 and 912.1 of Article IX of the Municipalities Planning Code, as amended.

(*Ord. 224, 3/15/1981, §1003; as amended by Ord. 403, 9/12/1989, §9; and by Ord. 858, 12/12/2005*)

§27-1104. Parties Appellant Before the Board.

Appeals under §27-1009.1(a) 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.

(*Ord. 224, 3/15/1981, §1004; as amended by Ord. 403, 9/12/1989, §10; and by Ord. 858, 12/12/2005*)

§27-1105. 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.

(*Ord. 224, 3/15/1981, §1005; as amended by Ord. 403, 9/12/1989, §11; and by Ord. 858, 12/12/2005*)

Part 12

Definitions

§27-1201. Language Interpretations.

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."

F. Definitions found in the Subdivision and Land Development Ordinance [Chapter 22] shall be applicable to this Chapter. [Ord. 820]

(Ord. 224, 3/15/1981, §1101; as amended by Ord. 820, 12/8/2003; and by Ord. 858, 12/12/2005)

§27-1202. 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, Tenth Edition. [Ord. 733]

Accessory structure, building - a separate, detached structure or building used to house or provide for an accessory use. [Ord. 630]

Addition - see "extension."

Adult arcade - an establishment where, for any form of consideration, one or more motion 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. [Ord. 757]

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:

- (1) 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.
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

[Ord. 757]

Adult business use - any adult bookstore, arcade, cabaret, motion/minimotion 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. [Ord. 757]

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. [Ord. 757]

Adult motion/minimotion 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. [Ord. 757]

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. [Ord. 757]

Ag Progress Days - an indoor/outdoor educational agricultural show held once a year for a period of 7 days or less where the general public visits the Russell E. Larson Research Center to view farm-related exhibits, displays, research, equipment and livestock. Field demonstrations, research tours, shows and clinics are also held. In addition, exhibitors sell agricultural supplies and equipment and vendors provide food and beverage for consumption on the premises. [Ord. 736]

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. [Ord. 820]

Airports and landing strips - all facilities for the storage, maintenance, take-off and landing of motorized aircraft.

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.

Alley/Lane - a narrow vehicular access to the rear of lots providing service areas, utility easements, and access to parking and outbuildings. [Ord. 858]

Alluvial - an alluvial deposit; relating to, composed of or found in alluvium.

Alluvium - clay, silt, sand, gravel or similar detrital material deposited by running water.

Alteration - as applied to a structure, a change or rearrangement in the structural parts, including supporting members such as bearing walls, columns, beams or girders, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amendment - any change or revision of the text of this Chapter or the Zoning Map.

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 his heirs, successors and assigns. [Ord. 820]

Archival library - a library 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. [Ord. 737]

Athletic facility - a private recreation area as defined by this Chapter, an arena or a stadium. [Ord. 821]

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. [Ord. 858]

Automobile service station - 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.

Auto wrecking, junk and scrap establishments - 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.

Base flood elevation - the water surface elevation of the flood level that has a 1% or greater chance of occurrence in any given year. [Ord. 270]

Basic convenience commercial goods and services - retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. [Ord. 858]

Basement - any area of the building having its floor below ground level on all sides. [Ord. 921]

Bed and breakfast - an owner-occupied single-family dwelling that contains from one to ten guest rooms and provides, for compensation, sleeping accommodations and breakfast for transient guests. [Ord. 682]

Board of Supervisors - the governing body of the Township of Ferguson, Centre County, Pennsylvania. [Ord. 820]

Boundary - a line marking the limit, or border, of a lot or district.

Building - a structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

Building setback line - the line within a lot defining the required minimum setback distance between any structure and the adjacent street line.

Build-to line - a line, located a specified distance from the curb, along which the front of a structure must be placed. [Ord. 858]

Camps and camping grounds - the use of land and structures by campers for seasonal, recreational, and temporary living purposes in cabins, tents or outdoor recreational vehicles.

Cartway - the portion of a street right-of-way designed or intended for vehicular use.

Centerline - a line running parallel to and equidistant from both sides of a street. [Ord. 820]

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. [Ord. 820]

Child care center - a facility in which out-of-home care is provided as a primary or accessory use, at any one time, for part of a 24 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. This definition does not apply to care provided by relatives; care furnished in places of worship during religious services; care provided in a facility where the parent is present at all times child care is being provided; care provided during the hours of instruction in nonpublic schools and in private nursery schools and kindergartens. [Ord. 680]

Child day care center - the use of land and structures for supervised day care of five or more children.

