

Chapter 22

Subdivision and Land Development

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Part 1

General Provisions

§22-101. Short Title.

This Chapter shall be known, and may be cited, as the "Township of Ferguson Subdivision and Land Development Regulations."

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

§22-102. Authority.

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, "The Pennsylvania Municipalities Planning Code."

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

§22-103. Purpose.

This Chapter is enacted for the following purposes:

A. To protect and provide for the health, safety, and general welfare of the municipality.

B. To guide the future growth and development of the municipality in accordance with the Comprehensive Plan.

C. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial layout and development of the municipality; to establish reasonable procedures for subdivision review; and, to insure proper legal descriptions and monumenting of subdivided land.

D. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, fire protection, and other public requirements and facilities; to provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and design of streets; to insure that public facilities and easements are available and will have a sufficient capacity to serve the proposed subdivision or land development.

F. To minimize pollution of streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and

management of natural resources.

(Ord. 374, 1/10/1989)

§22-104. Establishment of Controls.

In their interpretation and application, the regulations set by this Chapter shall be held to be the minimum requirements adopted for the promotion of the purposes of this Chapter.

A. *Types of Control.* This Chapter contains regulations governing the following: submission procedures for the review and disposition of subdivision and land development plans; graphic and written information to be contained on, or filed with, such plans; and, regulations governing the design and installation of required improvements, the layout and arrangement of lots and blocks, the reservation of land for public use, and methods of handling storm drainage and erosion and sedimentation.

B. *New Subdivisions and Land Developments.* No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.

This Chapter shall apply to all plans submitted for initial approval of a subdivision or land development after the date of enactment of this Chapter.

C. *Existing Subdivisions and Land Developments.*

(1) Any preliminary plan approved within 5 years prior to the date of enactment of this Chapter shall be entitled to final plan approval, within 5 years of the date of approval of the said preliminary plan, according to the terms of said plan.

(2) Any plan submitted for preliminary plan approval prior to the date of enactment of this Chapter shall be reviewed under the terms of Resolution March 8, 1965 as amended.

(3) This Chapter shall apply to any subdivision or land development which occurred without obtaining approval required under this or previous subdivision ordinances of this municipality.

(4) The provisions of this Chapter governing the design and installation of improvements shall apply to any unbuilt portion of a subdivision or land development for which a preliminary or final plan was approved more than 5 years prior to the date of the enactment of this Chapter. Where final plan approval was preceded by preliminary plan approval, the 5 year period shall be counted from the date of the preliminary plan approval.

D. *Relationship With Other Restrictions.*

(1) 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, except that:

(2) For any development governed by *Ord. 224*, "The Township of Ferguson Planned Residential Development Ordinance," where a provision of this Chapter conflicts with a provision or provisions of *Ord. 224*, the provisions(s) of *Ord. 224* shall control.

5. *Exceptions.* This Chapter shall not apply to any subdivision or land development exempted by the Pennsylvania Municipalities Planning Code or other laws of the Commonwealth of Pennsylvania, or to the design and installation of improvements for developments governed by *Ord. 46*, "The Township of Ferguson Mobile Home Park Ordinance," or to property owned by the Township of Ferguson.

(*Ord. 374*, 1/10/1989)

§22-105. Modifications.

An applicant may request the Board of Supervisors to grant a modification of the requirements of one or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions to the land in question; provided, that such modification will not be contrary to the public interest and that the purpose of the intent of this Chapter is observed. All requests for modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter for which modification is requested and a description of the minimum modification necessary.

(*Ord. 374*, 1/10/1989; as added by *Ord. 402*, 9/12/1989, §1)

Part 2

Definitions

§22-201. 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. Refer also to Zoning Ordinance [Chapter 27] for definitions. [Ord. 820] (Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003)

§22-202. Definitions.

Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

Acreage of Property - the area contained within the perimeter boundary of a lot.

Amendment - any change or revision of the text of this Chapter. [Ord. 820]

Applicant - a subdivider, landowner, or developer, as hereinafter defined, who has filed an "Application for Subdivision or Land Development," including his heirs, successors, and assigns. [Ord. 820]

Average Daily Traffic (ADT) - Average Daily Traffic is the total volume during a given time period (in whole days greater than 1 day and less than 1 year) divided by the number of days in that time period. For new residential streets and driveways, the expected ADT is determined by using the Trip Generation Rates table found in the current ITE Trip Generation Manual. [Ord. 820]

Bikeway - any road, path, or way which in some manner is specifically

designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Block - an area bounded by streets and usually divided into lots.

Board of Supervisors - the governing body of the Township of Ferguson, Centre County, Pennsylvania. [Ord. 820]

Boulevard Type Entrance - any entrance with two distinct travel lanes which are separated by a median which is a minimum of 10 feet wide. [Ord. 834]

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.

Community Sewage Systems - any system for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site other than a Public Sanitary Sewer System.

Community Water System - any public or private water system that serves more than 15 homes or 25 residents. [Ord. 834]

Comprehensive Plan - the Ferguson Township Comprehensive Plan, as amended.

County - the County of Centre, Commonwealth of Pennsylvania.

Cul-de-sac - any roadway with a single means of entry and exit. The cul-de-sac has two parts: the stem and turnaround. The cul-de-sac is measured from the end of the turnaround to the point where the stem intersects with a roadway that has two means of entry and exit. [Ord. 834]

Curb Return - a curved curb connecting the tangents of two intersecting curbs of streets or driveways. [Ord. 820]

Cut - the difference between a point on the original ground and designated point of lower elevation on the final grade; an excavation.

Dedication - the conveyance of land or objects to some public use, made by the owner, and accepted for such use by or on behalf of the public by a municipality, school district, or public authority. The Township may or may not accept the offer of dedication.

Developer - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development - any subdivision or land development activity as defined by the Pennsylvania Municipalities Planning Code. [Ord. 834]

Direct Access - a method or route to gain access to a public street. Lots must

about the right-of-way of a public street, or have access to a public street via private street(s) that meet the criteria for subdivision on a private street. [Ord. 640]

Driveway - a vehicular accessway from a street into a lot. [Ord. 820]

Easement - a right to the limited use over land of another for public, quasi-public or private purposes.

Elevation - height, in feet, of a point on the ground above sea level.

Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

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. [Ord. 820]

Excavation - an act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed.

Fill - any act by which earth, sand, gravel, rock or any other similar material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface; the difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade; the material used to make fill.

Financial Security - cash or irrevocable letters of credit and restrictive or escrow accounts in a lending institution which is Federally or Commonwealth chartered, used for the purpose of guaranteeing the expense of completion of improvements for a plan or a plat, or a bond with a bonding company acceptable to the Township.

Fire Apparatus Access Road - a road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as "fire lane," "public street," "private street," "parking lot lane" and "access roadway." [Ord. 834]

Fire Chief - the chief of the Alpha Fire Company or a duly authorized representative. [Ord. 834]

Fire Department Connection - any hose connection utilized by the fire department to supply water to a built-in fire protection system. [Ord. 834]

Fire Flow - the flow rate of a water supply, measured at 20 pounds per square inch (psi) residual pressure that is available for firefighting. [Ord. 834]

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. 820]

Governing Body - the Board of Supervisors, Centre County, Commonwealth

of Pennsylvania. [Ord. 820]

Grade - the slope of ground, street, or other public way, specified in percentage of change in elevation per horizontal distance; the act of altering the topography of undisturbed land.

Improvements - any physical addition or installation or construction required by the Township to render land suitable for the use intended, and including but not limited to streets, curbs and gutters, sidewalks, street signs and lights, walkways, sewer and water facilities, monuments and markers, shade trees, grading, and stormwater drainage facilities.

Land Development - any of the following activities: (1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land; or (3) development in accordance with §503(1.1) of the Municipalities Planning Code, as amended. [Ord. 402]

Licensed Engineer/Land Surveyor - licensed professional engineer or land surveyor registered by the Commonwealth of Pennsylvania.

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. 402]

Lot Area - the area contained within the lot lines of a single lot, excluding space within all public streets and platted streets, but including the area contained in any easement, and generally expressed in terms of acres or square feet.

Lot Consolidation - the act of joining two or more contiguous lots, held in the same ownership, previously separated by subdivision into a single lot or tract of land by elimination of the common boundaries of such lots.

Double or Reverse Frontage Lot - a lot with front and rear street frontage; a lot extending between, and having frontage on, an arterial and minor street.

Lot Line - a line generally established by metes and bounds, which, when combined with other lot lines, delineates a lot; a boundary line of a lot; includes property line. [Ord. 820]

Municipal - of or for the Township of Ferguson, unless specifically in reference to another municipality.

Master Plan - a plan for future development of a park prepared by a consultant selected by the Township. The master plan will identify the amenities that will be installed by the developer and/or the Township. A master plan is typically developed with input from surrounding residents. [Ord. 839]

NFPA - National Fire Protection Association. This organization is a national association established for the purpose of proposing standards that reduce the opportunity for injury or death from fire. [Ord. 834]

North Point - an arrow on a plan depicting true north.

Official Map - the map established by the Township of Ferguson pursuant to a resolution.

Open Space - a parcel or parcels of land incorporated within a subdivision that is used for passive and unorganized play areas, and is owned by the homeowners association. This land may include floodplain, wetlands, steep slopes, stormwater basins and drainage areas. The land set aside as open space may not be used towards calculating the parkland requirements of the subdivision. [Ord. 839]

Owner - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the owner, or other persons having a proprietary interest in the land, shall be deemed to be an owner for the purposes of this Chapter; landowner.

Parcel - (see Lot)

Parking: On-Lot - the number of parking spaces required by the municipal zoning ordinance to be provided off-street for each dwelling unit. These spaces are intended to serve the normal daily parking needs of the dwelling unit occupants.

Parking: Spillover - the number of parking spaces necessary in addition to those required by this Section to provide for service vehicles and visitors. In calculating the number of spaces required, whether provided on-lot, on-street, or in common parking areas, the number of spaces to be provided in the specific location shall be rounded up to the nearest whole space.

Parks or Parkland - a parcel or parcels of land designed and intended for the use or enjoyment of the residents of a subdivision or nearby residential areas, and such land must be dedicated to the Township for use as a park. Such land may not include wetlands, steep slopes, stormwater detention basins or drainage areas. Floodplain may only be included when authorized by the Board of Supervisors. [Ord. 839]

Plan (Final) - the complete and exact subdivision plan prepared for official recording and as required by this Chapter.

Plan (Preliminary) - a general development plan prepared in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan.

Plan (Record) - a final plan prepared for recording.

Planning Commission - the Ferguson Township Planning Commission, Township of Ferguson, Centre County, Pennsylvania. [Ord. 820]

Perimeter Boundary - see "Lot Line."

Private Street - a street which existed prior to January 10, 1989, which was not offered or accepted for dedication to public use. [Ord. 640]

Public Sanitary Sewer System - a system for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste at a site owned, leased or managed by a municipality or an authority.

Right-of-way - a corridor of land set aside for use, in whole or in part, by a street or other public purpose.

Runoff - that part of precipitation which flows over the land.

Sedimentation - the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity.

Seed - to plant an area of ground with grass or similar vegetative ground cover.

Setback or Building Line - the line within a lot defining the required minimum setback distance between any structure and the adjacent street line.

Sight Distance - the length of cartway visible to the driver of a motor vehicle at any given point in the cartway when the view is unobstructed by traffic.

Slope - the angle of the surface of the land to the plane of the horizon.

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. [Ord. 820]

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 places the most emphasis on access to abutting properties. The street shall be designed to carry an ADT volume less than 2000. 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. [Ord. 820]

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 3000 ADT. [Ord. 820]

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. 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. [Ord. 820]

Urban Arterial Street - 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. [Ord. 820]

Rural Arterial Street - identified as streets with trip length and density suitable for substantial statewide or interstate travel. Rural Arterial Streets are those that provide linkage of cities, towns, and other traffic generators that are capable of attracting travel over similarly long distances.

Streets Classification Map - a map, adopted by resolution of the governing body of the municipality, classifying existing streets with the municipality.

Subdivider - same as "developer."

Subdivision - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agriculture purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. And, further provided, however, that in an area zoned General Commercial, the lease of land at a ratio of 1 acre or less within every 10 acres of a lot with multiple uses which has been approved as a shopping center, as defined in the shopping center definition found in the Sign Ordinance, [Chapter 19] shall be exempted. Illustrative example: 34 acre lot would result in not more than three leased land area of not more than 1 acre each to be exempt from this definition. [Ord. 558]

Township - the Township of Ferguson, Centre County, Commonwealth of Pennsylvania. [Ord. 820]

Tract - (see Lot)

True to Variety - a guarantee from a nursery that each shade tree ordered is healthy and true to name.

Walkway - a right-of-way intended to furnish access across a block from one street to another.

(Ord. 374, 1/10/1989; as amended by Ord. 376, 1/10/1989, §2; by Ord. 402, 9/12/1989, §2; by Ord. 558, 6/7/1993, §1; by Ord. 640, 1/2/1996, §3; by Ord. 820, 12/8/2003; by Ord. 834, 6/21/2004, §1; and by Ord. 839, 11/15/2004, §1)

Part 3

Plan Review Procedures

§22-301. General.

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

(*Ord. 374*, 1/10/1989; as amended by *Ord. 402*, 9/12/1989, §3)

§22-302. Preapplication Conference.

1. A potential applicant for subdivision or land development, all or part of which is situate in the Township, may request a conference with the Planning Commission for the purpose of discussing or reviewing such proposed subdivision or land development.

2. The preapplication conference is strongly urged but shall not be mandatory and shall not be regarded as formal application for subdivision or land development. The filing of any report, sketch plan, plat, or map prior to or at such conference shall not constitute submission of a plan or application for land development or subdivision.

3. Any report, sketch plan, plat, or map to be considered by the Planning Commission at such conference shall be provided by the potential applicant in ten copies and the Township Department of Planning and Zoning shall distribute a copy of the same to the Township Planning Commission and the Centre Regional Planning Commission for informational purposes only. [*Ord. 820*]

4. The Planning Commission may, at its sole discretion, make, or refuse to make, recommendations as the result of the pre-application conference. Any recommendations made by the Planning Commission at or in response to the pre-application conference shall not be binding upon the Planning Commission in its review of the plan after formal application.

(*Ord. 374*, 1/10/1989; as amended by *Ord. 820*, 12/8/2003)

§22-303. Review of the Preliminary Plan.

