

PART C

Administration and Enforcement

Section 301. Zoning Hearing Board.

a. Appointment. The Council shall appoint a Zoning Hearing Board consisting of 3 members and 1 alternate member, in the manner prescribed by law.

b. Power and Duties. The Zoning Hearing Board shall perform all duties, and may exercise all powers and functions vested by law in zoning hearing boards, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

(Ordinance 559, June 20, 1959, Sections 1701 and 1702, as amended by Ordinance 834, December 4, 1973, Section 5, Ordinance 1198, February 8, 1988, Section 1, and by Ordinance 1282, June 20, 1990.)

c. Appeal Fee. Each application to the Zoning Hearing Board of the Municipality for an appeal, challenge of validity of an ordinance, request for variance, or requests for special exceptions shall, at the time said application is submitted, be accompanied by a fee, paid by the applicant, to reasonably cover the cost of advertising, mailing notices, and other necessary expenses resulting from such application. Council shall establish this fee by Resolution. (Ordinance 846, February 5, 1974, Section 1606, as amended by Ordinance 880, November 4, 1975, Ordinance 1130, February 10, 1986, and by Ordinance 1675, August 28, 2001, Section 1.)

Section 302. Enforcement. The municipal Council shall appoint a Zoning Officer or officers to enforce the provisions of the ordinance and the penal provisions of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall administer the zoning ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use, which does not conform to the zoning ordinance. In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this zoning ordinance, the Zoning Officer is authorized to issue compliance orders to landowners or order landowners to cease and desist, or may institute civil enforcement proceedings before the District Magistrate, in order 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. Actions in the Court of Common Pleas shall be instituted only with approval of the governing body, except for appeals, which the Solicitor may file to preserve appeal rights pending authorization or confirmation by the governing body. (Ordinance 559, June 20, 1959, Section 1901, as amended by Ordinance 834, December 4, 1973, Section 3, Ordinance 1073, April 11, 1984, Section 2, and by Ordinance 1284, July 10, 1990, Section 1.)

Section 303. Amendments.

a. By Council. The municipal Council may, by majority vote, from time to time, amend, supplement, change, modify, or repeal this ordinance, including the Zoning Map, in a manner prescribed by law pursuant to the provisions of the Municipalities Planning Code (MPC).

(Ordinance 559, June 20, 1959, Section 1801, as amended by Ordinance 834, December 4, 1973, Section 6., and Ordinance 1840, April 4, 2006, Section 2.)

b. By Petition. Whenever the owners of 50 percent or more of the frontage in any area, which shall be not less than the area contained between two streets, wherein a change of zoning regulations is sought, shall present to the Council a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for, or of the Zoning Map including such area, it shall be the duty of the Council to hold a public hearing thereon following advertisement thereof pursuant to public notice as defined in the Municipalities Planning Code and referral to the Planning Commission.

(Ordinance 559, June 20, 1959, Section 1802, as amended by Ordinance 1840, April 4, 2006, Section 3.)

Section 304. Permits.

a. Zoning Permit. A zoning permit shall be required:

- (1) prior to the erection or construction of any structure which requires the issuance of a building permit by the Centre Region Codes Administration;
- (2) prior to the erection, structural alteration or occupancy of any building;
- (3) prior to the demolition of any building, or portion thereof, designated as a contributing structure within a National Register Historic District or listed in the Historic Resources of the Centre Region, prepared by the Centre Regional Planning Commission;
- (4) prior to a change of use of a building or land;
- (5) prior to the construction of an off-street parking area;
- (6) prior to a change in a nonconforming use; or
- (7) whenever a site plan or development plan is required by this Chapter.

b. No zoning permit shall be issued:

- (1) until all required fees have been paid and a sewer permit has been duly issued by the Municipality or other appropriate authority;
- (2) for land development until such plans are properly recorded in the Office of the Centre County Recorder of Deeds.

c. **Time During Which A Permit Is Valid.** A lawfully- issued zoning permit shall become invalid if the authorized work is not commenced within 1 year after the issuance of the permit or if the authorized work is suspended or abandoned for a period of 6 months after the time of commencing the work.

