

ORDINANCE NO. 1096

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING THE CODE OF ORDINANCES, CHAPTER 27, ZONING, SECTION 304 TERRACED STREETScape (TS) DISTRICT AND REPLACING IT WITH A NEW CHAPTER 27, ZONING, SECTION 304 WEST COLLEGE NEIGHBORHOOD DISTRICT.


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

Section 1 – Chapter 27, Zoning, Section 304 Terraced Streetscape (TS) District, is hereby repealed and replaced with a new Chapter 27, West College Neighborhood District, attached hereto as Exhibit “A”.

Section 2 -The foregoing Section 304 shall be effective immediately upon the date of the enactment of this ordinance.

Ordained and Enacted this 16th day of April, 2024.

TOWNSHIP OF FERGUSON

By: 
Lisa Strickland, Chair
Board of Supervisors

[SEAL]

ATTEST:

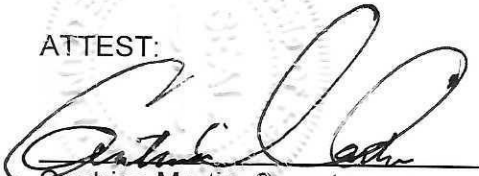

Centrice Martin, Secretary

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Ferguson Township

Chapter 27 | Section 304 West College Neighborhood District

§ 27-304 West College Neighborhood District.

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

1. Specific Intent. It is the intent of this district to encourage innovation and to promote flexibility, economy, and ingenuity in development within the West College Neighborhood District for the purpose of allowing for an increase in the permissible density or intensity of a particular use, based upon the standards, criteria and incentives set forth herein and in Chapter 22. The application of design standards and any permissible increases in density or mix of uses shall be dependent on the extent to which a project is consistent with and achieves the following design objectives and goals:
 - A. Establishes a pedestrian-oriented district that accommodates and encourages pedestrian and other multimodal travel alternatives by including sidewalks, greenways, and/or bike path linkages and does not promote vehicular travel.
 - B. Promotes development that creates shared parking facilities through the use of either surface parking lots or structured parking and decreases curb cuts by encouraging a "park once" approach to servicing retail and residential development.
 - C. Promotes viable public transit by developing at an appropriate density with attention to transit routes and by providing transit stops or hubs within the proposed district.
 - D. Provides opportunities to integrate age and income groups through the provision of a wide range of housing alternatives that are suitably mixed throughout the zoning district.
 - E. Promotes development that, through the use of distinctive architectural elements and citing criteria, creates community character.
 - F. Utilizes building height and mixed uses to achieve a more compact development footprint and efficient pattern of development while utilizing existing infrastructure.
 - G. Promotes development that creates and retains a human-scaled context.
 - H. Encourages energy efficiency, sustainable development, and green construction.
 - I. Allows for small-scale retail and entertainment uses that contribute to and enhance evening and weekend activity in the corridor.

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2. Use Regulations. A building may be erected, altered, or used and a lot may be used, or occupied, for any of the following purposes and no other:
 - A. Permitted principal uses, as well as the maximum square footage criteria as specified.
 - (1) Conversion of an existing single-family detached dwelling unit to a nonresidential use such as art studio, gallery, handicraft or photography studio, or professional office(s).
 - (2) Single family dwellings, only on streets other than West College Avenue.
 - (3) Playground, greenway, trail, square, commons, plaza, transit area, courtyard or public area, community gardens.
 - (4) Bed-and-breakfast.
 - (5) Farm market.
 - (6) Retail sale, service or rental of basic convenience commercial goods and services such as, but not limited to, books, flowers, antiques, gifts, jewelry, or music.
 - (7) Business or professional office.
 - (8) Vertical mixed-use building involving a combination of authorized uses.
 - (9) Brewery, cideries and craft distilleries (beverage production facilities).
 - (10) Community theater or playhouse.
 - (11) Nonprofit or civic service agency.
 - (12) Pharmacy.
 - (13) Health club.
 - (14) Bank or financial office.
 - (15) Eating and licensed drinking establishments.
 - (a) When an eating or drinking establishment is located in a building with a front yard deeper than 10 feet, a patio area with seating is required to serve the establishment within the building.
 - (16) Salon or spa.
 - (17) Medical/dental office.