All applications for approval of subdivision and land development plans shall commence with the official submission of a plan and all required supplementary data to the Township Department of Planning and Zoning. All applications for preliminary review of a plan shall be acted upon by the Township within such time limits as established in this Chapter, provided that the Board of Supervisors shall render its

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, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the thirtieth day following the day the application was filed. At any time during the review process the applicant may substitute an amended plan for that originally submitted solely for the purpose of correcting the original plan to the extent necessary to meet the requirements of this Chapter. In the event that an amended plan is submitted to the Township prior to conditional approval 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 to the Township. [Ord. 820]

A. A plan shall be deemed to have been submitted for preliminary review when the applicant has furnished to the Township Department of Planning and Zoning the following documents: [Ord. 820]

(1) One copy of a completed "Application for Subdivision or Land Development," plus payment of all application and escrow fees. [Ord. 820]

(2) Ten black (or blue) on white prints of the plan which shall fully comply with Part 3, §301, and Part 4 of these regulations. [Ord. 743]

(3) A copy of the completed "Planning Module for Land Development" as required by the Pa. Department of Environmental Protection; if an on-site sewage facility is planned, soil log and percolation test data shall be included for each lot; and one fully completed copy of the "Subdivision Sewage Disposal Report." [Ord. 820]

(4) Two prints of the required street cross-section drawings and street profiles. [Ord. 820]

(5) Two copies of all other information and plans required by this Chapter but not included on the documents listed above.

B. Upon receipt of the above, the Township Department of Planning and Zoning shall forward immediately one copy of the plan to: the Township Solicitor; Centre Regional, and Centre County Planning Commissions; the Township Engineer; and, the Alpha Fire Company Chief. Written comments shall be received by the Reviewing Agencies and delivered to the Township at least 14 days prior to the plan being received by the Planning Commission. [Ord. 820]

C. *Review by the Township Planning Commission.*

(1) At their next regular meeting, provided such application was made at least 28 days prior to the meeting, or at a special meeting called for that purpose after receipt of the plan, the Planning Commission may review the plan to determine its conformance to the provisions contained in these regulations. [Ord. 489]

(2) The Planning Commission shall notify the Board of Supervisors in writing of any recommended action, changes, or modifications to the plan after such decision is made, provided that the Planning Commission shall make

such recommendations within 45 days after the beginning of the 90-day review period stipulated above. If review by the Township Planning Commission results in an unfavorable recommendation because the requirements of this Chapter have not been met, notification to the Board of Supervisors should specify the defects found in the plan and describe the requirements which have not been met, and should cite the provisions of this Chapter from which such defects or requirements originate.

D. *Review by the County Planning Commission or its Designee.* A copy of the plan shall be forwarded to the Centre County Planning Commission for review. The County Planning Commission or its designated agent may review the plan to determine its conformance to the provisions contained in these regulations. The Board of Supervisors shall take no official action on such application until the County report is received or until expiration of 45 days from the date the plan was forwarded to the County, whichever comes first. [Ord. 820]

E. *Review by the Board of Supervisors.*

(1) Upon receipt of the recommendations of the Planning Commission or upon expiration of 45 days from the beginning of the 90-day review period stipulated above, whichever comes first, the plan shall be placed upon the agenda of the Board of Supervisors for review at their next regularly scheduled public meeting or, at the Board of Supervisors discretion, at a special public meeting to be held for the purpose.

(2) The Board of Supervisors shall review the plan and the written reports thereon of the Township Planning Commission and the Centre County Planning Commission or its designee to determine if the plan meets the provisions contained in these regulations. Before acting on any plan, the Board of Supervisors may hold a public hearing thereon after public notice. Prior to final review of a plan for which offsite sewer or water service is proposed, the Board of Supervisors may require, as condition of preliminary approval, that the applicant furnish written confirmation from the appropriate bodies that such service is and will be made available to the site under review.

(3) The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

(a) If the plan receives preliminary approval by the Board of Supervisors and all fees are paid, the action of the Board of Supervisors shall be noted, together with the date of action and signature of the Chairman and Secretary, on two copies of the plan. One copy of the plan shall be given to the applicant, while the other copy shall be retained in the Township files. After the signatures are obtained, the applicant may immediately begin to lay out all lots, parcels, blocks, easements, and rights-of-way, and construct all streets, sanitary sewage disposal systems, water supply systems, storm drainage facilities, and monuments in accordance with the approved plan, but no parcel or lot may be conveyed or recorded until after final approval of the plan.

(b) If the plan is not approved, the decision shall specify the defects found in the plan and describe the requirements which have not been met and shall, in each case, cite the provisions of this Chapter from which such defects or requirements originate.

(c) Within 45 days after the issuance of the decision, the applicant may submit a corrected plan for review by the Board of Supervisors. If submitted, the Board of Supervisors shall consider the plan at a regularly scheduled meeting or at a special meeting held within 45 days after resubmission. A plan resubmitted under this section need not be sent to any Planning Commission prior to consideration by the Board of Supervisors.

(i) If the plan as resubmitted corrects all the defects cited in the denial, the Board of Supervisors shall approve the corrected plan.

(ii) If changes are made by the applicant which were not cited as defects in the plan by the Board of Supervisors in their decision disapproving the plan, such plan may be considered as a new plan and must be submitted for approval in accordance with §22-303 of this Part.

(4) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the plan in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

(5) The Board of Supervisors may grant preliminary approval of a plan with or without conditions. If the Board of Supervisors desires to attach conditions to the plan, it shall include the conditions in the motion of acceptance and include a period of time of not more than 10 days within which the applicant can 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 applicant's 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 conditions imposed by the Board of Supervisors shall be delivered in writing to the applicant, at its address given with the preliminary plan, by first-class mail, postage prepaid, within 4 days of the vote on the plan by the Board of Supervisors if the applicant does not accept all of the conditions attached to the plan by the Board of Supervisors. [*Ord. 402*]

(*Ord. 374, 1/10/1989; as amended by Ord. 402, 9/12/1989, §4; by Ord. 489, 6/3/1991, §1; by Ord. 743, 10/18/1999, §1; and by Ord. 820, 12/8/2003*)

§22-304. Review of the Final Plan.

1. A plan shall be officially submitted to the Township Department of Planning and Zoning for final Township review after all improvements indicated on the plan receiving preliminary approval have been installed or, in lieu of the completion of the improvements, after deposit with the Township of a corporate bond or other security acceptable to the Board of Supervisors in accordance with Subsection 2 below. All plans which have received preliminary approval shall be entitled to final approval in accordance with the terms of the approved preliminary application for a period of 5 years from the date of the preliminary approval. [*Ord. 820*]

2. All applications for final approval of a plan shall be acted upon by the Township within such time limits as established in this Chapter, provided that the Board of Supervisors shall render its 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 after a final order of court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90-day period shall be measured from the thirtieth day following the day the application was filed. The plan shall conform to that which received preliminary approval by the Board of Supervisors, including all conditions and modifications attached thereto. [*Ord. 820*]

A. In the case where subdivision and land development is projected over a period of years, the Board of Supervisors may authorize final review of the plan by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section or stage of development. In each such case, prior to preliminary approval of the plan, the Board of Supervisors and the developer shall enter into a written agreement specifying the sequence of development of sections or stages, the maximum time permitted the developer for final submission of the plan for each subsection, and any other such requirements or guarantees as are applicable to that particular development. Where development is permitted in stages, all improvements installed subsequent to the third anniversary of preliminary approval of the plan shall conform to standards for such improvements in effect at the time of installation of the same.

B. Final official submission of the plan to the Board of Supervisors shall consist of ten black (or blue) on white prints of the plan, which shall fully comply with §22-302 of these regulations and the conditions for which the plan received preliminary approval, plus financial surety specified in subsection .4, below, all offers of dedication and deeds of easements to the Township and all other required documents. [*Ord. 743*]

3. *Review by the Board of Supervisors.*

A. Upon receipt of the material listed in subsection .2.B, the Township Department of Planning and Zoning shall forward one copy of the plan to: the Township Solicitor; the Centre Regional and Centre County Planning Commissions; the Township Engineer; and, the Alpha Fire Company Chief. [*Ord. 820*]

B. The final review of the plan shall be conducted by the Board of Supervisors in the same manner as prescribed for preliminary review of the plan specified in §22-303.E, except that final review shall be limited to determining if (1) the plan conforms to the plan which received preliminary approval, including all conditions and modifications required by the Board of Supervisors and (2) the requirements for final plan review as listed under Part 3, §22-302 of this Chapter have been met.

C. As a condition of approval, 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 the preliminary approval of the plan.

If the applicant has completed all of the required improvements, he shall notify the Board of Supervisors in writing, by certified or registered mail, of the completion of the improvements and shall send a copy thereof to the municipal Engineer. The Board of Supervisors hereby directs and authorizes the municipal Engineer to make a final inspection of all the aforesaid improvements after receipt of such notice. The municipal Engineer shall, file a written report with the Board of Supervisors and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the municipal Engineer of the aforesaid authorization from the Board of Supervisors. The report shall be detailed and shall indicate approval or rejection of said improvement, either in whole or in part, and if the improvements or any portion thereof shall not be approved or shall be rejected by the municipal Engineer, the report shall contain a statement of the reasons for such nonapproval or rejection. For subdivisions and land developments served by off-site sewer and water service, the Engineer shall coordinate his review with that of the appropriate authorities and/or companies providing such service to insure that the provisions of this Chapter are met. [Ord. 820]

(1) The Board of Supervisors shall notify the applicant in writing by certified or registered mail of action taken with relation to the improvements.

(2) If the Board of Supervisors or the municipal Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

(3) If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

4. *Corporate Bonds and Maintenance Guarantees.*

A. In lieu of the completion of any improvements required as a condition for final approval of the plan, the Board of Supervisors shall require deposit of a corporate bond or other form of financial security, prior to approval of the plan, in an amount sufficient to cover the costs of any improvements which may be

required. Such financial security may include, among others, a lending institution letter of credit or a restrictive or 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 preliminary 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 determination of cost of the improvements 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.

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. [*Ord. 402*]

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 in subsection .C, 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.

5. *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. [Ord. 402]

6. *Conditions to Final Approval of a Plan.* The Board of Supervisors may grant final approval of a 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 and include a period of time of not more than 10 days within which the applicant can 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 accepts all of the conditions imposed by the Board of Supervisors, these conditions shall be satisfied within 45 days of the vote on the plan by the Board of Supervisors. In the event that the applicant rejects any or all of the conditions or does not respond or notify the Board of Supervisors of applicant's 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 conditions imposed by the Board of Supervisors shall be delivered in writing to the applicant, at its address given with the final plan, by first-class mail, postage prepaid, within 4 days of the vote on the plan by the Board of Supervisors. 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 or does not satisfy all of the conditions within 45 days of the vote on the plan by the Board of Supervisors. [Ord. 887]

7. Prior to receiving final signature, all subdivision and land development plans must be submitted to the Township in digital format. The data shall be in a format readily compatible (i.e., without conversion) with the Township's Geographical Information System (GIS) software and shall provide a true and complete display of the subdivision or land development plan, in correct geographic location, configured in appropriate layers. The specific requirements for submission are outlined in a resolution adopted by the Board of Supervisors. [Ord. 820]

(Ord. 374, 1/10/1989; as amended by Ord. 402, 9/11/1989, §§5, 6, 7; by Ord. 743, 10/18/1999, §2; by Ord. 820, 12/8/2003; and by Ord. 887, 6/18/2007, §§1, 2)

§22-305. Record Plan.

After completion of the procedures required by this Part and after final approval of a plan by the Board of Supervisors, all endorsements shall be so indicated on the approved plan and on as many other copies of the plan as may be desired by the Township. Upon approval and signing of the plan by the Board of Supervisors, the record plan and the plan containing the approval signatures shall be recorded in the Office of the Recorder of Deeds of Centre County by the applicant within 90 days of such approval and signing. Such recording shall be otherwise in conformity with §513 of the Municipalities Planning Code, 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.

(Ord. 374, 1/10/1989; as amended by Ord. 402, 9/12/1989, §8; and by Ord. 820, 12/8/2003)

§22-306. Minor Subdivisions.

Proposals which meet the following criteria are exempt from the requirement to have a preliminary review and may commence final approval procedures with submission of a plan as stipulated in §22-304 of this Chapter, provided that the additional information required in §22-303.A(1)(3) and (5) is submitted with the plan. No construction may commence until the plan has received final approval by the Township. No phasing of a project may occur without submission of a preliminary plan.

A. Any subdivision or land development plan for land located within the adopted regional growth boundary which does not require the extension of sewer or water mains or the construction of new streets.

B. The subdivision of up to four lots for development of single-family detached dwellings or farms/farm uses in the RA or RR zoning districts where the installation of streets, off-site or community water or waste water systems, storm drainage facilities, curbs, or sidewalks, is not necessary.

(Ord. 374, 1/10/1989; as amended by Ord. 901, 4/7/2008, §§1, 2)

§22-307. Lot Consolidation.

Any person who desires to consolidate lots shall be required to consolidate such lots in the manner set forth herein. No lots may be consolidated unless the legal or equitable

title of all such lots is held in common ownership. No lot consolidation shall be permitted which would, by reason thereof, create a violation or nonconformity of the Zoning Ordinance [Chapter 27]. No lot consolidation shall be permitted unless and until all persons having any proprietary interest in any of the land comprising the lots to be consolidated have consented, in writing, to such consolidation. The term "proprietary interest" shall include, but not limited to, legal or beneficial owner, optionee, purchaser, lessee and mortgagee.

A. *Procedures and Data.*

(1) Any person wishing to consolidate lots shall furnish to the Township Zoning Administrator the following: [Ord. 820]

(a) A written application, under oath, requesting such lot consolidation and setting forth the nature of the proprietary interest, and the identity of all persons having a proprietary interest in the lots to be consolidated.

(b) The consent, in writing and acknowledged, of all persons having a proprietary interest in the lots to be consolidated.

(c) A perimeter metes and bounds description of the consolidated area, including a document or deed of conveyance, describing the area as consolidated, which shall be recorded in office of the Recorder of Deeds of Centre County within 90 days of final approval of the lot consolidation.

(d) One reproducible drawing, with a scale not less than 1 inch equals 100 feet (1" = 100'), which shall show the following:

- (i) Bearings and distance of all property lines to remain.
- (ii) All property lines to be removed.
- (iii) Location, purpose and width of all easements.
- (iv) Location, size and type of all utilities on and adjacent to the site.
- (v) Minimum building setback lines.
- (vi) Location and use of all existing structures.
- (vii) North point and scale.
- (viii) Appropriate space for signature of the Zoning Administrator and the Recorder of Deeds of Centre County. [Ord. 820]
- (ix) Signature and seal of a professional land surveyor, as affixed to a statement as follows:

"I, _____, a Professional Land Surveyor, in the Commonwealth of Pennsylvania, do hereby certify that the plan correctly represents the tract of land shown."