If the Zoning Officer finds the time limits specified above have been exceeded, he shall notify the landowner, in writing by certified or registered mail, of the expiration of the zoning permit and that a new permit must be secured prior to commencement or continuation of the previously-authorized work.

Application for a new zoning permit, resulting from said action of the Zoning Officer, shall be subject to all zoning regulations in effect at the time of application for a new permit.

d. **Occupancy Permits.** No structure shall be occupied or used until a certificate of occupancy is issued by the appropriate issuing authority. In cases where improvements are required under the zoning ordinance, the certificate of occupancy shall not be issued by the issuing authority until the Zoning Officer approves final zoning inspection for occupancy by signing the appropriate block on the building permit. When deemed appropriate, the Zoning Officer may authorize final zoning inspection for occupancy by accepting surety to guarantee completion of such improvements.

e. **Temporary Use Permit.** A temporary use permit may be issued for a period not to exceed 1 year for nonconforming buildings, structures or uses incident to building construction or land development or deemed of benefit to the general welfare, provided such permits are issued upon agreement by the owner to remove the structure upon expiration of the permit. Such permits may only be renewed for 1 additional year.

(Ordinance 559, June 20, 1959, Sections 1902, 1903 and 1905; as amended by Ordinance 1029, June 14, 1982, Section 1; Ordinance 1152, November 7, 1986; Ordinance 1198, February 8, 1988, Section 2, Ordinance 1202, May 12, 1988, Section 1, Ordinance 1284, July 10, 1990, Section 2, Ordinance 1619, April 3, 2000, Section 2, Ordinance 1636, October 5, 2000, Sections 1 and 2., and by Ordinance 1840, April 4, 2006, Section 4.)

f. **Driveway Permits.** A driveway permit shall be required prior to the construction or expansion of a driveway, unless said driveway is constructed or expanded as part of a land development or other plan that requires issuance of a zoning permit as provided for in Section 304.a hereinabove. No permit shall be required for the resurfacing of any existing driveway, provided the dimensions of the driveway to be resurfaced are not increased. (Ordinance 1396, December 10, 1992, Section 9.)

Section 305. Development Plan. A development plan, as described herein, shall accompany any application for a zoning permit within the Municipality whenever such application proposes the following:

the erection of a new building or the expansion of gross floor area or height of an existing building, except that the erection of 1- or 2-family dwellings containing less than 10,000 square feet of floor area and accessory buildings containing less than 2,000 square feet of floor area are exempted from the requirements of a development plan;

the construction of any off-street parking area, except those parking areas serving 1- or 2-family dwellings that contain 5 or fewer spaces shall be exempted from the requirements of a development plan;

any highway transitional use;

any land development, as defined in Part J of this Chapter, except that subdivision plans shall follow the procedures and content requirements for subdivision, as found in Part J; and,

any conditional use permit.

any group dwelling project.

any telecommunication facility (note: telecommunications facilities must also provide the information required by Section 2001.e of this Chapter).

any mixed use overlay district use.

a. Submission and Content of Development Plan. Copies of the development plan, as prescribed in this Part, shall be submitted to the Borough's Planning Department along with the application for a zoning permit. When the development plan constitutes land development, as defined in Part J of this Chapter, the plan shall be prepared by a registered architect, surveyor or engineer. The land development plan shall be drawn to a scale of not less than 1" = 30', and it shall contain the following information:

(1) The address of the property (Source of Title (Deed Book and Page Number), the lot number, the tax parcel identification number, the name and address of the record title owner of the property, and the name, address, and professional seal of the individual or firm preparing the site plan. In addition, each land development plan shall be accompanied by the following information:

Applicant shall disclose the name of property owner and, if someone other than owner intends to develop the property or carry out the requirements of the land development plan, applicant shall disclose the identity of such developer. Applicant shall provide full names and addresses of owner, applicant, and developer including, if not an individual, the nature of the form of the entity, state of formation and, in the case of corporations, a listing of the 10 largest percentage shareholders, in the case of general partnerships the names and addresses of all

general partners, in the case of limited partnerships the names and addresses of any general partners as well as the 6 largest limited partnership owners and, in the case of limited liability companies the names and addresses of all individuals owning an interest in the limited liability company. Failure to provide such information shall constitute a basis for denial of the development plan.