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- (18) Veterinary/animal clinic.
 - (19) Structured parking when provided as part of or accessory to a proposed vertical mixed-use structure.
 - (20) Multifamily dwelling units (other than university housing) only if part of a vertical mixed-use structure; no more than three unrelated individuals may reside in each dwelling unit.
 - (21) Gallery, handicraft, art, or photography studio, professional office for accountant, architect, attorney or similar profession.
 - (22) Uses associated with private or public institutes of higher education; in this zoning district, these shall be limited to the following principal uses: classrooms, research facilities and labs; administrative and faculty offices, and residence halls for graduate and undergraduate student housing only when staffed, owned and operated by the university which the students attend.
 - (23) Municipally owned parking lots/garages.
 - (24) Private recreation areas.
- B. The permitted principal uses as set forth in the chapter are subject to the following:
- (1) Multifamily and/or mixed-use structures located on lots that have frontage on West College Avenue shall not be permitted to include dwelling units.
 - (2) Any mixed-use building not fronting on West College Avenue must dedicate a minimum of 50% of the first floor square footage of the building to nonresidential uses as permitted.
- C. Permitted accessory uses
- (1) No-impact home-based businesses shall be permitted in accordance with **§27-733**.
- D. Conditional Uses. All of the following conditional uses shall be permitted upon approval by the Board of Supervisors:
- (1) Any use not specifically permitted within the West College Neighborhood District that is deemed to be an acceptable use due to its consistency with the stated intent of the district, and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.
 - (2) Any use not specifically excluded in **§27-304**, Subsection 2F, that would be deemed to

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be an acceptable use within the West College Neighborhood District and is consistent with the stated intent of the district and the application of appropriate design criteria as determined by the Board of Supervisors through the conditional use approval process.

- (3) Conference center subject to the following criteria:
 - (a) All parking must be provided in an on- or off-site below ground parking structure unless a municipally-owned parking lot/garage is available
 - (b) The building must adhere to the design requirements in Chapter **22** and must have lot frontage on West College Avenue.
 - (c) The center may include eating and sleeping accommodations if incorporated in a manner that is consistent with the intent of the district.
- (4) Uses accessory to permitted principal uses, subject to the following criteria:
 - (a) The proposed accessory use is associated with a use specifically permitted in the district.
 - 1) The proposed accessory use is complementary to the specific intent of the West College Neighborhood District and the West College Avenue streetscape.
 - 2) Conformance with the criteria found in §**27-207**.
- (5) Structured municipally-owned parking as a stand-alone structure subject to the following criteria:
 - (a) Conformance to the design requirements as stipulated in **Chapter 22-5A12**.
- (6) Hotels subject to the following criteria:
 - (a) Shall be located a minimum of 300 feet from any property line adjoining a residential district or use.
 - (b) Shall be limited to a maximum building footprint of 20,000 square feet.
 - (c) Must comply with Chapter **4 Part 1**.
 - (d) Dumpsters shall be enclosed by a wall or solid fence at least six feet in height.
 - (e) Rooftop mechanicals must be screened from view.

E. Prohibited Uses. Only those uses specifically identified above or found to be

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consistent with the intent of the district are permitted in the West College Neighborhood District. The following represent some, but not all, of the uses that are specifically prohibited in the West College Neighborhood District:

- (1) Convenience stores with fuel pumps.
 - (2) Vehicle garages and repair shops.
 - (3) Adult entertainment.
 - (4) Equipment rental.
 - (5) Motor vehicle display, repair, and sales.
 - (6) Car wash.
 - (7) Motels.
 - (8) Drive-through.
- F. The following development types in the West College Neighborhood District is subject to the design standards found in Chapter **22**.
- (1) All new development
 - (2) Building expansion if it meets the following criteria:
 - (a) The building coverage will be increased by more than 10%.
 - (b) The impervious coverage will be increased by more than 10%.
 - (c) The expansion is increasing parking requirements.
 - (d) The stormwater management controls are changing.
 - (e) Motor vehicle access to the property is being changed by more than 50% of its width.
 - (f) The location for the construction of proposed structures from an approved plan will be changed by more than 10% of the ground floor area.
 - (3) Building alterations if it meets the following criteria:
 - (a) The building coverage will be increased by more than 50%.