(2) The Township Zoning Administrator shall have the right to request additional information and/or evidence relative to those persons having any

proprietary interest in the lots to be consolidated, including copies of documents. [*Ord. 820*]

(3) Upon receipt of an application for lot consolidation and other required materials, the Zoning Administrator shall refer such material to the Township Engineer for review and comment. [*Ord. 820*]

[Text continued on p. 22-25]

(4) Within 15 working days of receipt of the application, the Zoning Administrator shall contact the applicant, by certified mail, and inform the applicant of any omissions in the application. The applicant shall make any necessary revisions before approval. [Ord. 820]

(5) Upon determining that an application for lot consolidation complies with all ordinance requirements, the Township Zoning Administrator shall approve the same, in writing, which approval shall not be more than 15 working days after submission (or resubmission, if required). [Ord. 820]

(6) All lot consolidations shall be permanently retained in a separate file for such purposes in the office of Ferguson Township, including the original application, consent and a copy of the original plan or plans. [Ord. 820]

(7) After final approval, the applicant shall record the plan and the document or deed of conveyance in the Office of the Recorder of Deeds of Centre County within 90 days of the date of final approval and shall furnish the Zoning Administrator with a copy of such plan and document or deed of conveyance with the recording data thereon. [Ord. 820]

(8) Ten calendar days prior to the regular monthly public meeting of the Planning Commission, the Zoning Administrator shall submit to the Secretary of the Township, the Secretary of the Planning Commission and to the Director of the Centre Regional Planning Commission a report, in writing, listing all applications for lot consolidation approved by him in the proceeding 30 calendar days. Said report shall include, but not be limited to, the address, ownership and number of lots for all approved lot consolidation applications. [Ord. 820]

[Ord. 470]

B. *Effect of Lot Consolidation.* After approval of any lot consolidation, the resulting single lot from such consolidation shall be thereafter a single lot and may not be thereafter replotted or resubdivided without following procedures of the subdivision and land development Chapter of Ferguson Township.

(Ord. 374, 1/10/1989; as amended by Ord. 402, 9/12/1989, §9; by Ord. 470, 11/19/1990, §§1, 2, 3; and by Ord. 820, 12/8/2003)

§22-308. Development Review Notice Signs.

1. *Intent.* The intent of this provision is to provide notice to adjacent property owners and the general public of a pending subdivision, site plan, land development plan or PRD development or final plan review by the Township. The sign will have the phone number of the Township so that persons may call to inquire about the status of a pending development review. With this type of notification, the Township hopes to involve interested parties and obtain input earlier in the plan review process.

2. *Notice Requirement.* The applicant or applicant's agent (hereinafter referred to as applicant) shall be responsible for placement of a development review notice sign on the affected property in accordance with the following regulations:

A. *Timing.* Within 10 days of submitting a subdivision, land development, or

PRD plan to the Township, the applicant shall place a development review sign on the property in accordance with the location requirements below. [Ord. 820]

B. *Location.* One sign shall be placed every 1,000 feet, or portion thereof, along each side of the property which abuts a public right-of-way. The sign shall be placed near the property line, but not within the right-of-way. The sign shall be placed so it does not impede traffic visibility, but can be seen by passing motorists and pedestrians within the public right-of-way.

C. *Proof.* Upon placement of the sign and within 10 days of submitting a subdivision, or land development plan, the applicant shall submit a "certificate of installation" to the Township which identifies the following information: [Ord. 820]

(1) Date of development review notice sign installation.

(2) Sketch of development review notice sign placement.

(3) Signed statement by the applicant certifying that the sign(s) was placed in accordance with Township standards. The plan will not be placed on the Planning Commission agenda until proof that the sign has been posted has been received by the Township.

D. *Sign Rental.* A development review notice sign, post and anchor may be rented from the Township for a nonrefundable fee in accordance with the Township's fee schedule. The applicant also has the option of having signs made in accordance with the sign design standards set forth below.

E. *Sign Removal.* A development review notice sign shall be removed from the property within 7 days of receiving conditional plan approval from the Board of Supervisors. If a sign is rented from the Township, an original approved plan with signatures will not be released until the rental sign, post and anchor are returned to the Township in good condition. If the sign is supplied by the applicant or applicant's agent, an original approved plan with signatures will not be released until the sign is removed from the property as verified by the Zoning Administrator. [Ord. 820]

F. *Sign Design.* The development review sign shall be 30 inches wide, 48 inches high and shall have the following wording in 3 and 4 inch lettering: DEVELOPMENT PROPOSAL UNDER REVIEW, (TOWNSHIP LOGO) FERGUSON TOWNSHIP, CALL 238-4651 (see attached exhibit for specifications). The sign shall be made of aluminum with white reflective sheeting and the lettering and logo shall be royal blue.

G. *Sign Mounting.* The sign shall be mounted so that the bottom of the sign is between 5 and 6 feet from ground level. The sign may be mounted on a 4 lb lap-splice post with standard anchor or on a 4 inch by 4 inch wood post. If using a wood post, the post must be buried a minimum of 30 inches in the ground. If the area where a sign must be mounted is a hard surface and a post cannot be placed in the ground, the applicant or applicant's agent shall confer with the Township Zoning Administrator to determine a feasible way to post the sign and meet the intent of this Section. The sign, when mounted, shall not be obstructed by landscaping. [Ord. 820]

H. *Mapping.* The Township shall be responsible for keeping an up-to-date map of the development proposals under review. This map shall be on display in the lobby of the Township building and available for review during normal business hours. The map shall identify the location, name and type of development proposal under review.

(Ord. 374, 1/10/1989; as added by Ord. 709, 10/5/1998, §2; as amended by Ord. 820, 12/8/2003)

§22-309. Public Signs.

1. *Intent.* The intent of this provision is to provide notice to adjacent property owners and the general public of a pending right of way or land acquisition by the Township for a public facility such as a roadway, bikeway, trail, park or structure. The sign will have the phone number of the Township so that persons may call to inquire about the status of the acquisition. With this type of notification, the Township hopes to involve interested parties and obtain input earlier in the plan review process.

2. *Notice Requirement.* Township staff shall be responsible for placement of a public sign on the affected property in accordance with the following regulations:

A. *Timing.* A public sign shall be posted on the affected property a minimum of 7 days prior to the meeting when the Board of Supervisors will vote on the proposed right of way or land acquisition. The sign shall be posted on the property in accordance with the location requirements below.

B. *Location.* One sign shall be posted at the beginning and terminus of the project area and at appropriate intersecting locations where the sign will be informative to the general public. The sign shall be placed so it does not impede traffic visibility, but can be seen by passing motorists and pedestrians within the public right-of-way.

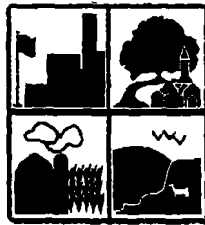
C. *Sign Design.* The public sign shall be 30 inches wide, 48 inches high and shall have the following wording in 3 and 4 inch lettering: TOWNSHIP PROJECT PROPOSED, (TOWNSHIP LOGO) FERGUSON TOWNSHIP, CALL 238-4651 (see attached exhibit for specifications). The sign shall be made of aluminum with white reflective sheeting and the lettering and logo shall be royal blue.

D. *Sign Mounting.* The sign shall be mounted so that the bottom of the sign is between 5 and 6 feet from ground level. The sign may be mounted on a 4 lb lap-splice post with standard anchor or on a 4 inch by 4 inch wood post. If using a wood post, the post must be buried a minimum of 30 inches in the ground. The sign, when mounted, shall not be obstructed by landscaping.

E. *Mapping.* The Township shall be responsible for keeping an up-to-date map of the right of way or land acquisitions under review. This map shall be on display in the lobby of the Township building and available for review during normal business hours. The map shall identify the location, name and type of acquisition under review.

(Ord. 374, 1/10/1989; as added by Ord. 709, 10/5/1998, §3)

**DEVELOPMENT
PROPOSAL
UNDER REVIEW**



**FERGUSON
TOWNSHIP**

**CALL
238-4651**

Part 4

Plan Requirements

§22-401. Preliminary Plan Contents and Review.

All plans submitted for preliminary review shall be drawn to a scale of 1" = 50' or larger (1"=50') and contain the following information:

A. *Requirements for Subdivision and Land Development Plans.*

(1) *General Data.*

- (a) Graphic scale.
- (b) Day, month, year plan prepared and revised.
- (c) Names of abutting property owners and their deed book and page numbers.
- (d) Key map at a scale of 1 inch equals 400 feet showing streets, roads, buildings and motor vehicle access within 1000 feet from the exterior boundary of the lot.
- (e) The name of the proposed development, the identification by Centre County Tax Map Parcel Number and the name and address of the legal owner of the property (and equitable owner, if any), proof of ownership and the individual or firm preparing the site plan. To the extent that the owner is not an individual or a group of individuals, but rather is an entity, the entity shall be required to disclose the name of all individuals possessing an ownership interest in the entity. The aforesaid disclosure requirement shall not apply to publicly traded corporations nor to entities owned by more than ten individuals.
- (f) North Point (specified as true or magnetic).
- (g) Total size of the property, and each lot and/or area(s) to be leased.
- (h) The proposed use of the property.
- (i) Location of the existing and proposed front, side and rear yard setback area(s) as required by the applicable zoning district.
- (j) A stormwater management plan as required by the Ferguson Township Stormwater Management Ordinance [Chapter 26, Part 1].
- (k) Soil erosion and sedimentation control plan in accordance with 25 Pa. Code §102, Erosion Control.
- (l) A statement of general utility information and information required by Act 172 of 1986, 73 P.S. §176 *et seq.*, as amended.
- (m) The location, face area and height of signs as regulated by the

Sign Regulations [Chapter 19, Part 1].

(2) *Existing Features.*

(a) Perimeter boundaries of the total property, showing bearings to the nearest minute and distances to the nearest hundredths of a foot, except that tract boundaries are not required for residual parcels of more than ten acres when used for agricultural purposes and not involving any new street or easement of access, provided the general location of the perimeter boundary of such land is shown on the key map.

(b) Zoning district, as stipulated in the Township Zoning Ordinance [Chapter 27].

(c) Natural Features.

(i) Sinkholes, watercourses, and tree masses.

(ii) Floodplain wetlands and steep slopes as defined by the Township Zoning Ordinance [Chapter 27].

(iii) A statement of existing soil types.

(iv) Topographic contour lines at vertical intervals of 2 feet for land with average undisturbed slope of 4% or less, and at intervals of 5 feet for land with average natural slopes exceeding 4%, including source of topographic data. Areas to be dedicated as public park lands shall have topographic contour lines at vertical intervals of 1 foot.

(d) Manmade features in or within 50 feet of the property, including but not limited to: (1) sewer lines; (2) all existing and proposed water lines within and adjacent to the proposed subdivision or land development; (3) electrical lines and poles; (4) culverts and bridges; (5) Railroads; (6) buildings; (7) streets, including right-of-way and cartway widths, and approximate grades. [Ord. 830]

(3) *Proposed Development.*

(a) Location and width of rights-of-way and cartways.

(b) Statement of whether streets will remain private or are intended to be dedicated to the Township.

(c) Proposed street names.

(d) Typical street cross-section showing materials for base and surfacing and method of construction.

(e) Profiles along centerline of each proposed street, showing finished grade a scale of 1 inch equal 50 feet horizontal and 1 inch equals 5 feet vertical.

(f) Radius of horizontal curves.

(g) Length of tangents between reverse curves.

- (h) Curb radii at intersections.
- (i) Vegetation to be planted between curb or shoulder and right-of-way line.
- (j) Curbs and gutters, location, cross-section and typical design.
 - (i) Topographic contour lines for proposed finished grades within rights-of-way at intervals specified in subsection (B)(4)(c), above.
- (k) Perimeter boundaries of each lot with distances to hundreds of a foot and bearing to 1 minute, determined by accurate survey in the field, balanced and closed with an error of closure not to exceed 1 foot in 2,000 and dimensions and bearings of right-of-way lines and easements including radii of curves and areas and delta angles of all curves.
 - (l) For plans with access onto a State Highway the following note shall be placed on the plan: 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.
- (m) Sidewalks, including location, width, grades and ramps for handicapped.
- (n) Walkways between blocks, as required in Part 5, §22-503.3.
- (o) Location of street lights.
- (p) Proposed lot numbers.
- (q) Proposed street address and address for each unit if applicable.
- (r) Utility, drainage and other easements.
- (s) Location and species of shade trees within street rights-of-way.
- (t) Location and pipe diameter (I.D.) of sewer and water mains and laterals to each lot; location of soil log holes or onsite sewage systems plus a statement indicating the type of onsite systems permitted for each soil log hole as specified in the approved plan module.
- (u) Subdivision plans of four parcels or less and changes to existing subdivisions which impact four parcels or less are exempt from these requirements.
 - (1) The applicant shall contact the applicable community water system to obtain fire flow rates for the water system serving the proposed subdivision or land development. These flow rates shall be provided as a note on the plan submitted to the municipality.
 - (2) The location, construction detail and ownership information of any water storage system shall be provided in the plan detail sheets. (Approved design specifications for underground storage tanks

may be obtained from the Centre Region Fire Administrator.)

(3) Details for all existing and proposed fire apparatus access routes.

(4) Details for all existing and proposed fire department connections.

(5) The plan shall provide a note indicating if any structure within the proposed development will have a built-in fire suppression system, including but not limited to automatic fire sprinkler systems.

Questions relating to fire protection issues and meetings with Fire Chiefs shall be coordinated through the Centre Region Fire Administrator.

[Ord. 834]

(v) Land to be reserved or dedicated for public use including the required notes.

(w) Phasing schedule.

(4) *Signature.*

(a) Space for approval signatures by the Chairman and Secretary of the Planning Commission including date of such approval.

(b) Space for approval signatures by the Chairman and Secretary of the Board of Supervisors including date of such approval.

(c) When a stormwater management plan is required, 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.

[Ord. 470]

(d) *Township Engineer; Stormwater Certification.*

I, _____, have reviewed this Stormwater Management Plan in accordance with the design standards and criteria of the Ferguson Township Stormwater Management Ordinance. [Chapter 26].

(e) *Stormwater Facilities 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.