Churches and other places of worship - the use of land and structures for religious worship, education and related activities; includes chapels, cathedrals, temples, synagogues and the like.

Civic - the term defining not-for-profit organizations dedicated to the arts, culture, education, recreation, government, transit, and municipal parking. [Ord. 858]

Civic building - a building designed specifically for a civic function. [Ord. 858]

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 formed chiefly for social purposes having secret rites and a name consisting of Greek letters. [Ord. 730]

Cluster - a grouping together of lots with a minimum perimeter.

Commercial dairy - the use of land and structures for the manufacture and processing of dairy products.

Commons - a spatially defined element of useable 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. [Ord. 858]

Community center - a facility designed to provide one or more community

services to a pedestrian-oriented clientele from the surrounding neighborhood. [Ord. 858]

Community gardens - 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. [Ord. 938]

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. [Ord. 822]

Conservation area / preserve - 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. [Ord. 738]

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes. [Ord. 270]

Convenience food store - small stores which retail food and beverages primarily to the immediately surrounding population, permitted in the Rural Residential (RR), Village (V) and Planned Residential (PRD) Districts.

Curb return - a curved curb connecting the tangents of two intersecting curbs of streets or driveways.

Day / overnight camp - a defined area which includes the facilities for recreation or instruction of children/adults. Facilities within this type of camp may include, but are not limited to, cabins, administrative buildings, dining halls, all-purpose buildings, pavilions, swimming pools and stables. [Ord. 738]

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. [Ord. 858]

Department of Environmental Protection - the Pennsylvania Department of Environmental Protection. [Ord. 820]

Development - any manmade 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. [Ord. 644]

Designated well site - any potable water well within Ferguson Township which has obtained the necessary local, State and Federal approvals and permits. [Ord. 701]

Direct rays - 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. [Ord. 858]

District - all land and watercourses located within designated boundaries on the Official Zoning Map; a zoning district.

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. 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.

Driveway - a vehicular accessway from a street into a lot. [Ord. 820]

Duplex residential unit - single family semi-detached dwelling unit. [Ord. 858]

Dwelling - a building designed for human living quarters.

Dwelling unit - a dwelling used by one family.

Single-family dwelling - a single dwelling unit occupying the building from ground to roof.

Two family dwelling - two dwelling units, one above the other.

Multifamily dwelling - three or more dwelling units, with the units stacked one above another.

Detached - each dwelling unit has open space on all sides.

Semidetached - one side of each dwelling unit is a party wall in common with an adjoining dwelling unit.

Attached - both side walls of all except the dwelling units at the ends of the building are party walls.

Elder cottage / in-law quarters / carriage house (accessory dwelling unit?) - [yes] 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. [Ord. 858]

Erection - construction or assembly.

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 space - 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. [Ord. 822]

Essential services - facilities for the distribution of utility services, including gas, electric, steam, water, sewerage, telephone and similar services.

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.

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 degrees.

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, except that in the case where one or more of the unrelated persons is a family care client, the number of unrelated persons permitted to reside with the housekeeping unit in the dwelling unit shall be three or fewer. For dwelling units in multifamily buildings containing three or more dwelling units the number of persons permitted to occupy a unit shall be determined in accordance with the provisions of the Ferguson Township Housing Code. [Ord. 290]

Family care - the provision of care in accord with regulations of the appropriate State agency(ies) for up to three mentally ill, retarded or disabled children or adults or elderly persons in a dwelling unit by a provider who resides in that unit. [Ord. 290]

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 24 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 by relatives; or care furnished in places of worship during religious services. [Ord. 680]

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.

Firewood - trunks and branches of trees and bushes, not including leaves, needles, vines or brush smaller than 3 inches in diameter. [Ord. 917]

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. [Ord. 374]

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 Department of Environmental Protection. [Ord. 820]

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 100-year magnitude. [Ord. 921]

Flood water - waters which escape from streams or other bodies of water and over low adjacent lands, as distinct from runoff. [Ord. 399]

Floor area - the total useable area of a floor of a building or structure measured from the exterior walls inclusive of hallways, restrooms and other space ancillary to the proposed use. [Ord. 733]

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. [Ord. 820]

Frontage - the portion of a lot boundary abutting a street.

General 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. [Ord. 736]

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. [Ord. 736]

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. [Ord. 736]

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. [Ord. 736]

General weather, radio and satellite research - systematic investigation to establish new facts relating to meteorological information, antenna design and research and radio propagation research. [Ord. 736]

Grading - the act of excavating and/or filling land for the purpose of changing natural slope.