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- (b) The impervious coverage will be increased by more than 50%.
 - (c) The expansion is increasing parking requirements.
 - (d) The stormwater management controls are changing.
 - (e) Motor vehicle access to the property is being changed by more than 50% of its width.
 - (f) The location for the construction of proposed structures from an approved plan will be changed by more than 50% of the ground floor area.
3. Height, Area and Bulk Regulations. The following regulations shall be observed for all permitted principal uses:
- A. Maximum Height.
 - (1) All buildings within the district shall have a maximum height of 35 feet.
 - (2) Any structure that will be located on a lot that involves an intersection with West College Avenue must address both frontages (no blank walls) and be a maximum of 45 feet in height.
 - (a) A street wall at least two stories or 30 feet in height (whichever is greater) shall be maintained for a minimum of 65% of the length of the lot frontage through placement of the principal structure or extension of its facade with an appropriate architectural element.
 - B. Maximum Building Size
 - (1) Buildings within the West College Neighborhood District cannot exceed 20,000 square feet in floor area per lot.
 - C. Minimum Lot Size.
 - (1) Development may only occur on lots greater than 4,500 square feet.
 - D. Minimum Floor Area.
 - (1) Residential and mixed-use developments shall have a minimum density of 10 dwelling units per acre.
 - (2) Non-residential development shall have a minimum floor area ratio (FAR) of 1.0.

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E. Yard Regulations.

(1) Front Yard.

- (a) For lots with frontage on West College Avenue, the following front yard setbacks shall apply:
 - 1) There shall be no required minimum front yard setback. Buildings may be located up to the required sidewalk line.
 - 2) There shall be a maximum of a 20-foot front yard. This area is subject to all front yard requirements as specified in the design regulations of Chapter **22** or an officially adopted streetscape plan for the Township.
 - 3) Sidewalks shall be 12 feet deep from the back edge of the curb on West College Avenue, and a minimum of five feet deep from the back edge of the curb on all side streets and cross streets of West College Avenue. This area is subject to all sidewalk and streetscape requirements as specified in the design regulations of Chapter **22** or officially adopted streetscape plan for the Township. A standard five-foot sidewalk shall be installed for the length of any portion of a lot that abuts an existing alley.
 - 4) Building frontages along streets shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances, or other articulation so as to provide pedestrian scale to the first floor.
- (b) For all other lots fronting roads other than West College Avenue, maximum 20' front yard setback.
 - 1) When a front yard is provided, it must follow the same front yard regulations in Chapter **22** as properties on West College Avenue, except that streetscape elements (such as benches and street trees) must be provided in the front yard.

(2) Side Yard.

- (a) Along West College Avenue no side yard will be required except in the circumstances set forth below.
 - 1) A 20-foot side yard shall be required for all uses listed in **27-304 §2A (6)** through **(24)** and all conditional uses, if adjacent to an existing single family residential use or lot.

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(b) Along all other streets, a side yard of 10 feet will be applicable except in the circumstances set forth below:

- 1) When the side yard is adjacent to a structured parking facility, there will be no side yard setback required and new buildings may be constructed with a zero lot line.
- 2) When the side yard abuts an alley which coincides with the district boundary, this side yard shall be established as a rear yard consistent with the provisions for a rear yard as indicated in Subsection (3) below.
- 3) When the side of a building will have frontage on a cross street, this shall be considered a front yard and will be subject to the setback and design requirements as set forth above. However, the depth of sidewalk from back of curb may be maintained at five feet along the cross street.

(3) Rear Yard.

- (a) On each lot there shall be a rear yard, the depth of which shall be five feet. However, if the rear yard is adjacent to a property with a single-family residential dwelling unit, or a property outside of the West College Neighborhood District, a twelve-foot landscaped buffer, in accordance with **Chapter 22, §5A09-3**, shall be provided at the property line and shall constitute the required setback. Surface parking may not encroach within the required setback.
- (b) If the rear yard of a lot abuts an alley, whether in or out of the district, a five-foot concrete sidewalk shall be provided along the entire length of the property adjacent to the alley. Buildings may directly abut this sidewalk. If the alley coincides with the district boundary, the twelve-foot landscaped buffer required above shall be provided in addition to the five-foot sidewalk, establishing a total seventeen-foot setback.

(4) Building Separation.