(f) *Township Engineer; Engineering Certification.*

I, _____, have reviewed and hereby certify that the plan meets all engineering design standards and criteria of the Ferguson Township Code of Ordinances. [Ord. 834]

(5) *Property Owners Association.* In any subdivision or land development in which there is property, being a fee simple interest, easement interest, or license interest, which will not be owned exclusively by an owner of one (1) lot, and which is also not dedicated to and accepted by the Township, including, but not limited to, stormwater detention basins, stormwater easements, easements and rights-of-way for access (other than those dedicated to the Township, or those private streets for which an agreement exists pursuant to §22-504(2), lot frontage and access), planting mounds, open space or parkland, (other than those dedicated to the Township) ("common area improvements") and other amenities and improvements which benefit the subdivision, then the following requirements must be fulfilled: [Ord. 640]

(a) A property owners (or homeowners) association must be created, which association shall be obligated to maintain the common area improvements.

(b) The property owners (or homeowners) association must have as a minimum requirement:

- (i) All owners of lots are automatically members of the association.
- (ii) All owners of lots must be assessed by the association for the maintenance of the common area improvements to be determined on an equitable basis.
- (c) Each subdivider shall submit to the Township, along with the proposed subdivision plan, the following items:
 - (i) Proposed articles of incorporation and registry statement for the property owners (or homeowners) association.
 - (ii) Proposed declaration of protective covenants describing the common area improvements and membership and voting rights in the association, property rights in the common areas and covenants for maintenance assessments.
 - (iii) Proposed Bylaws of the property owner (or homeowners) association.
 - (iv) Proposed language to be included in the deeds of conveyance of lots in the subdivision, requiring each lot owner to become a member of the association and to be subject to the obligations of membership in the association.
- (d) The subdivider shall provide an affidavit setting forth the subdivider's obligation to create the corporation, to record the declaration of protective covenants prior to conveyance of the first lot out of the subdivision, to 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.

B. *Requirements for Subdivision Plans Only.*

(1) *General Data.*

(a) If a plan shows or intends a single-family detached dwelling in the Rural Agricultural District as a primary use, then there shall be a note on the plan in the following context:

"Owner recognizes and acknowledges that one single-family detached dwelling is permitted on a lot of a minimum size of 1 acre in the Rural Agricultural District as a primary use for every 50 acres of land which is in use other than as a single-family detached dwelling. The land which is the subject of this plan constitutes ____ acres. There are(is) a total of ____ single-family detached dwelling lots shown. Therefore, upon any further subdivision of any lands contained in this plan, there may be no more than ____ additional single family detached dwelling lots created."

[Ord. 559]

(2) *Signature.*

(a) Signature of a licensed land surveyor certifying the accuracy of the plan.

(b) Signed, notarized statement by the owner certifying ownership of the property and acknowledging all offers of dedication of lands and/or facilities to the Township, and acknowledging that the owner will be responsible for maintenance of lands and/or facilities until they are completed and accepted for dedication by the Township.

(c) *Offer of Dedication.*

I/We, the owner(s) of the Real Estate shown and described herein, certify that I/we have laid off, plotted and subdivided, and that all proposed streets, rights-of-way and easements not heretofore dedicated are hereby approved for public use.

(d) *Certification of Ownership.*

A certification of ownership, acknowledgment of plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and approved by the owner(s) of the property before an officer authorized to take acknowledgment of deeds.

(e) *Professional Land Surveyor Certification.*

I, _____, a Professional Land Surveyor in the Commonwealth of Pennsylvania, do hereby certify that the plan correctly represents the tract of land shown.

Further, the professional licensed land surveyor shall affix his seal to the plan.

[Ord. 402]

C. *Requirements for Land Development Plans Only.*

(1) *Proposed Development.*

(a) Date of the application for a zoning permit.

(b) All existing and proposed structures, showing location and a statement of the ground floor area, any retail and service floor areas and the height of each. A floor plan showing all floors in all buildings must also be provided.

(c) A list of the square footage of each use in a building and/or the number of each type of unit and the number of bedrooms for each unit.

(d) All existing and proposed points of motor vehicle access to the property.

(e) All existing and proposed parking, loading spaces and parking lots. A statement of the surfacing material to be used and the calculations

used to determine the number of required parking spaces.

(f) Fire lanes shall be shown in accordance with the Fire Lane Regulations [Chapter 7, Part 1].

(f) The location, intensity and light pattern produced of all outdoor light fixtures. When new or proposed lighting is to be provided on site, a lighting plan must be submitted in accordance with the Outdoor Lighting Ordinance [Chapter 4].

(g) When a land development plan requires the installation of landscaping subject to the requirements of this Chapter, a landscaping plan shall be submitted along with the site or land development plan.

(h) The location of all buffer yards required by this Part.

(i) A statement of the existing building coverages, proposed building coverages and maximum building coverages (as allowed by the applicable zoning district), and a statement of the existing impervious coverages, proposed impervious coverages and maximum impervious coverages (as allowed by the applicable zoning district).

(j) Two sections through the site showing buildings, light fixtures and standards; one section to be from side yard to side yard, and the other section to be from front yard to rear yard.

(k) The following certification by the applicant's professional licensed engineer or registered landscape architect:

I, _____, hereby certify that this land development meets all design requirements of the Subdivision and Land Development Ordinance, Zoning Ordinance and all other applicable Chapters of the Ferguson Township Code.

Further, the professional licensed engineer or registered landscape architect shall affix his seal to the plan.

(l) Signed, notarized statement by the owner certifying ownership of the property.

[*Ord. 820*]

(*Ord. 374*, 1/10/1989; as amended by *Ord. 402*, 9/12/1989, §§9, 10; by *Ord. 470*, 11/19/1990, §4; by *Ord. 559*, 6/7/1993, §1; by *Ord. 640*, 1/2/1996, §1; by *Ord. 772*, 4/16/2001, §1; by *Ord. 820*, 12/8/2003; and by *Ord. 834*, 6/21/2004, §§2, 3, 4)

§22-402. Final Plan Contents and Review.

Plans submitted for final review shall include all information required in §22-401 above plus the following:

A. Final perimeter boundaries of each lot with distances to hundreds of a foot and bearings to one minute, determined by accurate survey in the field, balanced and closed with an error of closure not to exceed 1 foot in 2,000.

B. Location and elevation of installed monuments and markers.

C. Final dimensions and bearings of right-of-way lines and easements including radii of curves and arcs and delta angles of all curves.

D. Final house numbers and lot numbers as approved by the Township.

E. The final plan shall be accompanied by the following supplementary data, in addition to that required in §22-302:

(1) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency.

(2) Such private deed restrictions, including anti-lot reduction clauses and building setback agreements, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.

(*Ord. 374, 1/10/1989*)

§22-403. Record Plan Contents.

All Record Plans shall be clear and legibly drawn to scale on a reproducible tracing of linen or dimensionally stable film. All Record Plans shall contain the following information, such being an exact replica of corresponding information found on the plan receiving final approval. Additional information from such plan may also be included on the Record Plan as the applicant so desires, provided that under no circumstances may information shown on the Record Plan be at variance or conflict with the plan as finally approved.

- A. All data required in §§22-401. [*Ord. 820*]
- B. Perimeter boundaries required in §22-402.A.
- C. Total acreage of property.
- D. Zoning district, as stipulated by the Township Zoning Ordinance [Chapter 27].
- E. Floodplains and steep slopes as required in §22-401.A(2)(c).
- F. Location and width of street rights-of-way.
- G. Approved street names.
- H. Lot lines as required in §22-401.A(3)(k).
- I. Walkways as required in §22-401.A(3)(n).
- J. Yard setback lines as required by the Township Zoning Chapter.
- K. Approved house and lot numbers.
- L. Utility and drainage easements.
- M. Lands reserved or dedicated for public use.
- N. Location and elevation of monuments and markers.

O. Completed signature blocks as required in §§22-401.A(4) and 22-401.B(2)

P. All existing and proposed structures [*Ord. 820*]

Q. The following statement: "This Record Plan conforms with the plan receiving final approval by the Ferguson Township Board of Supervisors on _____. All improvements are or will be installed in accordance with such plan in a manner and time so specified therein."

(*Ord. 374*, 1/10/1989; as amended by *Ord. 820*, 12/8/2003)

Part 5

Design and Improvement Standards

§22-501. General.

1. *Design and Improvements.* The design and physical improvements to the property being subdivided shall be provided, constructed, and installed by the subdivider as shown on the approved plan in accordance with the requirements of this Chapter. If any provisions of this Chapter are found to be unreasonable and cause undue and unnecessary hardship as they apply to his proposed subdivision, the Board of Supervisors may waive or vary the strict terms of such provisions. The criteria for the Board of Supervisors to apply in determining whether to waive or vary the strict applications of a provision are:

A. That there exist special physical circumstances or conditions which render the strict application of the requirements as undue or unnecessary hardship.

B. That the hardship created cannot be ameliorated by a reasonable change in plans.

C. That the unnecessary or undue hardship has not been created by the applicant.

D. That the waiver or varying of the strict terms of this Chapter will not have the effect of nullifying the intent and purpose of this Chapter.

E. That the property cannot be reasonably developed without the waiver or the varying of the strict terms of the Chapter.

F. That the waiver or varying of the strict terms of this Chapter will represent the minimum deviation that will afford relief and will represent the least modification possible of the regulations in issue.

2. *Land Requirements.*

A. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.

B. Reserve strips preventing access to lots, public rights-of-way, public lands, or adjacent private lands are prohibited.

C. Wherever possible, applicants shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.

D. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.

E. Land which the Board of Supervisors finds to be unsuitable for subdivision building purposes due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features

which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Board of Supervisors upon recommendation of the municipal planning commission and Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger or incorporated into other suitable lots.

(Ord. 374, 1/10/1989)

§22-502. Streets.

1. *General.*

A. *Relationship to Other Plans and Ordinances.* The location of all streets shall conform to the Official Map or Comprehensive Plan adopted by the Township.

B. *Functional Classification.* Functional classification, the grouping of streets by the character of service they provide, was developed for transportation planning purposes. Comprehensive transportation planning, an integral part of total economic and social development, uses functional classification as an important planning tool. The emergence of functional classification as the predominant method of grouping streets is consistent with the policies contained herein.

2. *Design Standards for Rural Arterial, Urban Arterial, and Collector Streets.*

A. Detailed design standards for these streets are not included in these regulations. The design of streets in this section will be as the Township directs on a case by case basis.

B. Streets that are functionally classified under this section shall be designed in accordance with the following:

(1) A policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, latest edition. [Ord. 820]

(2) Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, Publication 13, latest edition.

(3) Highway Capacity Manual, Transportation Research Board, National Research Council, latest edition. [Ord. 820]

(4) Trip Generation, Third Edition, Institute of Transportation Engineers, latest edition. [Ord. 820]

(5) Ferguson Township Road Design Standards.

3. *Design Standards for Residential Subcollector Streets, and Residential Access Streets.*

A. *Purpose.*

(1) *Objective.* The purpose of these provisions is to establish appropriate standards for the design of streets in residential subdivisions that will (1)

promote the safety and convenience of vehicular traffic, (2) protect the safety of neighborhood residents, (3) minimize the long term costs for the maintenance and repair of streets, (4) minimize crime in residential areas, (5) protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and fumes, (6) encourage the efficient use of land, (7) minimize the cost of street construction and thereby restrain the rise in housing costs, and (8) minimize the construction of impervious surface thereby protecting the quantity and quality of the municipality's water resources.

(2) *Limitations.* These provisions do not include standards for stormwater management or pedestrian circulation.

B. *Jurisdiction.* These provisions shall be applicable to the design and construction of all new residential streets whether public or private. These provisions do not apply to nonresidential streets.

C. *Street Hierarchy.*

(1) *Hierarchy Required.* There is hereby established a street hierarchy below which is intended to tailor the design of each street to its function. [see Township Zoning Ordinance definitions; Chapter 27]

(2) *New Residential Streets.* Each proposed residential street shall be classified and designed for its entire length to meet or exceed the minimum standards for one of the following street types:

(a) *Residential Access Street.* This is the lowest order street in the hierarchy. It is intended to carry the least amount of traffic at the lowest speed. It will provide the safest and most desirable environment for a residential neighborhood. Developments should be designed so that all, or the maximum number possible, of the homes will front on this class of street.

(b) *Residential Subcollector Street.* This is the middle order street in the hierarchy. It will carry more traffic than the residential access street. It should provide an acceptable if not an optimum environment for a residential neighborhood.

(c) *Special Purpose Streets.* Under special circumstances a new residential street may be classified and designed as a divided street. For the purpose of protecting environmental features or avoiding excessive grading, the municipality may require that the street be divided. In such a case, the design standards shall be applied to the aggregate dimensions of the two street segments.

(3) *Existing Streets.* Each street abutting or affecting the design of a subdivision or land development which is not already classified on the Street Classification Map shall be classified according to its function, design and use by the municipality at the request of the applicant or during plan review. The classification of existing streets shall include the hierarchy of Subsection (2) above and may also include classifications of higher order as determined by the adopted municipal street classification system.

D. *Residential Access Streets.*

(1) *Cartway Width and Curbing.* Cartway width and curb requirements shall be determined on the basis of the intensity of development proposed and the manner in which parking shall be as required by the Township Road Standards.

(2) *Moving Lanes.* All residential access streets shall provide at least two lanes. [Ord. 820]

(3) *Engineering Criteria.* All features of the geometric design of residential access streets that are not specified below shall be designed for a design speed of 25 miles per hour:

- (a) Minimum grade: 1% [Ord. 915]
- (b) Maximum grade: 10%
- (c) Horizontal Curvature: Minimum centerline radius of 100 feet
- (d) Minimum tangent length between reverse curves: 50 feet
- (e) Stopping sight distances: 175 feet minimum
- (f) Maximum grade within 50 feet of intersection: 5%
- (g) Minimum roadway length: 250 linear feet [Ord. 915]

(4) *Cul-De-Sac Turnarounds.* An unobstructed 14 foot wide moving lane with a minimum outside turning radius of 38 feet (or alternately a cul-de-sac with a grass center island with the following dimensions: island radius = 32 feet, cartway width = 26 feet, cartway radius = 58 feet, right-of-way radius = 70 feet) shall be provided at the terminus of every permanent cul-de-sac. In no case shall a cul-de-sac exceed 750 feet in length. [Ord. 820]

E. *Residential Subcollector Streets.*

(1) *Cartway Width and Curbing.* Cartway width and curb requirements shall be determined on the basis of the intensity of development proposed and the manner in which parking will be provided, as determined by the Township Road Standards.

(2) *Moving Lanes.* All subcollector streets shall be provided with two continuous moving lanes within which no parking is permitted.