Green - a spatially defined element of useable 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. [Ord. 858]

Gross floor area (GFA) - the sum total of the floor areas of all floors of a building as measured from the exterior walls, inclusive of hallways, restrooms and other space ancillary to the proposed use. For retail and service parking calculations the gross floor area is that portion of the total floor area relegated to use by the customer and employees to consummate retail sales and services, including display areas, but not including office space and storage areas. [Ord. 733]

Group child care home - a residence in which out-of-home care is provided, as an accessory use, at one time, for part of a 24 hour day to more than six but fewer than sixteen older school-age level children or more than six but less than thirteen children of any other age. This definition does not apply to care provided by relatives; care furnished in places of worship during religious services; care provided in a facility where the parent is present at all times child care is being provided; care provided during the hours of instruction in nonpublic schools and in private nursery schools and kindergartens. [Ord. 680]

Group home - a dwelling unit 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 Officer prior to the initiation and continuation of the use.

(1) Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy except as provided for in §27-204.JJ.

(2) 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.

(3) A group home shall not involve the housing or treatment of persons who:

(a) Could reasonably be considered a serious threat to the physical safety of others.

(b) Were previously convicted of a sexual felony.

[Ord. 908]

Height - the vertical distance of a structure measured from the mean level of the ground surrounding the structure to its highest point, regardless of roof design.

Higher education - that part of post secondary education which includes any organized program of instruction, research and service primarily concerned with a field of organized knowledge, related theory, and associated practice or application of skills and which leads to a degree, that is the work is creditable toward a degree. [Ord. 730]

Historic structure - any structure that is:

(1) 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.

(2) 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.

(3) 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.

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior.

(b) Directly by the Secretary of the Interior in states without approved programs.

[Ord. 921]

Home occupation - an accessory use of a dwelling for gainful employment.

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 facility offering transient lodging accommodations on a daily rate to the general public where the rooms are usually accessible from an interior corridor. The facility may also provide additional services such as restaurants, meeting rooms and recreational facilities. [Ord. 682]

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. [Ord. 888]

Hunting and fishing cabin - a building used for seasonal and temporary living purposes by persons engaged in hunting, fishing and similar recreational 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.

Kennel - any facility in which six or more animals are kept or boarded, for the purpose of breeding and/or selling. Training and grooming of such animals may also take place. [Ord. 888]

Land development - any of the following activities:

(1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) 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

(b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features;

(2) a subdivision of land; or

(3) development in accordance with §503(1)(A) of the Municipalities Planning Code, as amended. [Ord. 820]

Large dormitory - a residence hall providing living facilities for 21 or more individuals. [Ord. 736]

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. Up to five video/pinball machines may be permitted as accessory to the laundromat. [Ord. 733]

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. [Ord. 858]

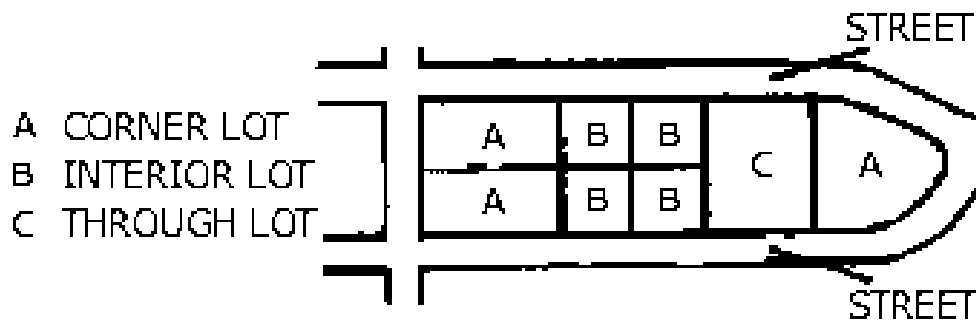
Local alluvium - Alluvial materials that have eroded from uplands and been deposited in lower lying areas and drainageways.

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. [Ord. 403]

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 degrees 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 line - a line generally established by metes and bounds, which, when combined with other lot lines, delineates a lot. [Ord. 820]

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 degrees 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:

(1) Lot Width At Street Line. The minimum horizontal distance between side lot lines as measured at the street line.

(2) Lot Width At Building Setback Line. The minimum horizontal distance between side lot lines as measured at the building setback line.

[Ord. 656]

Low impact development - an approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. [Ord. 858]

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. [Ord. 921]

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. [Ord. 399]

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. [Ord. 921]

Massage parlor - an establishment where for 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. [Ord. 757]

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. [Ord. 858]

Maximum lot coverage - the percentage of lot area which may be occupied by the ground floor area of all buildings.