- (2) Graphic scale and north arrow; key map, in a scale not less than 1"-2,000';
- (3) The existing and proposed use of the property;
- (4) The Zoning District of the property and of all adjoining properties;
- (5) All existing and proposed structures on the property, including their ground floor area, total floor area and height;
- (6) All existing and proposed driveways, parking areas, loading spaces and other details, as specified in Part H of this Chapter;
- (7) The location of all vegetation to remain or to be planted on the lot;
- (8) A planting list of all landscape materials showing caliper sizes, method of installation, botanical and common names, type and amount of mulch, ground cover and grasses;
- (9) A signature block for the property owner, indicating agreement to install and maintain all landscaped areas required by this Chapter;
- (10) The proposed planting dates of all required landscaping;
- (11) Sections, elevations, plans and details of all landscape elements, such as earth mounds, retaining walls and planting details necessary to explain the plan. All details shall be in a scale not less than 1/8" = 1';
- (12) Location of required front, side and rear yards, the legal description of all lot lines (including bearing and distance);
- (13) All easements, streams, channels, drainage ways, flood plain boundaries, utility poles, free-standing lighting, signs, and walkways;
- (14) Existing and final topographic contour lines, drawn at a minimum of 2-foot intervals;
- (15) All existing and proposed public rights-of-way which abut the property, including the location of cart ways, public sidewalks, curb cuts, utility poles and driveways;

(16) The location, size and screening of all refuse areas specified in Section 2001(c) and Section 2404(m) of this Chapter;

(17) Utility information, as specified by Act 172, December 10, 1986, General Assembly of Pennsylvania;

(18) The location of sewer and water laterals, when new taps are required, and the location of any existing taps to be plugged;

(19) The content requirements for a Storm Water Management Plan, when applicable, pursuant to Chapter XIV, Sections 201 - 216, of this Codification, including appropriate signature blocks for landowners and the Borough Engineer;

(20) Elevation drawings of all sides of proposed buildings or proposed changes to existing buildings shall be provided in sufficient detail to show architectural form and design features including building materials and colors. The street fronts of all adjacent buildings shall be shown in a single photograph or single sketch or in a photographic array. For projects proposing new buildings or building additions that exceed 1000 square feet in floor area, a model or orthographic drawing that shows the proposed development within the context of all adjacent buildings and structures within 100 feet of the development site shall be provided.;

(21) Two sections through the site showing buildings, light fixtures and standards;

(22) Land development proposing new buildings or building additions that exceeds 1000 square feet in gross floor area shall include a site plan or map showing the site in the context of its surroundings. The site plan or map shall show all lots and building improvements on those lots, streets, alleys, public right-of-ways, and major physical features within 200 feet of the development site. The plan or map's scale shall be 1 inch = 50 feet or larger.

(23) Any other information the Planning Department may deem necessary to explain the plan or plat;

(24) A space labeled "Municipal Approval By" for the signature of the Director of Planning or the Zoning Officer (Director's designee) or, in the case of Conditional Use Permits, a space for the signature of the President of Borough Council, the Secretary to the Council, plus a space for the date of the approval;

(25) Professional seal, when applicable, of the preparer of a land development plan or plat;

(26) Provisions when account for the phasing of the erection of buildings, parking areas or other site improvements precedent to final approval of the plan;

(27) A listing of any conditions imposed by the planning agency or governing body that are accepted by the applicant as conditional approval of the plat or plan;

(28) If access to a highway under the jurisdiction of the Department of Transportation is shown on the plan, the plat or plan must contain a notice that highway occupancy permit is required, pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, and that access to the State highway shall be only as authorized by the highway occupancy permit;

(29) When applicable, a space labeled for the Recorder of Deeds providing the Deed Book and Page Number references;

(30) Fire flow of the water system serving the proposed land development, as obtained from the water service provider, shall be noted on the plan.