(3) *Engineering Criteria.* All features of the geometric design of subcollector streets that are not specified below shall be designed for a design speed of 30 miles per hour:

- (a) Minimum grade: 1% [Ord. 915]
- (b) Maximum grade: 8%
- (c) Horizontal curvature: minimum centerline radius of 140 feet
- (d) Minimum tangent length between reverse curves: 100 feet

- (e) Stopping sight distance: 200 feet
- (f) Maximum grade within 50 feet of intersection: 5%
- (g) Minimum roadway length: 250 linear feet [Ord. 915]

(4) *Cul-De-Sac*. An unobstructed 14 foot wide moving lane with a minimum outside turning radius of 38 feet (or alternately a cul-de-sac with a grass center island with the following dimensions: island radius = 32 feet, cartway width = 26 feet, cartway radius = 58 feet, right-of-way radius = 70 feet) shall be provided at the terminus of every permanent cul-de-sac. The turnarounds of cul-de-sacs shall meet the design standards of this Section. In no case shall a cul-de-sac exceed 750 feet in length. [Ord. 820]

F. *Stub Streets*.

(1) *Residential Access and Subcollector Stub Streets*. Residential access and subcollector stub streets may be permitted only within subsections of phased development for which the proposed street extension in its entirety has been approved as part of an approved preliminary plan.

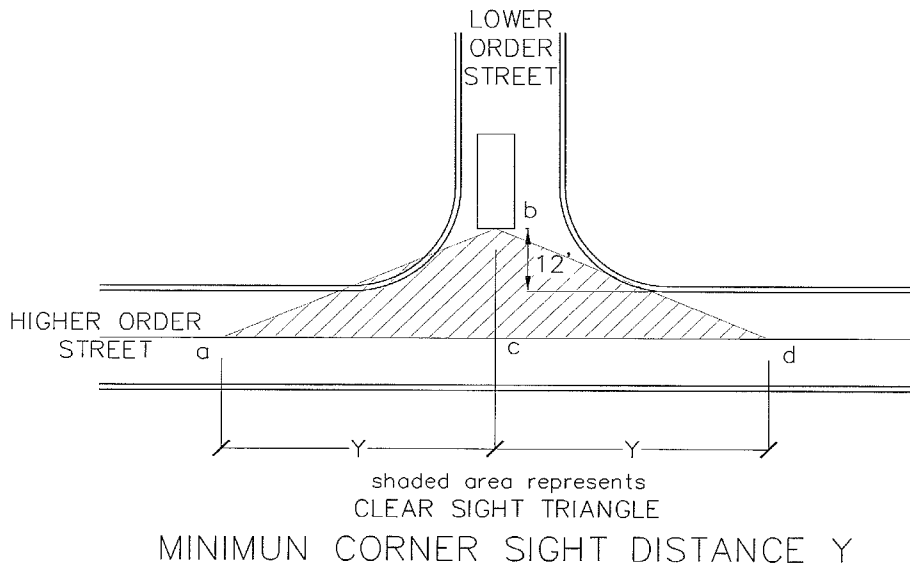
(2) *Collector Stub Streets*. Collector stub streets may be permitted or may be required by the municipality provided that the future extension of the street is deemed desirable by the municipality or conforms to an adopted plan of the municipality.

(3) *Temporary Turnarounds*. All stub streets shall be provided with a turnaround paved to an outside radius of 35 feet. No turnaround is required if the stub street provides access to four or less lots or housing units. In the later case, a sign indicating a dead-end street shall be posted.

G. *Half Streets*. Half Streets are prohibited. The full right-of-way and cartway width of all classes of streets shall always be provided.

H. *Intersections*.

(1) *Corner Sight Distance (Clear Sight Triangle)*. Whenever a proposed street intersects an existing or proposed street of higher order in the street hierarchy, the street of lower order shall be made a stop street. The street of lower order shall also be designed to provide a minimum corner sight distance as specified in the accompanying chart:



Minimum Corner Sight Distance Y

Y = Corner Sight Distance, measured from point a to point c and c to d.

a and d = a point 4.25' above the centerline of the roadway. [Ord. 820]

(See chart below for minimum requirements)

b = eye level from a car stopped at the intersection on the road; for this ordinance b is situated 3.5' above the road. [Ord. 820]

c = approximate center of intersection.

Major Road Type/Design Speed	Y (in feet)
Higher order street/50 mph	500
Higher order street/40 mph	400
Collector/35 mph	350
Residential Subcollector/30 mph	300
Residential Access*/25 mph	250

(a) The entire area of the clear sight triangle, described by points abc above, shall be designed to provide an unobstructed view across it from point b to all points 4.5 feet above the roadway along the center line from

point a to point d.

(2) *Curb Radius*. Minimum curb or edge of pavement radius shall be determined according to the specifications for the street of higher classification in the street system hierarchy, as specified below:

Residential access:	15 feet
Residential subcollector:	20 feet
Collector:	25 feet
Higher order streets:	As determined by the Township Engineer.

(3) *Intersection Spacing*

(a) Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other.

(b) Minimum spacing between intersections measured from centerline to centerline shall be as specified below.

<u>Major Road Type Intersected</u>	<u>Minimum Spacing (in feet)</u>
Higher order street	1000*
Collector	300
Residential Subcollector	125
* This is minimum. The actual spacing shall be determined by the Township Engineer based upon the traffic characteristics of the higher order street.	

(4) *Minimum Intersection Angle*. Cartways shall intersect at a 90° angle for a minimum of 50 feet from the intersection.

(5) *Acceleration, Deceleration and Turning Lanes*.

(a) Deceleration or turning lanes may be required by the municipality along existing and proposed streets as determined by a traffic impact study required by this Section or where the municipality can justify the need.

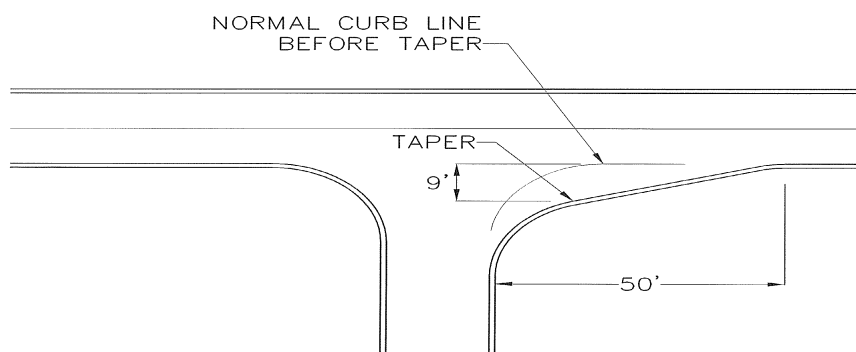
(b) Deceleration lanes shall be designed to the following standards:

(i) The lane width shall be the same as the required width of the roadway moving lanes.

(ii) The lane shall provide the full required lane width for its full length. It shall not be tapered.

(iii) The minimum lane length shall be as follows:

<u>Design Speed of Road</u>	<u>Minimum Deceleration Lane Length</u>
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet



(c) Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the municipal engineer. As necessary, a paved taper shall be provided for right hand turns as dimensioned below.

I. *Rights-Of-Way.*

(1) *Rights-of-Way.* Minimum rights-of-way shall be provided as follows:

<u>Road Type</u>	<u>Feet</u>
Arterial	90 feet
Collectors	70 feet
Residential subcollector	60 feet or 50 feet with 5-foot sidewalk easement on both sides
Residential access	60 feet or 50 feet with 5-foot sidewalk easement on both sides

Increases in the road width for parking lanes, turning lanes, medians, etc., will require an increase in the right-of-way width equal to the additional road width.

[Ord. 536]

(2) *Reduction in Right-of-way Width.* The municipality may reduce the required right-of-way width for residential streets under the following conditions:

(a) The site is located within Zone District RA.

(b) The potential for future development will alter neither the street classification nor the design standards proposed. As a condition for varying the right-of-way requirements, the municipality may require deed restrictions or other binding agreements to insure no additional access to or use of the street.

(c) In no instance shall a right-of-way width be less than 33 feet. In granting the reduced right-of-way width, it shall be determined that sufficient width will be available to provide for all of the following (unless separate right-of-way for them is being provided elsewhere to the satisfaction of the municipality, or they are clearly not required by the proposed development):

Cartway

Curbs

Shoulders

Utility easements

Drainage swales

Pedestrian and/or bicycle paths

Street trees or other planting strips

Turning lanes

Cut or fill slopes (The right-of-way shall extend 5 feet beyond the crest or toe of these slopes)

(3) *Increase in Right-of-Way Width.*

(a) If proposed lots are large enough for further subdivision which may change the street classification in the future to a higher order street, the municipality may require that the right-of-way width for the higher order street be provided.

(b) In unusual circumstances, the provision of the elements listed in this section may require right-of-way widths in excess of the minimum established in other Sections.

J. *Driveways.*

(1) *Driveways to Single-Family Lots.*

(a) Driveways shall be located not less than 55 feet from the curb line of the through street. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications. [Ord. 708]

(b) The following standards shall apply to the driveway apron at the

edge of the cartway:

- (i) Minimum curb cut or driveway width at the cartway edge: 10 feet
- (ii) Maximum curb cut or driveway width at the cartway edge: 20 feet

(c) A single common driveway serving no more than four single family dwelling units is permitted.

(2) *Shared Residential Driveways for Multi-Family Development.*

(a) All entrance drives serving four or less dwelling units may be designed to single family driveway standards above.

(b) All entrance drives serving more than 4 dwelling units, shall be laid out to conform to the design, service, and access standards established in this Chapter for the classification of street based on expected ADT. [Ord. 820]

K. *Roadway Hazard Areas.* Streets shall be laid out to avoid hazard areas such as floodplains, cliffs, steep slopes or large ravines. A secondary means of access to a higher order street which does not go back through the same hazard area shall be provided when one of the access streets into a subdivision of more than twenty dwelling units crosses through a hazard area.

L. *Signage and Signalization.* The developer shall provide all necessary roadway signs and traffic signalization as may be required by the municipality, based upon municipal standards, state standards and a traffic impact study if required.

M. *Construction Standards.* All street and related improvements shall be constructed in accordance with the Ferguson Township Roadway Construction Standards. [Ord. 820]

N. *Spillover Parking Ratio.* The following chart shall be used to determine the number of spillover parking spaces required:

<u>Housing Types</u>	<u>Spillover Parking Spaces Required Per Dwelling Unit (du)</u>
Single family detached dwelling (1 du)	1
Single family semi-detached dwelling (2 du) duplex	1
Single family attached dwelling (3 or more du) - townhouse	1
Two family detached dwelling (2 du)	1 per bedroom*
Two family semi-detached dwelling (4 du)	1 per bedroom*

<u>Housing Types</u>	<u>Spillover Parking Spaces Required Per Dwelling Unit (du)</u>
Two family attached dwelling (6 or more du)	1 per bedroom*
Multi-family detached dwelling (3 or more du) [Ord. 820]	1 per bedroom*
Multi-family semi-detached dwelling (6 or more du) [Ord. 820]	1 per bedroom*
Multi-family attached dwelling (9 or more du)	1 per bedroom*
* The number of bedrooms used for this calculation is the total number of bedrooms minus one (except for one-bedroom apartments).	

Single family detached and single family semi-detached dwelling units constructed on individual lots may meet the spillover parking requirements on their individual driveways. When multiple buildings are developed on one lot as unified development, the spillover parking requirements shall be provided in separate parking areas.

Spillover parking space dimensions shall be:

9 feet X 18 feet if provide off-street

23 feet X 8 feet if provided as parallel parking on-street

[Ord. 802]

O. *Traffic Impact Study.* These regulations represent the minimum requirements and standards for preparation of a traffic impact study satisfying the reporting requirements of Ferguson Township for any development, subdivision, expansion or change in use within the Township. Also specified are the traffic level of service standards and minimum requirements which must be satisfied for future development impacts.

(1) *Traffic Study Requirements.* Any development, subdivision, expansion or change in use which will generate, on the average, seventy-five or more additional trips during the adjacent roadways' peak hours shall be required to have a traffic impact study completed as part of the development. The estimated number of trips shall be determined by either an analysis of similar uses through data collected by the Institute of Transportation Engineers or through studies of similar uses, whichever is deemed acceptable to the Township Engineer. When a traffic study is prepared for a subdivision that does not propose development of the lots, the traffic study must be updated at the time of land development to address the specific type and size of development. The Township may require a traffic study for developments or changes in use generating less than seventy-five additional vehicles during peak hours in cases where known traffic deficiencies exist in the area of the proposed

development or change in use. The Township may waive the study requirement for an individual subdivision or development or change in use where said development or change in use was incorporated as part of a previous traffic impact study or studies by the Township or other government agencies. [Ord. 820]

(2) *Report Contents and Scope.* Prior to performing a traffic impact study, the Township will provide a scope of study specifying the study area, intersections and any special requirements. Prior to beginning the study, a meeting will be held to review the scope of work. PennDot will be invited to the meeting when appropriate. The study shall include the following:

(a) Description of the proposed project in terms of land use and magnitude.

(b) An inventory and analysis of existing roadway and traffic conditions in the site environs including:

(i) Roadway network and traffic control.

(ii) Existing traffic volumes in terms of peak hours and average daily traffic (ADT), where specifically requested.

(iii) Planned roadway improvements by others.

(iv) Intersection levels of service.

(v) Roadway levels of service (where requested).

(vi) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.

(c) Projected site-generated traffic volumes in terms of:

(i) Peak hours and ADT (by phase if required).

(ii) Approach/departure distribution including method of determination (This must be approved prior to performing future traffic analyses).

(iii) Site traffic volumes in roadway.

(d) An analysis of future traffic conditions, with and without the proposed development, including:

(i) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Note: If the study is required for PennDOT review, the future design year shall be consistent with PennDOT requirements.

(ii) Intersection levels of service.

(iii) Roadway levels of service (where appropriate).

(iv) A pavement analysis of roadways which are projected to experience significant increases in ADT volumes (where appropriate).

- (v) Other measures of roadway adequacy, i.e., lane width; traffic signal warrants; vehicle delay studies, etc.
- (e) A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways as outlined in subsection (c).
- (f) A description and analysis of the proposed access plan and site plan.
 - (i) On-site circulation plan showing parking locations and dimension, loading access, circulation plan showing parking locations and dimension, loading access, circulation roadway and traffic control.
 - (ii) Driveway access plan showing location of driveways and new intersections including geometric conditions and traffic control.
- (g) A qualitative analysis of Transportation demand management measures including transit, pedestrian and bicycles, as well as telecommuting, flex-time, ridesharing, etc.