Minerals - 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. [Ord. 820]

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. To qualify as a Mixed Residential Area, the criteria specified in §27-701.4.B(2) must be met. [Ord. 858]

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. [Ord. 858]

Mobile home - a transportable single-family or two-family dwelling intended

for permanent occupancy, contained in one unit or in two or more units designed to be joined in 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. Occupancy and compliance requirements of the applicable building code shall be approved by the Centre Region Code Office. [Ord. 665]

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. [Ord. 403]

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. [Ord. 403]

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 - consists of all pipes, fittings and appurtenances from the drain outlet 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 - consists of 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 - is that 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 - consists of 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 constructed of similar materials and appearing similar to other structures located within the same residential development. 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. 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. [Ord. 671]

Motel - a facility offering transient lodging accommodations on a daily rate to the general public where the rooms are usually accessible from an outdoor parking area. The facility may also offer additional services such as restaurants, meeting rooms and recreational facilities. [Ord. 682]

Multi-family residential - three or more dwelling units, with the units stacked one above another. [Ord. 858]

New construction - structures for which the start of construction commenced

on or after March 15, 1982, including any subsequent improvements thereto. [Ord. 822]

No-impact home based business - 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 function to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, not limited to, parking, signs or lights.
- (5) 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.
- (6) 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.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area. [Ord. 861]
- (8) The business activity may not involve any illegal activity. [Ord. 861]

Nonconformities - any nonconforming lot, structure or use of land or structures.

Nonconforming lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of a 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. [Ord. 403]

Nonconforming structure - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or 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. [Ord. 403]

Nonconforming use - a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or 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. [Ord. 403]

Nursing homes and other convalescent homes - a building with sleeping rooms

where persons are housed or lodged and furnished with meals, nursing care for hire, and which is approved for such by the Pennsylvania Department of Public Welfare.

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. [Ord. 399]

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.

Off-street loading space - a space not located within any street right-of-way used by motor vehicles for the temporary storage of trucks and other commercial vehicles while loading and unloading merchandise or materials.

Off-street parking space - a space not located within any street right-of-way used by motor vehicles for the temporary storage of one motor vehicle.

Onsite sewer service - a sanitary sewage disposal system in which sewage is treated and discharged on the same lot as the use which it serves.

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. [Ord. 917]

Outdoor recreation facilities - organized forms of play and amusement which 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 poolhouses, 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. [Ord. 738]

Parking bay - a row of parking spaces abutting one another along the length of each space.

Parking lot - a facility providing off-street parking space for five or more motor vehicles.

Pedestal - the base and/or supporting structure, other than a building or tower, for the support of an antenna or sign. [Ord. 733]

Pennsylvania Municipalities Planning Code - Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 *et seq.*

Personal care home - a premises that is approved and licensed as a personal care boarding home by the Department of Public Welfare for which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours to four 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 homes shall be separated into small personal care homes (four through eight residents) and large personal care homes (nine or more residents). The reference to any other appropriate State licensing agency as may be applicable is also intended within this definition. [Ord. 646]

Pet care facility - a site utilized for short-term care of domestic animals or household pets. May include spas, resorts, and/or grooming facilities which provide overnight boarding. No outdoor, overnight boarding of animals is permitted. [Ord. 888]

Pet day care facilities - the daytime care of domestic dogs or other household pets, belonging to persons not residing on the premises. Grooming and training services may also be provided at such a facility, as well as the retail sale of pet food and pet accessories. No outdoor or overnight boarding of animals is permitted. [Ord. 888]

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. [Ord. 888]

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. [Ord. 858]

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 §27-702.6.A - .I [Ord. 858]

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. [Ord. 403]

Planning commission - the Ferguson Township Planning Commission, Township of Ferguson, Centre County, Pennsylvania.

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 the Safe Drinking Water Act. [Ord. 701]

Potable water well pump station - the facilities and related appurtenances utilized to extract water from a potable water well. [Ord. 701]

Premises - any lot and any structure constructed thereon.

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 [Ord. 820]

Private - not publicly owned, operated or controlled.

Private recreational areas - all organized forms of play and amusement except the discharge of firearms or weapons including bows and arrows; cross bows and similar weapons; any motorized recreational activities; any commercial recreational enterprises; any indoor recreational activity. Examples of private recreation include soccer, baseball and football. [Ord. 560]

Public - owned, operated or controlled by a government agency.