(31) The location of all fire hydrants, fire lanes and fire department connections, such as standpipes or Siamese connectors (if fire hydrants are not located on site, the direction and distance to the nearest hydrant and their available flow rates must be shown), plus clearance distances for any portion of a building overhanging driveways, aisle ways or traffic ways.

(32) The location of the trunk, trunk diameter at a point 4.5 feet above the ground, species, and drip line of all public trees located on any public areas adjacent to the development site and any other sites that will be used for storage of construction materials, access to the site, or any other function related to the land development;

(33) A tree protection zone for each public tree, which shall be the area extending to the drip line of each public tree;

(34) A tree protection report prepared by a certified arborist that assesses the health of each affected public tree identified in Section 32 that assesses the amount of canopy and/or root pruning that will result from the proposed land development on each affected public tree and that indicates the steps proposed to be taken by the applicant to mitigate all impacts for any public tree exposed to pruning (of either the root system or limbs) within the tree protection zone, storage of construction materials within the tree protection zone, soil compaction within the tree protection zone during construction whether by equipment or for any other reason, or site access, whether permanent or temporary, within the tree protection zone; and

(35) An approval signature block for the Borough Arborist or his or her designee.

(36) The size of all existing and proposed water lines within and adjacent to the proposed land development shall be noted.

(37) A note indicating whether any structure within the proposed development has a built-in fire suppression system, including, but not limited to, automatic fire sprinkler systems.

(Ordinance 559, June 20, 1959, Section 1901, as amended by Ordinance 1839, April 4, 2006, Sections 2 and 3., Ordinance 1840, April 4, 2006, Section 5, and by Ordinance 1872, June 18, 2007, Section 5.)

b. Review Procedure.

(1) Preliminary Review. The applicant shall submit to the State College Planning Department 5 copies of a concept (preliminary) plan for review. The content of such concept plan shall conform substantially to the criteria specified in Sections 305.a(1) through (7), (11), (15), (20) (22), (30), (31), (36) and (37). Exception: Development plans for new buildings containing less than 800 square feet of gross floor area, additions that will not increase the gross floor area of an existing building by more than 800 square feet, or off-street parking areas containing less than 10 parking spaces are exempted from the requirement of a preliminary review and such applications shall follow only the provisions for final review. All development plans submitted for preliminary review must be submitted to the Planning Department not less than 30 days prior to the regularly scheduled meeting of the Design Review Board.

The Planning Department shall forward 1 copy of the concept (preliminary) plan to the State College DRB for review and comment at the Board's next regularly scheduled meeting, and one copy to the State College Planning Commission for review and recommendation at the Commission's next regularly-scheduled meeting. The applicant shall be available to review any development plan(s) submitted in conjunction with an application for development at any meeting of the DRB or Planning Commission at which said development plan(s) will be reviewed. (Ordinance 2041, May 19, 2014.)

The Planning Department shall forward one copy of the concept (preliminary) plan or the final plan when a concept plan is not first required to the Fire Chief for review and comment pursuant to Section 305.b(5). The Fire Chief shall provide written comments concerning the plan to the applicant and the municipality within 10 business days after receipt of the plan.

The Planning Department shall forward 1 copy of any concept plan affecting a property located in a National Register Historic District or listed in the *Historic Resources of the Centre Region*, prepared in 1982 by the Centre Regional Planning Commission, to the State College Historic Resources Commission for review and comment at the Historic Resources Commission's next regularly-scheduled meeting. The Historic Resources Commission shall advise the DRB at the next regularly scheduled meeting of the DRB of the historic and architectural significance of the property affected and of the effect of the proposed land development on this historic and architectural significance. Within 30 days following the review of the concept plan, the Planning Department shall forward to the applicant a written summary of the DRB comments and indicate whether the general concept of the plan meets the planning criteria and objectives of these regulations. Following approval, the applicant may proceed to a final review.

(2) Final Review. All applications for a zoning permit that include a development plan, as required herein, shall be reviewed by the Borough's Planning Department upon receipt of all of the following:

- (a) application for plan examination and building permit;
- (b) 7 copies of the development plan; and
- (c) payment of all applicable review fees.