(3) Standards for Traffic Capacity and Access . New or modified streets and intersections shall be designed for adequate traffic capacity defined as follows, unless approved by the Township Engineer. All reference to levels of service (LOS) shall be as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

- (a) Traffic capacity LOS shall be based upon a future design year which coincides with completion of the development and PennDOT requirements.
- (b) New unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement.
- (c) New or modified (adding an additional approach) signalized intersections shall be designed for LOS C or better. [Ord. 820]
- (d) Existing intersections impacted by development traffic shall maintain a minimum LOS D.
- (e) Streets shall be designed for a minimum LOS C.
- (f) Sight distance at driveways and new intersections shall meet standards specified by PennDOT regulations.

[Ord. 675]

(Ord. 374 , 1/10/1989; as amended by Ord. 536 , 11/16/1992, §1; by Ord. 626 , 10/2/1995, §1; by Ord. 675 , 7/7/1997, §§1-3; by Ord. 708 10/5/1998, §1; by Ord. 802 , 9/16/2002, §1; by Ord. 820 , 12/8/2003; and by Ord. 915 , 1/19/2009, §§1-4)

§22-503. Blocks.

1. Length. Blocks shall have a minimum length of 300 feet and a maximum

length of 1500 feet.

2. Depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

A. Where reverse frontage lots are required along an arterial street.

B. Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Board of Supervisors may approve a single tier of lots.

3. Walkways .

A. Walkways shall be required between adjacent residential streets in excess of 1000 feet in length wherever necessary to facilitate pedestrian and bicycle circulation and to give access to community facilities such as schools and parks. Such walkways shall extend through the approximate center of the block.

B. Such walkways shall have the right-of-way widths of not less than 10 feet and a sidewalk designed and constructed in accordance with §22-502, except that the width of such shall be 8 feet.

(Ord. 374, 1/10/1989)

§22-504. Lots and Parcels.

1. General.

A. Lot Lines . Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

B. Municipal Boundaries . Where practical, lot lines shall follow municipal boundaries rather than cross them.

C. Residential Lot Depth . Generally, the depth of residential lots shall be not less than 1 nor more than 2 ½ times their width.

D. Lot Drainage . Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage plan for the area if adopted by the municipality.

2. Lot Frontage and Access.

A. Access to Public Streets. All lots shall have direct access to a public street or to a private street if it meets the requirements of this subsection.

(1) Lots may be created in recorded subdivisions where private streets existed as of January 10, 1989.

(2) Whenever a subdivider proposes to access a street that existed as of January 10, 1989, and was/is not offered for dedication to public use, the subdivider shall submit for the purposes of recording with the plan a copy of an agreement in a form and content acceptable to the Township. Said agreement shall include the Township as a party together with the subdivider, his heirs and assigns and all other property owners who access said existing

private street and their heirs and assigns. The agreement shall establish the conditions under which the street shall be maintained and the condition under which it may be later offered for dedication. Said agreement shall stipulate, among other things:

(a) That the street shall be maintained, cleared of snow and ice, and remain passable at all times. The distribution of the cost of said maintenance for the private street among all adjacent property owners shall be set forth. The area of street to be maintained shall be from the nearest intersection of the private street(s) with the public street to the intersection with another street, or the end of the private street.

(b) That failure of the subdivider or other parties to the agreement to maintain the street in a passable condition at all times shall be sufficient reason for the Township to enter the street in an emergency to maintain, to clear snow and ice, and to make the street passable and, to bill the responsible parties for the cost of said work. If the parties fail to pay said charges, the Township may collect the charges through a municipal lien plus interest, costs and attorney fees. Forced maintenance by the Township under this Section shall not be construed as the Township's acceptance, or potential acceptance, of the street.

(c) That the street shall conform to municipal specifications with respect to design construction standards and right-of-way at the time of the offer of dedication or when surety is posted in an amount approved by the Township for the improvements to the street to bring it into conformance with the municipal specifications in effect on the date of the dedication.

(d) That agreement by the owners of 60% of the front footage thereon shall be binding on the owners of the remaining lots with respect to offering the private street for public dedication.

(e) That at any intersection of the private street with a public street, a sign no larger than 2 square feet shall be erected and maintained by the subdivider that states "This is a private street and is not maintained by the Township of Ferguson."

(3) *Private Streets Offered for Public Dedication.* Upon receipt of a petition of the owners of 60% of the front footage of the private street, the Board of Supervisors may authorize the acceptance of said street provided:

(a) That the right-of-way, for the classification of street as determined by the Township Engineer, is dedicated and deeded to the Township.

(b) That the street is constructed pursuant to the currently adopted street standards.

(c) That the street has a logical beginning and end; no mid-block streets may be offered for dedication.

(d) That complete construction drawings per the Township's standards for public streets, which are sealed by a licensed civil engineer, shall be

provided to the Township.

(4) A note shall be placed on the subdivision plan indicating that the street is private and shall refer to the Deed Book and Page where the agreement is recorded.

(5) Any newly created lot(s) shall have a provision placed in the deed of conveyance that the access for said lot(s) is via a private street and subject to the agreement recorded in Deed Book _____, Page _____.

[Ord. 640]

B. *Double or Reverse Frontage.* Double or reverse frontage lots shall be avoided except where required to prevent direct access to arterial streets, or to overcome specific disadvantages of topography or orientation.

C. *Arterial Streets.* Where a lot abuts an arterial street and an existing local and/or collector street, access shall be from the local or collector street only. Where this Chapter requires installation of a local, marginal access, or other type of street parallel to an arterial street, all lots abutting such local, marginal access, or other type shall derive access solely therefrom.

3. *Zoning Requirements.* Lot dimensions and areas shall be not less than specified by the provisions of the Township Zoning Chapter, unless a variance is first granted under provisions of said Chapter. No parcel may be subdivided which will create a non-conforming lot or building setback. No parcel may be subdivided which would require, for building purposes, encroachment into flood plains or steep slopes in order to meet other requirements of the Zoning Chapter.

(Ord. 374, 1/10/1989; as amended by Ord. 402, 9/12/1989, §11; and by Ord. 640, 1/2/1996, §2)

§22-505. Sanitary Sewage Disposal.

1. *Off-Site Systems.*

A. *Public Sanitary Sewer.* All lots located within the designated sewer service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to the public sanitary sewer system when deemed feasible, permitted, and/or required by the appropriate sewer authority. If sewer service is not presently available to lots in the service area, capped sewers shall be installed for future connection unless off-site service is specifically exempted by revision to the plan. All components of the system shall be designed and constructed in accordance with the standards of the applicable sewer authority. [Ord. 820]

B. *Community Sewage Systems.* Community sewage systems (package treatment plant or subsurface disposal) shall be required for subdivisions or land developments outside the sewer service area when such include ten or more lots with a median lot size of less than one acre. The design of the system shall be approved by the Sewage Enforcement Officer. An agreement guaranteeing maintenance of the systems shall be prepared by the applicant subject to approval by the Board of Supervisors. Such agreement shall be noted in the deed for each connecting lot and shall specify the responsibilities of each property owner for the

proper functioning and maintenance of the system.

2. *On-Site Systems.* All lots which will not have off-site sewage disposal shall provide on-site systems approved by the Sewage Enforcement Officer, except for lots intended to remain undeveloped and so exempted by the Board of Supervisors. No lot may be subdivided unless so exempted or found suitable for an approved system.

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

§22-506. Water Supply.

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

A. All lots located within the designated water service area of the current Centre Region Sewage Facilities Plan, as revised, shall connect to public water authority/company mains when such is feasible and/or permitted by the appropriate water authority/company. All water mains and laterals shall meet the design and installation specifications of said water authority/company. [*Ord. 820*]

B. Fire hydrants shall be provided in accordance with this Section for the protection of buildings or portions of buildings. Fire hydrants shall be provided along required fire apparatus access roads and adjacent to public streets along the route of travel for fire apparatus. [*Ord. 834*]

C. Existing fire hydrants on public streets may be considered available. Existing fire hydrants on adjacent private properties shall not be considered available. [*Ord. 834*]

D. The minimum fire flow requirements for developments of one- and two-family dwellings with front, side and rear yard setback requirements of 15 feet or greater and building separations of 30 feet or greater, shall be 750 gallons per minute. [*Ord. 834*]

E. The minimum fire flow requirements for developments of one- and two-family dwellings with any setback requirement of less than 15 feet or building separations less than 30 feet shall be 1,000 gallons per minute. [*Ord. 834*]

F. The minimum fire flow requirements for developments of other than one- and two-family dwellings shall be determined using the Needed Fire Flow method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO). [*Ord. 834*]

G. The spacing between fire hydrants shall not exceed 1,000 feet in developments of one- and two-family dwellings and shall not exceed 600 feet in developments of other development types as measured along the centerline of fire apparatus access roads. With the exception of one- and two-family dwellings the distance to any building or structure shall not exceed 300 feet. [*Ord. 834*]

H. If the needed fire flow is not provided in developments served by a community water system, all dwellings and occupied structures shall be provided with an approved automatic fire sprinkler system installed in accordance with the applicable NFPA standard. [*Ord. 834*]

(1) Exception: The fire chief is authorized to accept a deficiency of up to 10% of the required fire flow where existing fire hydrants provide all or a portion of the required fire flow. (Written notice of the deficiency and approval

shall be noted on the plan.)

(2) Exception: Subdivisions and land developments located outside of the Regional Growth Boundary and served by a community water system may utilize water storage systems, as described in subsection .2, to meet the water supply requirements.

[Ord. 834]

2. *Water Supply Requirements for New Developments Outside of Community Water System Areas.*

A. The minimum water supply requirements for developments of one- and two-family dwellings shall be a 4000 gallon approved water storage source located along required fire apparatus access roads. The spacing between the 4000 gallon water storage sources shall not exceed 1,500 feet as measured along the center line of fire apparatus access roads. The distance from the closest lot line to a 4000 gallon water storage source shall not exceed 750 feet as measured along the center line of fire apparatus access roads.

B. Maintenance, replacement and repair of the water storage container shall be the responsibility of the Township. The Township shall collect sufficient funding to maintain, replace and repair the water storage container through an assessment levied by resolution on a front-foot basis. Funds collected shall be placed in a separate account within the hydrant fund for each development. The Township may require by resolution an initial fee to be collected from the developer for each underground water storage tank as an initial payment toward the depreciation costs to replace the water storage tank.

C. The minimum water supply requirements for developments other than one- and two-family dwellings, shall be determined using NFPA Standard 1142, "Water Supplies for Suburban and Rural Fire Fighting."

D. If the needed water supply is not provided in developments outside of the community water system areas, all dwellings and occupied structures shall be provided with an approved automatic fire sprinkler system installed in accordance with the applicable NFPA standard.

[Ord. 834]

3. *Fire Apparatus Access.*

A. Facilities, buildings, or portions of buildings hereafter constructed in subdivisions or land developments approved after the effective date of this Section shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus. An exception shall be granted for private roads or driveways that serve four or less dwellings.

B. The paved cartway width for all public streets shall meet municipal standards. Minimum paved cartway width for fire apparatus access roads that are curbed shall be 20 feet. The minimum paved cartway width for fire apparatus access roads that are non-curbed shall be 18 feet and the adjacent berms must be stabilized and mud-free.

C. The maximum length of dead-end fire apparatus access roads (cul-de-sacs)

shall not exceed 750 feet.

(1) Exception(s): (a) The length of dead-end fire apparatus access roads (cul-de-sacs) may be extended to 1500 feet if all structures on the access road are provided with an approved automatic fire sprinkler system installed in accordance with the applicable NFPA standard and the municipality provides a modification from the 750-foot regulation. (b) Phased developments with an approved master plan may contain dead-end fire apparatus access roads exceeding 750 feet, provided that additional phases correct the deficiency.

D. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with turnaround provisions in accordance with municipal standards.

E. Single access developments must be provided with a boulevard type entrance. The boulevard entrance shall extend to the interior of the subdivision and have distinct travel lanes with a minimum width of 12 feet each.

[Ord. 834]

(Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003; and by Ord. 834, 6/21/2001, §§5, 6)

§22-507. Easements .

1. *Utility Easements.* In subdivisions containing five or more lots, all electric, telephone, and cable television utility lines shall be placed underground. All utilities shall be installed in a manner which will allow safe and ready access for the installation and maintenance of other utilities.

A. Utility easements outside street rights-of-way shall be a minimum of 15 feet in width or as otherwise determined by the appropriate utility company, except that easements lying parallel and abutting street rights-of-way may be reduced to a minimum width of 7 ½ feet. All other easements outside street rights-of-way shall be centered on or adjacent to rear or side lot lines where feasible.

B. Lines connecting utility service to each lot shall be installed in accordance with the standards of the utility company providing such service.

2. *Drainage Easements.* Where a subdivision or land development is or will be traversed by a drainage way there shall be provided a drainage easement conforming with the line and width of such adequate to preserve unimpeded flow of natural drainage or for the purpose of installing a stormwater sewer. The owner shall grade and seed the slopes of such after construction where necessary to prevent erosion and sedimentation and in a manner which will not adversely alter the functioning of the drainage way. Nothing shall be placed or planted within the drainage easement which will impede the flow of natural drainage.

A. No structures, trees, or shrubs shall be placed or planted within a drainage easement unless authorized by the Township.

3. *Snow Stockpile Easement.* At the end of any cul-de-sac street provide a 20-foot wide by 20-foot deep easement for plowing and placement of snow by public works equipment. The easement area shall be shown on any plan, and unobstructed by any feature such as a driveway, plantings or above-ground structures. [Ord. 915]

(Ord. 374, 1/10/1989; as amended by Ord. 915, 1/19/2009, §5)

§22-508. Monuments and Markers .

All monuments and markers required herein shall be accurately placed by a licensed civil engineer or land surveyor prior to final approval of the plan.

A. *Monuments.*

(1) Monuments shall be at least 6 inches square or 4 inches in diameter and shall be made of concrete, stone, or by setting a 4 inch cast iron or steel pipe filled with concrete. They must be set so that the top is level with the finished grade of the surrounding ground, and marked on top with a securely embedded copper or brass dowel or other approved material, scored to coincide exactly with the point of intersection of the lines being monumented.

(2) Monuments shall be placed at the following points along street rights-of-way: on corners of each intersection, at changes in direction of street lines (excluding curb arcs), at the beginning and end of curves, and at intermediate points wherever topographical or other conditions make it impossible to sight between two otherwise required monuments. Land to be conveyed for public use shall be monumented at similar locations along its external boundary.

(3) All required monuments to be placed prior to Municipal acceptance of public streets, rights-of-way or easements.

B. *Markers.*

(1) Markers shall consist of iron pipes or steel bars at 36 inches long and 1 inch in diameter.

(2) Except where monuments are required, markers shall be set at all lot corners, at all changes in direction of lot lines (except curve arcs), and at the beginning and end of curved lot lines.