Public meeting - a forum held pursuant to notice under 65 PA.C.S. Ch.7 (relating to open meetings). [Ord. 820]

Public notice - notice published once each week for 2 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 7 days from the date of the hearing. [Ord. 820]

Public recreation area - a park or recreation area which is owned or proposed to be owned by Ferguson Township. [Ord. 821]

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. [Ord. 858]

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.

Race track - a commercial establishment for the racing of animals or motor vehicles.

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 recreational, camping, travel or seasonal use. [Ord. 399]

Repair - to restore by replacing a part or putting together what is torn or broken. Repair can be defined as an accessory or primary use. [Ord. 730]

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 floodplain. [Ord. 399]

Riding stable and 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. [Ord. 852]

Right-of-way - a corridor of land set aside for use, in whole or in part, by a street or other public purpose. [Ord. 820]

Rooming unit - a space within the personal care home occupied by no more than two people. [Ord. 646]

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.

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. [Ord. 858]

School - any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

Seasonal dwelling - a single-family detached dwelling used for seasonal and temporary living purposes during any season by persons engaged in recreational pursuits. Typically used on weekends and during vacations and holidays, but not occupied for more than 6 months in each year. This is in no way intended to be a year-round, permanent residence. [Ord. 738]

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. [Ord. 730]

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. [Ord. 858]

Single family attached - single family dwellings connected by common side party walls to other single family dwellings. Also referred to as townhouses. [Ord. 858]

Single family detached - a single dwelling unit occupying a building from ground to roof with open space on all sides. [Ord. 858]

Single family semi-detached - two single family dwellings connected by a common side party wall. [Ord. 858]

Small animal - household pet or wildlife that, as an adult, generally weighs less than 150 pounds. [Ord. 888]

Small dormitory - a residence hall providing living facilities for twenty or fewer individuals. [Ord. 736]

Specified anatomical areas -

- (1) Less than completely and opaquely covered human genitals, pubic

region, buttocks, anus or female breasts below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

[Ord. 757]

Specified sexual activities -

(1) Acts of masturbation, homosexuality, sexual intercourse, sexual bestiality or physical contact with a person's clothed or unclothed genitals, pubic areas, buttocks or, if such person is a female, breast.

(2) The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(3) 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.

(4) The showing of the human male or female 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.

[Ord. 757]

Square - a spatially defined element of useable 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. [Ord. 858]

Stacks or chimneys - any structure enclosing a flue or flues that carries off smoke or exhaust from a furnace located inside or outside of a structure. [Ord. 917]

State Obscenity Code - Section 5903, Title 18, Pennsylvania Consolidated Statutes, and as amended. [Ord. 409]

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 primary use located on the same site. Includes the storage of goods which were produced on site. Storage is accessory to the primary use on the site. [Ord. 730]

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). [Ord. 858]

Street - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways 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 streets - 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 on a minimum of 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, town 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.

[Ord. 374]

Street line - the dividing line between a street and the lot; includes right-of-way line and front lot line.

Structure - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. All buildings are structures.

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. [Ord. 921]

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:

(1) 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.

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

[Ord. 921]

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.

Sustainable - an ecosystem condition in which biodiversity, renewability, and resource productivity are maintained over time. [Ord. 858]

Temporary use - a use lasting for a limited time of 7 days or less, unless specified as longer under a particular use. Does not include the construction or alteration of any structure. [Ord. 733]

Townhome residential unit - see single family attached, above. Multiple units attached one above another are considered either two-family or multi-family dwellings. See appropriate definitions of each. [Ord. 858]

Townhouse - 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). [Ord. 733]

Township - the Township of Ferguson, Centre County, Commonwealth of Pennsylvania.

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. [Ord. 597]

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:

- (1) Criminal rehabilitation, such as criminal halfway house.
- (2) Addiction to alcohol or a controlled substance.
- (3) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

[*Ord. 908*]

TTD or MRA Open Space - areas which have been specifically designed or set aside to accommodate recreation, relaxation, or environmental preservation in accordance with the provisions of §27-701.3.A. This does not include yard areas, or setbacks associated with lots designated for other than open space uses. [*Ord. 858*]

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 which 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. [*Ord. 910*]

Two family dwelling - two dwelling units, one above another. [*Ord. 858*]

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. [*Ord. 917*]

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. [*Ord. 858*]

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.

Primary use - the main use of a lot or structure.

Accessory use - a use of land which is incidental and subordinate to the primary use, and located on the same lot with such unless specifically permitted elsewhere herein.