Fee payments shall include any cost for review imposed by the County Planning Agency or its designated reviewing agency as well as all municipal fees established by resolution. No application for a final review shall be accepted by the Planning Department until the applicant has completed the preliminary review, when applicable, as stipulated in Section 305.b(1) of this Part.

The Planning Department shall forward 1 copy of the development plan, as required in this Chapter, to the State College DRB for review and recommendation at the Board's next regularly-scheduled meeting, and one copy to the State College Planning Commission for review and recommendation at the Commission's next regularly-scheduled meeting. The applicant shall be available to review any development plan(s) submitted in conjunction with an application for development at any action meeting of the DRB or Planning Commission at which said development plan(s) will be reviewed.

The Planning Department shall forward 1 copy of the development plan to the Borough Arborist, or his or her designee, for a review of proposed land development's effect on any public tree(s). The Borough Arborist, or his/her designee, shall report his/her findings to the Planning Department on the effect of the plan on any public trees within 15 working days of the receipt of said plan.

The Planning Department shall forward 1 copy of any final plan affecting a property located in a National Register Historic District or listed in the *Historic Resources of the Centre Region*, prepared in 1982 by the Centre Regional Planning Commission, that was not previously reviewed under Section 305.b(1) of this Chapter to the State College Historic Resources Commission for review and comment at the Historic Resources Commission's next regularly-scheduled meeting. The Historic Resources Commission shall advise the DRB at the DRB's next regularly scheduled meeting of the historic and architectural significance of the property affected and of the effect of the proposed land development on this historic and architectural significance.

All development plans for final review must be submitted to the Planning Department not less than 30 days prior to the regularly-scheduled meeting of the DRB.

The Planning Commission shall review land development plans and forward any recommendation made to the Planning Department within 60 days of the Planning Department's

receipt of the plan. The Planning Department shall not approve or deny the final plan until the Commission completes its review or the 60-day limit specified above expires.

(3) Conditional Use. Prior to hearing by Borough Council, the Planning Commission shall be afforded an opportunity to review any Conditional Use Application and provide a recommendation to Borough Council. In order to provide for a timely hearing, such review shall be completed and recommendation made within 45 days of receipt of the application by the Planning Department.

(4) County Review. Whenever the application for development constitutes land development, as defined in Part J of this Chapter, the municipality shall forward the development plan, upon receipt, for final review to the County planning agency for review and report together with a fee sufficient to cover the cost of review and report, which fee shall be paid by the applicant. The municipality shall not approve such application for land development until the County report is received or until the expiration of 30 days from the date the application was forwarded to the County.

(5) Fire Chief Review. To provide for public safety and welfare by insuring the ability to adequately fight fire, the Fire Chief shall review all subdivision and land development plans and make appropriate written recommendations to the Borough and Applicant concerning the following fire protection features:

- fire flow and/or water supply available for fire fighting
- fire hydrant location and available flow rate
- fire apparatus access roads
- the location of fire lanes when required
- the location of any fire department connections provided
- the presence of any built-in fire suppression systems

The Fire Chief's written comments shall be provided to the applicant and the Borough within 10 business days after his or her receipt of the plan. Thereafter, if a subsequent plan revision modifies or changes any of the fire protection features listed above, the revised plan shall be provided to the Fire Chief for further review and written comment. The Fire Chief must provide any subsequent written review comments within 10 business days after receipt of the revised plan. The Borough shall not approve such application for subdivision or land development until the Fire Chief's written comments are received or until after the expiration of the 10-day period from the date the plan was forwarded to the Fire Chief.

The Borough may require compliance of subdivision and land development plans in accordance with all powers and authority as designated in the Fire Prevention Code and BOCA Basic/National Fire Prevention Code, as amended and duly adopted by the Municipality (Chapter IV, State College Borough Codification of Ordinances) and by the Fire Protection and Fire Prevention ordinances (Chapter VI, State College Borough Codification of Ordinances) and to the extent as is provided herein within the zoning and subdivision ordinances.