(Ord. 374, 1/10/1989)

§22-509. Shade Trees .

Shade trees shall be planted by the subdivider, in a variety approved by the Township, along all new streets built to provide access to four or more lots in a subdivision. Trees shall be planted on both sides of the street, spaced according to the following:

<u>Height of Tree at Maturity</u>	<u>Distance</u>
under 30'	30'-40'
31'-50'	41'-50'
51'+	51'-70'

No tree may be planted within 25 feet from the intersection of two street right-of-way lines or within 5 feet of proposed driveway entrances or 2 feet from the cartway or shoulder edge. If the same tree species is used for an entire street, such species may not be used again unless the streets are separated by two streets with different species.

A. *Existing Trees.* Existing trees within the proposed right-of-way may be retained and counted toward fulfillment of the requirements specified above provided the location requirements specified above are not violated.

B. *Tree Selection.* All new trees shall be true to variety, selected cultivars, symmetrical in growth, and free of pests and disease. Tree trunks shall have a caliper of at least 2 inches, measured 6 inches above ground level. Trees shall be planted and protected in accordance with procedures specified in "Street Trees" by Roland Daniels (published in 1975 by the Pennsylvania State University). Trees shall not be planted until final construction and grading within the right-of-way is completed. [Ord. 747]

(1) Where over head utility lines are present within the right-of-way, tree species shall be those which do not exceed 30 feet at maturity, including the following:

Hedge Maple	Acer platanoides
Globe Norway Maple	Acer platanoides globosum
Paperback Maple	Acer platanoides griseum
Baumann Horsechestnut	Aesculus hippocstanum baumannii
Downy Shadblow Serviceberry	Amelanchier canadensis
Allegheny Serviceberry	Amelanchier lavellei
American Hornbeam	Carinus caroliniana
Kousa Dogwood	Cornus Kousa
Lavalle Hawthorn	Crataegus lavellei
Washington Hawthorn	Crataegus phaenopyrum
Winter King Hawthorn	Crataegus viridis 'Winter King'
Golden Raintree	Koelreuteria paniculata
Siberian Crabapple	Malus baccata
Japanese Crabapple	Malus floribunda
Snowdrift Crabapple	Malus 'Snowdrift'
Kwanzan Japanese Flowering Cherry	Prunus serrulata 'Kwanzan'

Callery Pear	<i>Pycus calleryana</i>
Japanese Tree Lilac	<i>Syringa amurensis japonica</i>
Katsura-tree	<i>Cercidiphyllum japonicum</i>
Japanese Stewartia	<i>Stewartia pseudocamellia</i>
Japanese Snowbell	<i>Styrax japonica</i>

(2) Where overhead utility lines are not present within the right-of-way, tree species may include those listed above, as well as the following:

Norway Maple	<i>Acer platanoides</i>
Columnar Maple	<i>Acer platanoides</i> 'Columnare'
Erect Norway Maple	<i>Acer platanoides</i> 'Erectum'
Schwedler Norway Maple	<i>Acer platanoides</i> 'Schwedlerii'
Red Maple	<i>Acer rubrum</i>
Ruby Horsechestnut	<i>Aesculus carnea brioti</i>
European Hornbeam	<i>Carpinus betulus</i>
Upright European Hornbeam	<i>Carpinus betulus fastigiata</i>
Yellowwood	<i>Cladrastis lutea</i>
Green Ash	<i>Fraxinus Pennsylvania lanceolata</i>
Upright Ginko (males)	<i>Ginko biloba fastigiata</i>
Thornless Honey Locust	<i>Gleditsia triacanthos inermis</i>
Sweet Gum	<i>Liquidambar styraciflua</i> cultivars 'Moraine,' 'Burgundy,' 'Festival,' 'Palo Alto,' L.s. aurea
American Hop-hornbeam or Ironwood	<i>Ostrya virginiana</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
Columnar Sargent Cherry	<i>Prunus sargentii columnare</i>
Red Oak	<i>Quercus borealis</i>
Willow Oak	<i>Quercus phellos</i>
Scarlet Oak	<i>Quercus coccinea</i>

Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
Regent Japanese Pagoda Tree	<i>Sophorajaponica</i> ‘Regent’
Littleleaf European Linden	<i>Tilia cordata</i>
Crimean Linden	<i>Tilia enchlora</i>
Silver Linden	<i>Tilia tomentosa</i>
Chinese Elm	<i>Ulmus parvifolia</i>
Village green Zelkova	<i>Zelkova serrata</i> ‘Village green’
Hackberry	<i>Celtis occidentalis</i>
Sourgum or Tupelo	<i>Nyssa sylvatica</i>
Bald Cypress	<i>Taxodium distichum</i>
American Planetree or Sycamore	<i>Platanus occidentalis</i>
Tuliptree	<i>Liriodendron tulipifera</i>

C. *Tree Dedication.* Upon dedication of the right-of-way to the municipality, all trees within such right-of-way shall revert to municipal ownership. It shall be illegal for anyone to prune, spray, plant, remove, cut, burn, injure, or fasten wire, rope, signs or other items to such trees, or deposit on or into the soil about the base of such trees any chemical deleterious to tree life without first obtaining permission from the municipality. [Ord. 820]

(Ord. 374, 1/10/1989; as amended by Ord. 747, 12/13/1999, §1; and by Ord. 820, 12/8/2003)

§22-510. Erosion and Grading Control.

1. *Erosion and Sedimentation Control Plans.* Whenever earthmoving activities are proposed for a subdivision or land development which requires preparation of an erosion and sedimentation control plan under the rules and regulations of the Pennsylvania Department of Environmental Protection, the Board of Supervisors shall require that a copy of such plan be submitted along with the plan submitted for preliminary approval. Review and approval of such erosion and sedimentation control plan by the Department of Environmental Protection, or its designated agent, shall, in such cases, be required for preliminary approval of the plan.

2. *Grading.*

A. Blocks and lots shall be graded to secure proper drainage away from buildings. Alterations to existing storm runoff patterns and amounts shall conform to provisions of Ord. 816, 3/3/2003, the “Ferguson Township Stormwater Management Ordinance,” [Chapter 26, Part 1].

B. No excavation shall be made resulting in a slope steeper than 1 to 3 vertical-horizontal, except in the following circumstances:

(1) Such excavation and/or fill is for street grading governed in §22-502 of this Chapter;

(2) The excavation is located so that a line having a slope of 1:3 and passing through any portion of the cut face will be entirely inside the property lines of the property on which the excavation was made;

(3) The fill is located so that settlement, sliding, or erosion will not result in fill being deposited on adjoining property by any means;

(4) The materials and methods used to finish such grading is sufficiently stable to sustain a slope of steeper than 1:1; and

(5) The Township Engineer shall review all methods and materials used for such cut and fill operations and shall affirm that such deviation from the slope standard will not result in erosion, sedimentation or injury to persons or damage to adjacent property.

C. In all cases, the bottom edge of excavations or fill shall be a minimum of 5 feet from property lines of developed lots.

(Ord. 374, 1/10/1989)

§22-511. Stormwater Management.

All subdivisions and land developments shall be planned in conformity with the provisions of Chapter 26, Part 1, "Ferguson Township Stormwater Management Ordinance." All required plans of said ordinance shall be completed and approved prior to preliminary approval of the subdivision or land development plan. Installation, inspection and approval of all improvements required by said ordinance shall follow the review procedures specified in Part 3 of this Chapter.

(Ord. 374, 1/10/1989; as amended by Ord. 522, 4/6/1992, §1)

§22-512. Sidewalks.

1. Sidewalks shall be shown on all new preliminary and final subdivision plans, land development plans and surety posted upon final plan approval, in all districts, as required below:

A. In the C, OC, I and IRD Districts along both sides of all streets.

B. In the R-1, R1B, 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. In the RR zoning district, the Board of Supervisors will determine whether sidewalks are required or not.

E. Sidewalks are required along both sides of all private driveways serving more than three units unless a modification is granted by the Board of Supervi-

sors.

F. When a property is to be subdivided into ten or more residential lots, or is to be developed with ten or more residential units, and the original parcel abuts a public bikeway, a connection to the bikeway must be provided. The connection may be a sidewalk or a bikeway.

G. When a property is to be subdivided into five or more non-residential lots, and the original parcel abuts a public bikeway, a connection to the bikeway must be provided. The connection may be a sidewalk or a bikeway.

H. All non-residential and multi-family residential uses shall provide a separate pedestrian walkway connecting the primary building entrance(s) to the nearest public sidewalk abutting the parcel. Parcels greater than 1 acre that have frontage on more than one street may be required to provide multiple connecting walkways.

2. Sidewalks shall be constructed according to Township specifications and shall be located along all property lines which abut paved streets. Sidewalks shall be constructed within the public right-of-way, unless the Board of Supervisors authorizes sidewalks to be constructed on private property immediately adjacent to the public right-of-way. In such case, the developer shall enter into an easement agreement in a form acceptable to the Board of Supervisors. The grant of easement shall be recorded contemporaneously with the recording of the final subdivision plan and/or land development plan. Said plan shall include a note referencing the existence of and recording information concerning the grant of easement.

(*Ord. 374*, 1/10/1989; as amended by *Ord. 537*, 11/16/1992, §1; and by *Ord. 768*, 4/2/2001, §1)

§22-513. Public Use and Service Areas.

1. Public Spaces.

A. In reviewing subdivision plans, the Township Planning Commission, Board of Supervisors and Township staff shall consider whether community facilities, including schools in the area, are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such report thereon as it deems necessary in the public interest, to the State College Area School Board.

B. Subdividers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields. Area provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. Prior to the preparation of plans, subdividers of large tracts should review minimum standards for suitability and desirability of various community facilities applicable to the tract being subdivided with the Township staff, the staff of the Centre Region Parks and Recreation Department and the Ferguson Township Planning Commission.

C. *Unity.* It is desirable for the intended parkland to be in several well-

placed, adequately sized areas within the Township, so that it can accommodate the anticipated uses, rather than to have numerous useless small pieces. Unless the proposed parkland is 4 acres or larger, or can be combined with another piece of parkland for a minimum of 4 acres, the Township should consider requiring fee-in-lieu of parkland. The Centre Region Parks and Recreation Department policy on acceptance of maintenance of parkland requires parks to be equal to or larger than 4 acres.

2. *Parks and Recreational Facilities.*

A. The purpose of this Section is to ensure that adequate parks and recreational facilities are provided to meet the needs of residents as these needs are generated by new subdivision and land development activity.

B. The provisions of this Section shall apply to all residential developments of either single or multiple family dwellings. The provisions of this Section shall not apply to any plan application, whether preliminary or final, pending at the time of the enactment of this Section.

C. The amount of parkland to be dedicated in each development shall be determined by applying the following formula to the total acreage of the development:

Total average number of people per dwelling unit (2.54 people per unit) x .024 acres per person x 65% (developable acreage)

The subdivider or developer shall place a note on each subdivision plan or land development plan which is subject to dedication of parkland that shall read as follows:

"No more than _____ [insert number] dwelling units may be constructed on the land which is the subject of this subdivision plan [land development plan] unless additional land is dedicated to the Township of Ferguson for parkland and/or the Board of Supervisors accepts an additional fee-in-lieu of dedication of parkland. The land shown on this plan as parkland, consisting of ____ acres shall be deeded to Ferguson Township by a deed of general warranty, free and clear of all liens and encumbrances. Said land shall be available for Ferguson Township use consistent with its ordinances and regulations with no restriction, except that the purpose of the conveyance shall be for public park and recreation uses."

D. The Township will officially accept the parkland at the time of final plan approval provided the land meets the criteria set forth in paragraph .F. At such time, a general warranty deed free from all encumbrances shall be recorded for the dedicated land and it shall contain the following restrictive clause:

"This land was dedicated to the Township of Ferguson for perpetual public park purposes pursuant to the Township of Ferguson Subdivision Ordinance."

E. The Township or its designee shall be responsible for maintaining all dedicated and accepted areas. Formation of and cooperation with homeowners associations or similar organizations for purposes of maintenance shall be encouraged, but the responsibility of seeing that the work is done shall remain

with the Township.

F. The Board of Supervisors shall determine if the land is acceptable for dedication based on the following and any other relevant criteria:

(1) *Access.* The dedicated land must be readily accessible to all development residents that it is intended to serve. The dedicated land shall abut a public street and shall have a minimum frontage of 50 feet or shall adjoin and become part of an already existing park area which is accessible from a public street. If appropriate, access to the park from other parts of the neighborhood shall be provided through 20-foot access easements with 10-foot wide paved walkways.

(2) *Location.* The parkland shall be located, to the extent possible, so that it equally serves all residents of the development, but in all events the land shall be accessible to those it is designated to serve. In some instances, the Township may require that the parkland be placed in a location where it may be combined with existing parkland from an adjacent development. In determining the location, reference should be made to the Township's Recreation, Parks and Open Space Plan to determine if there are proposed parkland locations in the vicinity of the site.

(3) *Shape.* The majority of the parkland shall have a length to width ratio of no more than 2½ to 1. The shape shall be suitable to accommodate those park activities appropriate to the location and needs of the residents. Yards, court areas, setbacks, and other open areas required by zoning and other regulations are not to be included as part of the acreage to be dedicated.

(4) *Soils, Floodplain and Stormwater Facility.* Soil shall be suitable for the intended park uses. No parkland may be located on or within any drainage way, wetland area, steep slope area or stormwater detention basin, with the exception that up to 25 percent of the total parkland may be located within a floodplain with approval of the Board of Supervisors.

(5) *Slope.* The majority of the park shall have a slope of no more than 4 percent, and the average slope of the park, as measured perpendicular to the contour lines, shall not exceed 8 percent.

(6) *Size.* The minimum parcel size shall be no less than 4 acres.

(7) *Utilities.*

(a) The major piece(s) of dedicated land are to be accessible to, but not crossed above the surface by, a public street(s), telephone, power, fuel, water and sewer lines, etc. If any of these facilities are placed underground, no part of them or their supportive equipment shall protrude above ground level within an active play area. When parkland is to be dedicated to the Township, utilities such as water, sewer, and electric shall be extended to the parkland. The location of the utility extensions shall be approved by the Township.

G. *Pedestrian and Bicycle Paths.* Pedestrian and bicycle paths may be accepted as parkland if they meet all the following conditions:

(1) The minimum width of the parkland right-of-way or easement shall be 20 feet.

(2) The pedestrian and bicycle paths shall have logical beginning and ending points that provide appropriate means of access to a park or other facilities residents of the development are likely to use.

(3) The cost of improving the pedestrian or bicycle path shall be paid by the developer in order to accommodate its intended use. This shall not be considered as a credit towards a fee-in-lieu of land dedication.