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. [*Ord. 399*]

Variance - a permissive waiver of terms and conditions of this Chapter issued by the Zoning Hearing Board.

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. [Ord. 888]

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. [Ord. 820]

Warehouse - a structure(s) 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. [Ord. 730]

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. [Ord. 399]

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 homes shall not be segregated or clustered within a neighborhood and, from the exterior, will provide no evidence that distinguishes them from market-rate units. [Ord. 858]

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 - the yard extending the full length of the front lot line.

Side yard - a yard extending along the side lot line from the required front yard to the required rear yard setback area.

Rear yard - the yard extending the full length of the rear lot line.

Buffer yard - a yard covered with 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," §27-208.) [Ord. 651]

Zoning Map - the map setting forth the boundaries of the districts of this Chapter and adopted by the Board of Supervisors of the Township.

Zoning Administrator - the officially designated Zoning Administrator of the Township of Ferguson, Centre County, Commonwealth of Pennsylvania.

[According to the year 2000 Census, this income range is \$42,560 - \$63,840. Based on this data, single family workforce housing units shall be priced between \$142,254 and

\$204,981. This represents the maximum mortgage amount based--on a 5.5% interest rate, for this income range. [These homes are intended to accommodate workers employed in positions which might include, but are not limited to: food service employees, retail clerks, firefighters, accountants, custodians, hairdressers, nurses and other healthcare workers, administrative assistants, and pre-school teachers. These individuals, who are employed in our community, are often unable to afford to live here.] [*Ord. 858*]

(*Ord. 224*, 3/15/1981, §1102; as amended by *Ord. 237*, 9/7/1982, §5; by *Ord. 270*, 3/8/1984, §8; by *Ord. 290*, 2/12/1985, §1; by *Ord. 317*, 7/22/1986, §4; by *Ord. 339*, 9/8/1987, §1; by *Ord. 374*, 1/18/1989; by *Ord. 399*, 7/11/1989, §11; by *Ord. 402*, 9/12/1989, §2; by *Ord. 403*, 9/12/1989, §12; by *Ord. 409*, 11/14/1989, §3; by *Ord. 411*, 12/5/1989, §6; by *Ord. 560*, 6/7/1993, §24; by *Ord. 595*, 9/14/1994, §3; by *Ord. 597*, 10/17/1994, §4; by *Ord. 614*, 3/20/1995, §2; by *Ord. 630*, 11/20/1995, §2; by *Ord. 644*, 3/18/1996, §1; by *Ord. 646*, 4/1/1996, §§3, 4; by *Ord. 651*, 5/20/1996, §7; by *Ord. 656*, 6/17/1996, §2; by *Ord. 665*, 12/9/1996, §1; by *Ord. 671*, 5/5/1997, §3; by *Ord. 680*, 8/4/1997, §6; by *Ord. 682*, 10/20/1997, §§5, 6; by *Ord. 701*, 7/6/1998, §2; by *Ord. 702*, 7/6/1998, §3; by *Ord. 730*, 6/7/1999, §5; by *Ord. 733*, 8/16/1999, §§11, 12; by *Ord. 736*, 9/7/1999, §5; by *Ord. 737*, 10/4/1999, §3; by *Ord. 738*, 10/18/1999, §§7-9; by *Ord. 757*, 8/7/2000, §2; by *Ord. 820*, 12/8/2003; by *Ord. 821*, 12/8/2003, §6; by *Ord. 822*, 12/8/2003, §2; by *Ord. 852*, 8/1/2005, §3; by *Ord. 858*, 12/12/2005; by *Ord. 861*, 2/6/2006, §2; by *Ord. 888*, 7/2/2007, §7; by *Ord. 908*, 8/18/2008, §8; by *Ord. 910*, 11/3/2008, §4; by *Ord. 917*, 1/19/2009, §3; by *Ord. 921*, 3/16/2009, §§5, 6; by *Ord. 935*, 5/17/2010, §4; and by *Ord. 938*, 7/19/2010, §4)