- (a) All buildings built on a zero lot line shall be independent and no structural wall may be shared by buildings on adjacent lots. Buildings on the same lot may be connected by enclosed walkways or covered walks.

F. Impervious Lot Coverage.

- (1) All lots will be allowed 75% impervious coverage, up to a maximum of 95% for each lot by way of the incentives set forth at Subsection H below.

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G. Impervious Coverage Incentives. In no event shall the maximum total impervious coverage, with any of the incentives provided for within this section, exceed 95% of the site as measured within all existing or proposed lot lines.

- (1) If a green roof or roof garden(s) covering a minimum of 60% of the roof is provided on the structure(s) on the lot, an additional 10% coverage is permitted.
- (2) If an approved pervious parking surface is provided for a least 50% of the required on-site parking, an additional 10% coverage is permitted.
- (3) If the proposal is for vertical expansion of an existing use, an additional 10% coverage is permitted.
- (4) If the proposal is to add upper floor office or residential units to create a mixed-use structure out of an existing single-use building, an additional 10% coverage is permitted.
- (5) If the entire roof is a cool roof that reduces cooling loads, an additional 5% coverage is permitted.
- (6) If the proposal is to undo a previous conversion of a single-family dwelling from apartments back into a single-family dwelling an additional 10% coverage is permitted.

H. Parking Requirements. The regulations set forth herein are intended to apply within the West College Neighborhood District and may differ from the provisions of Chapter 22.

- (1) Off-street parking shall be provided and maintained in accordance with the provisions of **Chapter 22 §5C01**, unless modified herein.
- (2) Parking may be provided through the use of on-site, off-site, and remote or structured parking, or any combination thereof.
 - (a) Off-site parking must be located within two blocks or ¼ mile of the main building entrance. If the off-site spaces are not in a publicly owned and operated parking structure, documentation of the reservation of such spaces, for each use, must be provided in the form of a shared parking agreement.
 - (b) A designated walking path must be provided between the off-site parking and the main building entrance. The walking path must utilize

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designated cross walks when crossing West College Avenue.

- (3) When an on-site surface parking area is proposed, it shall not be located in the front yard.
 - (a) Vehicular access shall not be permitted onto West College Avenue except if the lot has no other street or alley access.
 - (b) For lots with frontage on West College Avenue that do not have access to another street or alley, only one curb cut, not to exceed 24 feet, is permitted every 75 feet of lot frontage.
 - (c) When surface parking is located to the side of a structure, it may not encroach into the front yard, except for vehicular access. In addition to the front yard requirements of Chapter **22 §A09 (1D)**, all surface parking lots with frontage on West College Avenue shall be required to include a low architectural wall, masonry piers, fencing, or a combination thereof, and a continuous four-foot high (at time of planting) shrub hedge that screens the parking and defines the sidewalk edge. Additional deciduous and evergreen trees may be used to supplement the required plantings.
 - (d) Surface parking located to the side of a structure may not extend to a side street. The corner lots are subject to the use and yard requirements as stipulated above.
- (4) Every nonresidential use with a floor area of 10,000 square feet or more must provide a loading/unloading area. Curbside deliveries are permitted so long as they do not block travel lanes.
- (5) All uses shall provide bicycle parking accommodations on site. See Chapter **22 §5C02**.
- (6) All egress from a parking area shall be designed so that motor vehicles leaving the parking area will enter the public street traveling in a forward direction.
- (7) All surface parking lots must provide a five-foot planting buffer between the parking lot and any side or rear lot line. Additional parking lot regulations may be found in Chapter **22 §5A**.
- (8) Surface parking space dimensions shall be in accordance with the provisions of Chapter **22 §5C01**.

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4. Final Plan.

- (1) Review and approval of the final plan shall proceed as outlined in the Subdivision and Land Development Ordinance, Chapter **22**, §**304**, including review by the Township Planning Commission, review by the Centre County Planning Commission or its designee, and review by the Board of Supervisors. Rendered architectural elevation and perspective drawings providing a clear representation of the relationship of the proposed development to the site and its visual impact on adjacent properties and a narrative clarifying and illustrating the significance of the applicant's proposed design must also be submitted with the final plan.
- (2) In addition to addressing all of the requirements of Chapter **22**, §**401** through §**403**, the final plan submission shall address criteria in Chapter **22**, §**5A**