(6) Fire Lanes. When necessary, the Fire Chief in concurrence with the Code Official may designate Fire Lanes. Designated Fire Lanes shall be marked on the land development plan. The minimum width of a fire lane shall be 20 feet. Authority for enforcing parking within Fire Lanes is governed by Chapter VI, Part C, *Fire Lanes*, in this Codification of Ordinances.

(7) Storm Water Management. When the submission of a Stormwater Management Plan is required, pursuant to Chapter XIV, Sections 201 - 216, of this Codification, the content requirements of such stormwater plan may be incorporated into the development plan, as required by this Chapter, or may be submitted as a separate Stormwater Management Plan. However, the Planning Department shall not approve any application for development until all applicable requirements of the Stormwater Management Ordinance have been met and approved by the Borough Engineer.

(8) Modifications to Approved Plans. No modification, variance or change in the location, layout, character or use of development, as shown on the development plan, shall be permitted once the plan or plat has been approved. Any such change(s) shall require resubmission of the plan or plat and payment of all applicable resubmission fees. The final as-built conditions must match the conditions depicted on the approved plan. However, the Planning Department is authorized to administratively approve minor variations between the as-built and approved plan conditions for landscaping, building facade, building location and parking lot layout, provided that, in the judgment of the Department, the layout, use or character of the development is not substantially changed.

c. Approval of Development Plans

(1) General Rule. The Planning Department shall either approve or deny any final development plan or preliminary/final development plan submitted pursuant to Section 305.a and shall communicate its decision to the applicant not later than 90 days following the date of submission to the Planning Department. When a plan is denied, the decision shall be in writing specifying the defects found and shall cite the provisions of the ordinance relied upon. Final Plan approval shall be signified when the Municipal Approval Block on the plan is signed by a Planner/Zoning Officer or the Planning Director. The Planning Department is authorized to offer conditional approval on any land development plan.

The applicant shall provide 1 reproducible plus 2 prints of the approved final development plan. The Planning Department shall sign each and return the reproducible to the applicant for recordation. The signed prints shall be retained by the Municipality.

(2) Conditional Use & Special Exception. When a conditional use or special exception application is accompanied by a preliminary or final development plan, the Planning Department shall not approve the development plan until the conditional use or special exception has been duly approved by the Borough Council or the Zoning Hearing Board, as the case may be. In order to meet review time deadlines (90 days for a final plan and 30 days following DRB

review for a preliminary plan), the Planning Department may offer conditional approval of a satisfactorily submitted development plan contingent upon the conditional use or special exception application being approved by Council or the Zoning Hearing Board, as the case may be.

Conditional Use and Special Exception Applications shall be acted upon by Borough Council or the Zoning Hearing Board, as the case may be, within 45 days after the last hearing. The initial hearing shall be held within 60 days of receipt of the Application by the Planning Department pursuant to public notice as defined in the Municipalities Planning Code (MPC). A copy of the public notice shall be mailed to the owners of all properties within 200 feet of the development site. The hearing and decision shall follow all requirements and procedures provided in the MPC for conditional uses and special exceptions.

d. Recording of Development Plans. After final approval of a development plan constituting land development, as defined herein (except for subdivision and lot consolidation, which shall be recorded as required by Sections 2603.c(7) and 2609.a(9) respectively), the plan shall be recorded with the Centre County Recorder of Deeds within 90 days of the plan approval date. No zoning permit shall be issued until such plan is recorded.

An applicant shall submit 1 copy of the plan in digital electronic format that complies with State College Borough's Geographic Information System technical specifications, as set forth in Part C, Section 311 of this Chapter. This plan shall be based on the plan that was approved by the Borough and recorded with Centre County and show all required improvements as they are actually built on the site. No occupancy permit shall be issued until the digital plan files have been submitted to the municipality.

e. Traffic Impact Study. A traffic impact study shall be submitted to the municipality:

(1) As part of an application for a land development plan, as defined in Section 305 of this Chapter, if:

(a) The land development plan is expected to generate a total of 75 or more new vehicle trips during the peak hour on the adjacent roadway(s) or 750 or more trips in an average day; or

(b) The land development plan includes the addition, removal, or relocation of a street, including the opening of a street previously dedicated but never constructed by or for the municipality, or the vacation of a street that has been opened by or on behalf of the municipality; or

(c) The proposed development alters the transportation patterns on a public street providing vehicular access to the development; or

(d) The proposed land development plan is for a change in use or expansion at an existing site where the increased land use intensity is expected to increase traffic by 50 or more trips in a peak hour or result in 750 or more vehicle trips in an average day for the entire project.