(4) The provisions of subparagraphs (3), "Shape," and (5), "Slope" must still be met by the development.

H. The developer shall be responsible for complying with the provisions of the Ferguson Township Stormwater Management Ordinance [Chapter 26, Part 1]. The stormwater management plan submitted to the Township for the subject development must provide mechanisms to ensure effective stormwater management for the dedicated parkland property.

I. *Fee in Lieu of Dedication.*

(1) The payment of fee-in-lieu of land dedication shall be in accordance with the requirements of Article V, §503(11) of the Pennsylvania Municipalities Planning Code (Act 247), as amended, 53 P.S. §10503(11). The fee-in-lieu of parkland shall be used to enhance public recreation areas which will directly or indirectly benefit future inhabitants of the development or subdivision providing the fee.

(2) If it is determined that there is not land suitable for dedication, or that the subdivision is too small to allow for a suitable amount of land for dedication, or that it is not practical to dedicate land, or that there already exists an adequate amount of parkland and recreational facilities, or the location of parkland within the proposed subdivision is not consistent with the adopted Ferguson Township Recreation Parks and Open Space Plan, a fee-in-lieu shall be considered by the developer. Such determination shall be made at the preliminary plan stage. The parkland fee per person shall be established by resolution of the Board of Supervisors.

(3) After receiving the recommendation of Ferguson Township staff, the Centre Regional Planning Agency, the Ferguson Township Planning Commission, and the Centre Region Parks and Recreation Agency, the Ferguson Township Board of Supervisors may determine that a fee-in-lieu would be more beneficial to the Township residents than a land dedication for parkland. The following procedure shall be utilized to determine the appropriate fee-in-lieu:

(a) As part of the plan approval process, the Township Manager, under the direction of the Board of Supervisors, shall send written notice to the developer that the Board has determined a fee-in-lieu would be more beneficial to the Township's residents than the dedication of parkland.

(b) *Neighborhood/Community Park Fee-in-Lieu.*

The fee-in-lieu payment shall be determined using the following procedure:

- 1) Formula for determining fee in lieu of dedication:

$$D \times 2.54 \text{ person/d.u.} \times \text{Parkland Fee/person} =$$

Parkland Fee - in - Lieu

D= Number of Dwelling Units

Parkland Fee /person = Fee established by Resolution of the Board

J. The Board of Supervisors may, at its option, and with the developer's agreement, require the dedication of some land and the payment of a fee-in-lieu of dedication for the balance. This will be determined based on existing parkland being located adjacent to the proposed subdivision or land development plan and the desire to expand the existing parkland.

K. The Board of Supervisors may establish by resolution a fee to be paid in addition to the dedication of land to fund the costs of preparing a park master plan or to update an existing park master plan.

(*Ord. 374*, 1/10/1989; as added by *Ord. 376*, 1/10/1989, §1; as amended by *Ord. 402*, 9/12/1989, §12; and by *Ord. 839*, 11/15/2004, §2)

Part 6

Administration and Enforcement

§22-601. General Provisions.

The Township Board of Supervisors, or their duly appointed representatives, shall have the duty and authority for the administration and general enforcement of the provisions of this Chapter, as specified herein. Permits required by the Township for the erection or alteration of buildings, the installation of sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any municipal official unless in accordance with the procedures specified herein.

A. *Fees.* The Board of Supervisors may establish by resolution a schedule of fees and a collection procedure for review and inspection of all applications for approval of a subdivision or land development plan.

(1) All such fees shall be payable to the Township.

(2) No plan shall be considered as having been filed or accepted for review, inspection, or approval unless and until all fees are first paid in full.

(3) No plan shall receive final signature until all outstanding fees have been paid in full. [*Ord. 820*]

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

§22-602. Penalties.

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plan of such subdivision or land development or erect any building thereon, unless and until a plan has been prepared and approved in full compliance with the provisions of this Chapter shall be subject to those penalties prescribed by the Pennsylvania Municipalities Planning Code, which penalties deem such misconduct a misdemeanor and provides for the imposition of fines and other penalties.

A. The Township may initiate and maintain civil action:

(1) To obtain injunction relief against the owner or agency who attempts the improper sale or conveyance of land.

(2) To set aside and invalidate any conveyances of land made prior to plan approval of any subdivision.

(3) To enforce, at law or in equity, any of the provisions of this Chapter.

B. Nothing herein shall prevent the Township from taking such other action

necessary to prevent or remedy any violation.

(Ord. 374, 1/10/1989)

§22-603. Amendments.

Provisions of this Chapter may, from time to time, be amended through action of the Board of Supervisors in the manner provided by Article V of the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 374, 1/10/1989)

Part 7

Official Map Ordinance

§22-701. General Provisions.

1. *Short Title.* This Part shall be known and may be cited as the "Ferguson Township Official Map Ordinance."

2. *Authority.* This Part is enacted and ordained under the grant of powers by the 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.*

3. *Purpose.* This Part is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare; to facilitate adequate provision of public streets and facilities; to improve traffic circulation; to provide for the recreational and open space needs of the community; to provide pedestrian ways and easements; to protect and enhance water resources; to provide for flood control basins, floodways and floodplains, stormwater management areas and drainage easements; and to facilitate the subdivision of land and the use of land and watercourses.

(*Ord. 456, 8/6/1990, §1*)

§22-702. Establishment of Controls.

1. *Provisions of the Official Map Ordinance.*

A. The Official Map, as enacted by this Part, and subsequently amended, shall identify the location of the lines of:

(1) Existing and proposed public streets, well sites, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closings of same.

(2) Existing and proposed public parks, playgrounds and open space reservations.

(3) Pedestrian ways and easements.

(4) Railroad and transit rights-of-way and easements.

(5) Flood control basins, floodways and floodplains, stormwater management areas and drainage easements.

(6) Support facilities, easements and other properties held by public bodies undertaking the elements described in §301 of the Municipalities Planning Code.

B. At the time of enactment of this Part, all existing surveys designating the exact location of the lines of existing public street rights-of-way, watercourses and public grounds, including surveys prepared by government agencies or incorpo-

rated as part of final, recorded, subdivision and land development plans duly approved by the Board of Supervisors shall, by reference, be deemed an attachment to the Official Map for the purpose of so designating the exact location of said existing lines.

C. The Township, by amending ordinances, may make additions or modifications to the Official Map, or part thereof. For the purpose of initially preserving land on the Official Map, property records, aerial photography, photogrammetric mapping or other methods sufficient for identification, description and publication of the Official Map shall be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor. The Township may also vacate by ordinance any existing or proposed public street, watercourse or public ground contained in the Official Map, or part thereof.

D. Unless otherwise specified, all proposed public street rights-of-way and widening of existing public street rights-of-way shall meet the width requirements specified in the Subdivision and Land Development Ordinance, this Chapter, for the street classifications designated.

2. *Incorporation of the Official Map.* The Official Map, including all notations, references and other data shown thereon, is hereby incorporated by reference into this Part as if it were fully described herein.

A. *Certification of the Official Map.* The Official 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 Official Map of the Township of Ferguson referred to in §2 of Ordinance No. 456 of the Township of Ferguson, Centre County, Pennsylvania," together with the date of enactment of this Part. The Map shall be kept on file with the Township Manager. Following adoption of this Part and Official Map, or any amendment thereof, a copy of the same, verified by the Township Secretary, shall be submitted to the Recorder of Deeds of Centre County and shall be recorded within 60 days of the effective date of this Part or amendment thereof.

B. *Changes in Official Map.* If, in accordance with the provisions of this Part, changes are made to the location of lines designated existing or proposed public streets, watercourses or public grounds, such changes shall be entered promptly on said Map. All changes, except those resulting from subdivision and land development plans, as specified in §704, below, shall be certified by initialing of the Map by the Chairman of the Board of Supervisors, together with the amending ordinance number and date of enactment. Following adoption of the Ordinance and Official Map, or any amendment thereof, a copy of the same, verified by the Township Secretary, shall be submitted to the Recorder of Deeds of Centre County and shall be recorded within 60 days of the effective date of the Ordinance or amendment thereof.

C. *Relationship with County Official Map.* The adoption of an Official Map by the County shall not affect the Ferguson Township Official Map except that the County Official Map shall govern as to County streets and public grounds of the

County in accordance with the Pennsylvania Municipalities Code.

D. *Relationship with Adjacent Municipalities.* If the Official Map, or amendment thereto, shows any streets or public lands intended to lead into any adjacent municipalities, a copy of said Official Map or amendment shall be forwarded to such adjacent municipality. The comments of the adjacent municipality shall be made to the Board of Supervisors of Ferguson Township within 45 days of such forwarding, and the proposed action by the Board of Supervisors shall not be taken until such comments are received; provided, however, if the adjacent municipality fails to provide comments within 45 days, the Board of Supervisors may proceed without the comments of the adjacent municipality. Upon adoption of the Official Map, or any amendment thereof, in which any street or public lands are intended to lead into an adjacent municipality, a certified copy of the Map and ordinance adopting it shall be forwarded within 30 days after adoption to the adjacent municipality.

(Ord. 456, 8/6/1990; §2)

§22-703. Effect of Controls.

1. *Construction Within Mapped Streets, Watercourses or Public Grounds.* For the purpose of preserving the integrity of the Official Map of the Township, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of building or improvements constructed within the lines of any street, any watercourse or public ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner. However, when the property of which the reserved location forms a part cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the Board of Supervisors for the grant of a permit to build. Before granting any permit authorized in this Section, the Board of Supervisors may submit the application for a special encroachment permit to the Planning Commission and allow the Planning Commission 30 days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard. A refusal by the Board of Supervisors to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner and within the same time limitation as is provided in Article IX of the Municipalities Planning Code.

A. The Board of Supervisors may fix the time for which streets, watercourses and public grounds on the Official Map shall be deemed preserved for future taking or acquisition for public use.

B. The reservation for public grounds shall lapse and become void 1 year after an owner of such property has submitted a written notice to the Board of Supervisors announcing his intention to build, subdivide or otherwise develop the land covered by the reservation or has made formal application for an official permit to build a structure for private use, unless the Board of Supervisors shall have acquired such property before the end of the year.

C. The adoption of any street, street lines or other public lands pursuant to

this Part, as part of the Official Map, shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land, nor shall it obligate the Township to improve or maintain any such street or land. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by the Township.

2. *Release of Damage Claims or Compensation.* The Board of Supervisors may designate any of its agencies to negotiate with the owner of land under the following circumstances:

A. Whereon reservations are made.

B. Whereon releases of claims for damages or compensation for such reservation are required.

C. Whereon agreements indemnifying the Board of Supervisors or the Township from claims by others may be required.

Any releases or agreements when properly executed by the Board of Supervisors and the owner and recorded, shall be binding upon any successor in title.

(Ord. 456, 8/6/1990; §3)

§22-704. Adoption and Amendment.

1. *Procedure.*

A. Prior to the adoption of the Official Map or part thereof, or any amendments to the Official Map, The Board of Supervisors shall refer the proposed Official Map or part thereof, or amendment thereto, with an accompanying ordinance describing the proposed map, to the Planning Commission for review. The Planning Commission shall report its recommendations on said proposed Official Map and accompanying Ordinance, part thereof or amendment thereto, within 45 days unless an extension of time shall be agreed to by the Board of Supervisors. If, however, the Planning Commission fails to act within 45 days, the Board of Supervisors may proceed without its recommendations.

B. The County and adjacent municipalities may offer comments and recommendations during said 45 day period in accordance with §408 of the Municipalities Planning Code. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to the Board of Supervisors or Planning Commission if required by same during said 45 day review period. Before voting on the enactment of the proposed ordinance and Official map, or part thereof or amendment thereto, the Board of Supervisors shall hold a public hearing pursuant to public notice.

2. *Amendment by Subdivision Plan.* After adoption of the Official Map, or part thereof, all streets, watercourses and public grounds on final, recorded subdivision and land development plans which have been duly approved by the Board of Supervisors shall be deemed amendments to the Official Map. Notwithstanding any other terms of this Part, no public hearing need be held or notice given if the amendment of the

Official Map is the result of the addition of a plan which has been duly approved by the Board of Supervisors.

(Ord. 456, 8/6/1990; §4)

§22-705. Violations, Sanctions and Appeals.

1. *Notice of Violation.*

A. Whenever any person, partnership or corporation shall have violated the terms of this Part, the Township Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person responsible for the property or the violation, directing him to comply with all the terms of this Part within 30 days; and, further, the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, the Township may correct the same and charge the landowner or other persons responsible and the cost thereof plus penalties, as specified herein, for failure to comply.

B. Such notice shall be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail; or by personal service; or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.

2. *Sanctions for Failure to Comply.*

A. The failure of any person, partnership or corporation to comply with this Part within the period stated in the notice by the Manager constitutes a violation with possible sanctions which may be as much as \$500 dollars per day of each violation, plus court costs, including reasonable attorney's fees incurred by the Township as a result of prosecution of such violation. Each and every day of continued violation shall constitute a separate violation.

B. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this Part within the time specified by the Manager, the Township may take any actions necessary to correct the violation. The costs for correction of the violation shall be in addition to any penalties for violation for failure to comply.

C. In addition to the sanctions, costs and penalties provided for by this Section, the Township may institute proceedings in courts of equity to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

3. *Appeals.* Any appeal from a decision or action of the Board of Supervisors or of any office or agency of the Township in matters pertaining to this Part shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 456, 8/6/1990; §5)

§22-706. Definitions.

1. Language Interpretations. For the purpose of this Part, 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 singular; words of masculine gender include feminine 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."

2. *Definitions*. Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this Section. All words and terms not defined herein shall be used with a meaning of standard usage.

Board of Supervisors - the Board of Supervisors of the Township of Ferguson, County of Centre, Commonwealth of Pennsylvania.

Building - a structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

County - Centre County, Commonwealth of Pennsylvania.

Governing Body - the Board of Supervisors of the Township of Ferguson, Centre County, Commonwealth of Pennsylvania.

Municipal; Municipality - the Township of Ferguson, Centre County, Commonwealth of Pennsylvania.

Public Grounds - includes:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,

(3) Publicly owned or operated scenic and historic sites.

Public Notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. 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 be not more than 30 days nor less than 7 days from the date of the hearing.

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*]

Street - a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrian, whether public or private.

Township - the Township of Ferguson, Centre County, Commonwealth of Pennsylvania.

Watercourses - a stream of surface water, including river, stream, creek or run, whether or not intermittent.

(*Ord. 456*, 8/6/1990; §6; as amended by *Ord. 820*, 12/8/2003)