B. Zoning Map Amendments.

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
388	4/14/1989	Changing zoning classification from Townhouse Residential (R-3) to Multi-Family Residential (R-4), owned by Galen E. Dreibelbis.
412	12/5/1989	Changing zoning classification from R-1B, Suburban Single-Family Residential District owned by Elwood Strouse.
413	12/5/1989	Changing R-1, Single-Family Residential District of certain lands owned by P. Glenn Strouse and Cora H. Strouse.
414	12/5/1989	Changing R-1, Single-Family Residential, of certain lands owned by S & A Custom Built Homes, Inc.
415	12/5/1989	Changing R-1, Single-Family Residential of certain lands owned by Julia M. Clark.
451	4/2/1990	Changing R-1, Single-Family Residential, of certain lands owned by John V. Hanna and Suzanne C. Hanna.
461	8/20/1990	Changing the zoning classification from Townhouse Residential (R-3) to Multi-family Residential (R-4) owned by Galen E. Dreibelbis.
503	9/16/1991	Changing the zoning classification from Single-Family Residential(R-1) to Office Commercial (OC) owned by Robert J. Hemman and Shirley Jane Hemman.
505	10/7/1991	Changing the zoning classification from Multi-family Residential (R-4) to General Commercial (C) on lands owned by the Dreibelbis Family Partnership.
512	2/18/1992	Changing the zoning classification from RA (Rural Agricultural) to R-1 (Single-Family Residential) on certain lands in the Township currently owned by G. Edwards Company, Inc. and Edna K. Albright.
520	3/16/1992	Changing the zoning classification from RA (Rural Agricultural) to R-1 (Single-Family Residential) on certain tracts of land more particularly known as Tax parcel Nos.24-4-32, 24-4-31A, 24-4-37B and 24-4-37A.

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
529	6/15/1992	<p>Changing the zoning classification from R-2 (Two Family Residential) and IRD (Light Industry) to C(General Commercial) on certain tracts of land more particularly known as Tax Parcel Nos. 24-1B-1, 24-1B-2, 24-1B-2A, 24-1B-8A, 24-1B-13, 24-1B-14, 24-1B-14A, 24-1B-14B, 24-1B-14C, 24-1B-15, 24-1B-16, 24-1B-17, 24-1B-18, 24-1B-20, 24-1B-21, 24-1B-22, 24-1B-22A, 24-1B-22B, and 24-1B-23 and portions of Tax Parcel Nos. 24-1B-4, 24-1B-12, 24-1B-19, 24-1B-24, 24-1B-25, 24-4-63B and 24-4-63C.</p> <p>Changing the zoning classification from R-2 (Two Family Residential) to R-1 (Single-Family Residential) on a certain tract of land more particularly known as a portion of Tax Parcel No. 24-463B.</p> <p>Changing the zoning classification from IRD (Light Industry) to I (General Industry) on a certain tract of land more particularly known as a portion of Tax Parcel No. 24-4-15C.</p>
534	11/2/1992	Changing the zoning classification from Light Industry, Research and Development (IRD) to General Commercial (C) on certain lands in the Township of Ferguson currently owned by Richard T. Markle and Anne Markle.
553	6/7/1993	Changing the zoning classification from Light Industry, Research and Development District (IRD) to Planned Residential Development District (PRD) on certain lands currently owned by Johnson Farm Associates and known as Stonebridge
554	6/7/1993	Changing the land uses within the Planned Residential District known as Stonebridge in accordance with terms and conditions dated March 22, 1988, and revised March 24, 1988, and entitled "Ferguson Crossing Planned Residential Development."
567	12/13/1993	Changing the zoning classification from Light Industry, Research and Development District (IRD) to Single-Family Residential District (R-1) on certain land currently identified as Centre County Uniform Parcel Identifier Nos. 24-476-35, 24-476-42 and 24-476-43.

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
583	3/21/1994	Changing the zoning classification from Single-Family Residential (R-1) to Planned Residential Development District (PRD) on certain land in the Township owned by G. Edward Co., Inc., and known as Teaberry Ridge.
584	3/21/1994	Changing land uses within the Planned Residential Development District on certain lands currently owned by G. Edwards Co., Inc. and known as Teaberry Ridge.
590	6/20/1994	Changing the zoning classification from Townhouse Residential District (R-3) to General Commercial (C) on certain lands owned by Galen Dreibelbis and Glenn O. Hawbaker.
592	6/20/1994	Changing the final plan, Phase I of Teaberry Ridge Planned Residential Development (PRD) to provide for the replot of Lot Nos. 28, 29, 30, 31, 32 and 33 into Lot Nos. 28R, 29R, 31R, 32 R and 33R.
596	10/7/1994	Changing the zoning classification from Industrial Research and Development (IRD) to Planned Residential Development (PRD) on certain lands owned by Johnson Farm Associates and known as "The Landings."
605	1/3/1995	Changing the Revised Plan for Lot No. 45 (Centre County Uniform Parcel Identifier No. 24-118-045) of Teaberry Ridge Planned Residential Development (PRD) to provide for the reduction of front yard setback requirements.
628	11/6/1995	Changing the Revised Tentative Master Plan for Lot Nos. 1 and 79, Teaberry Ridge PRD and currently reclassified as Planned Residential Development District (PRD) by defining the parking setbacks for Lot Nos. 1 and 79, if used for "alternate use lots," as shown on the Teaberry Ridge Planned Residential Development Master Plan and Narrative and the Final PRD plan Phases 2, 3A, 3C and 4.
632	11/20/1995	Changing the zoning classification from R-1 (Single-Family Residential) to C (Commercial) for certain property owned by James and Faye Watkins.