(2) When proposed rezoning is inconsistent with the comprehensive plan where permitted uses could generate 75 or more new trips during the peak hour of the traffic generator or the peak hour on the adjacent streets or 750 or more trips in an average day.

(3) When a proposal to open a new access point to a site is expected to generate a total of 75 or more new vehicle trips during the peak hour on the adjacent roadway, or 750 or more trips in an average day.

(4) Trip Generation Rates.

(a) The applicant shall provide forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). With prior approval of the Borough, the applicant may use other commonly accepted sources of data or supplement the standard data with data from at least 3 similar projects in Pennsylvania.

(5) The Traffic Impact Study shall be prepared by a qualified professional.

(6) Study Contents and Scope. Prior to beginning the study, a meeting will be held to review the scope of work. The external road network and intersections to be analyzed, the peak hours to be included in the analysis for, and all other assumptions shall be determined at this scoping meeting. PaDOT, the Centre Regional Planning Agency and representatives of other municipalities will be invited to that meeting when appropriate. Following the meeting to review the proposed scope of work and prior to performing a traffic impact study, the Borough will provide a final scope of study specifying the study area, intersections, and any special requirements.

(7) The study shall include the following:

(a) Description of existing conditions and traffic volumes for the external road network servicing the development, including:

(i) Description and illustration of roadway characteristics, as appropriate. Features to be addressed include lane configurations and widths, geometries, signal timing, traffic control devices (including all time available to pedestrian movements), posted speed limits, average running speeds and any sight distance limitations.

(ii) Bike facilities whether within or outside of the right-of-way.

(iii) Sidewalks and other pedestrian facilities.

(iv) Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.

(v) Existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way requested or proposed by the Borough or PaDOT.

(vi) Existing traffic volumes expressed as peak hours and average daily traffic (ADT), where specifically requested. Traffic count data shall not be over 2 years old, except the Borough may permit 24-hour counts up to 3 years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than 2 percent annually in the past 3 to 5 years.

Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks during the fall or spring semester at The Pennsylvania State University. Additional counts (e.g. on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing the impact study shall obtain the traffic counts during average or higher than average volume conditions for the area under study.

(vii) Roadway improvements planned by the Borough or PaDOT.

(b) 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.

(iii) The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). Subject to the approval of the Borough, the applicant may use other commonly accepted sources of data or supplement the standard data with data from at least 3 similar projects in the Centre Region or at other locations in Pennsylvania.

(c) For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The Borough shall make the determination of typical uses.

(d) Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Borough. The Borough may elect to decrease the trip reduction rates used if it believes the reductions rates overestimate the reduction that will actually result.

(e) For projects intended to be developed in phases, the trip generation by phase shall be described.

(f) Existing and future level of service analyses, including queue length and warrant analysis, which shall be based on the most recent edition of the Highway Capacity Manual, Special Report 209 (published by the Transportation Research Board, National Research Council), and will include the following:

(i) Existing Conditions. Analysis of current conditions for intersections and, if requested roadway levels of service, included within the study area to allow comparison of actual conditions with future conditions as projected through the traffic impact study.

(ii) Future Conditions. Analysis of future conditions without the proposed development traffic, if the site is not developed, and if only previously-scheduled improvements, as defined in the scoping meetings, are completed.

(iii) Future Conditions with Site Developed. Analysis of the incremental impact of the development on traffic conditions, and identification of improvements needed to mitigate the impacts. The study must detail the methods used to arrive at future traffic projections and must project traffic impacts at least to the first full year of operation of the development.

If the proposed development is phased over time, traffic projections must be prepared for each phase.

If the traffic impact analysis includes state routes, future traffic projections must be consistent with PaDOT requirements.