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
633	12/11/1995	Changing the zoning classification from R-R(Rural Residential) and IRD (Industrial Residential and Development) to PRD (Planned Residential Development District) on lands currently owned by Corl Farm, Inc., and known as Greenleaf Manor.
634	12/11/1995	Changing the land uses within the Planned Residential Development District (PRD) known as Greenleaf Manor in accordance with narrative for Greenleaf Manor Planned Residential Development dated March 1, 1995.
647	4/1/1996	Changing the land use within §7 of the Stonebridge Planned Residential Development in accordance with the first amendment to the terms and conditions adopted March 28, 1988.
667	2/18/1997	Changing the zoning classification from R-1 (Single-Family Residential) and RR (Rural Residential) to R-2 (Two Family Residential) for two areas of certain property located in the Township currently owned by Sheldon and Lois Corl.
676	7/7/1997	Changing the zoning classification from R1 (Single-Family Residential) to PRD (Planned Residential Development) of certain lands in the Township of Ferguson currently owned by S & A Custom Built Homes, Inc., and known as the Foxpointe PRD.
696	6/1/1998	Changing the zoning classification from R-2 (Two Family Residential) and RA (Rural Agricultural) to R-1 (Single-Family Residential) for two areas of property currently owned by Sheldon and Lois Corl.
724	4/5/1999	Changing the zoning classification from R-2 (Two Family Residential) to C (Commercial) for five separately specified areas of land presently owned by Unico Corporation, Theodore C. and Judith Trostle, Jack M. Krumrine and Daniel M. Poorman.
727	4/19/1999	Changing the zoning classification to Commercial ("C") of two separate areas of land presently zoned as RR as described as Wiker tract -- lot 2 and Stone Valley tract.
736, §1	9/7/1999	Changing the description of all lands depicted on the attached zoning map1 as Agricultural Research District.

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
749	3/6/2000	Changing the zoning classification from RA (Rural Agricultural) to C (Commercial) for an area located on the southwest corner of the intersection of West College Avenue (PA26) and the proposed Western Inner Loop in the Township of Ferguson and currently owned by the Pennsylvania State University.
753	5/15/2000	Changing the Zoning Classification from RA (Rural Agricultural) to C (Commercial) for all or portions of five parcels located on the northeast side of West College Avenue (PA26) in the Township of Ferguson and currently owned by George Isett (parcel 24-4-79D), Victor and Julia Schvenke (parcel 24-4-79H), Louis and Kathleen Berrena (parcel 24-4-79I), Gary Myers (parcel 24-4-79L) and Carlton and Karen Knowlton (parcel 24-4-79A).
774	5/2/2001	Changing the Zoning Classification from RA (Rural Agricultural) to C (Commercial) for 8.1 acres currently owned by Lee and Carol Shields (parcel 24-4-79R), Susan Shields (parcel 24-4-79U), Irven Mohnkern (parcel 24-4-79C), Robert and Sandra Leitzinger (parcels 24-4-79S and 24- 4-65),and Kenneth and Delores Sills (parcel 24-4-79B).
836	9/7/2004	Changing to R-4 Multi-Family Residential the zoning classification of a 26.3 acre tract of land along Whitehall Road that is owned by the Pennsylvania State University.
863	5/1/2006	Changing by reclassifying to Traditional Town Development (TTD) those certain tracts of land presently zoned Industrial (I) and Light Industry, Research and Development (IRD), comprising a total of 159.573 acres, that are owned by John Imbt and Carol Imbt Cooper.
885	6/18/2007	Changing by reclassifying to Traditional Town Development (TTD) that certain tract of land presently zoned Rural Agricultural (RA), comprising the total of 154.175 acres, that is owned by the Pennsylvania State University.
886	6/18/2007	Changing by reclassifying to Forest and Gamelands (FG) that certain tract of land presently zoned Rural Agricultural (RA) and Rural Residential (RR), comprising the total of 423 acres, that are owned by Clearwater Conservancy.