(iv) Future Conditions with Site Developed and Mitigation in Place. Analysis of conditions if the proposed development is built, and improvements are implemented to mitigate the impacts.

(v) Gap studies for unsignalized intersections where applicable.

(vi) Level of Service "D" shall be the minimum acceptable LOS for any approach in the post-development condition.

(g) Access Design/Access Management Standards. The report shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of the

Borough of State College and/or PaDOT. Section (g) is not required for a Rezoning Traffic Study.

(h) Mitigation Alternatives. The Traffic Impact Study shall include a narrative discussion, sketches, diagrams, and analysis, and specific recommendations based on (f) above of the need for improvements or facilities to mitigate impacts that have been produced by development of the site.

In determining the need for mitigation, the Traffic Impact Study shall evaluate the effect of the trips generated as a result of the proposed development on streets identified in the scoping meeting in the context of the Borough's street classification system. If the ADT or percent of through trips on any of these streets will exceed the established maximums as a result of new trips generated by the proposed development, the Traffic Impact Study shall include recommendations for mitigation methods to reduce the volumes and/or percentage of through traffic to comply with the Borough's street classification system.

The developer shall pay for the costs for improvements and/or mitigation on adjacent streets.

(i) Other Study Items. The traffic impact study shall recommend:

(i) Need for, or provision of, any additional right-of-way where planned or desired by the Borough of State College and/or PaDOT.

(ii) Changes which should be considered to the plat or land development plan layout.

(iii) Description of any needed improvements for other modes, including non-motorized facilities.

(iv) If the use involves a drive-through facility, the adequacy of the (queuing stacking) area should be evaluated.

(v) If a median crossover is desired, separate analysis should be provided.

(vi) If a traffic signal is being requested, the relationship of anticipated traffic-to-traffic signal warrants in the PaDOT design manuals and the Manual of Uniform Traffic Control Devices. Analysis shall also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.

(vii) The need for any improvements to bicycle or pedestrian facilities on or adjacent to the site.

f. Walkways.

(1) All development plans for buildings constructed or erected that are intended for use or used as any non-residential use or intended for use or used for residential use other than one- or two-family dwellings shall include a minimum of one walkway connecting the main entrance of the building to the public sidewalk on the public right-of-way. For developments that contain more than one building, the main entrance to each building on the site shall served by a walkway connecting said building to the public sidewalk. Accessory buildings and private garages are exempt from this requirement.

(2) All sidewalks constructed pursuant to Section a. above shall be constructed of Portland cement, brick, pavers, wood, or other similar hard surface. Property owners are strongly encouraged to use materials such as brick and pavers that allow infiltration of storm water. Unless specifically provided for in this Chapter, walkways shall be constructed in compliance with the standards expressed in Chapter XVI, Part F, and Sections 603.a through c. of the Codification of Ordinances of the Borough of State College. Bituminous concrete or asphalt may not be used except where a walkway crosses a driveway, in which case striping or otherwise marking a walkway on the driveway is acceptable. Use of a driveway as part of a walkway may not exceed the width of the driveway.

(3) Walkways parallel to driveways and/or parking lots must be clearly distinguishable from the driveway and/or parking lot. Walkways must be separated from a driveway or parking lot by a pervious area a minimum of 12 inches in width for every 4 feet of walkway width. This pervious area must be planted in grass or other ground cover.

(4) All walkways constructed pursuant to Section a. above shall have a minimum width of four feet and a maximum width of eight feet.

(5) All walkways constructed pursuant to Section a. above shall be maintained in good repair, free from any surface deterioration or horizontal or vertical misalignment of blocks in excess of 1 inch and that will, in the opinion of the municipal zoning official, create a tripping hazard.

g. Digital Plan Submission.

(1) Purpose and Intent. The purpose of this ordinance is to establish requirements for the submission of digital files for subdivision and land development plans. The intent of this requirement is to provide for the efficient, effective, and accurate updating of municipal GIS databases and maps.

The following are exempt from the digital file submission requirement: 1- or 2-family dwellings containing less than 10,000 square feet of floor area and accessory buildings containing less than 2,000 square feet of floor area; off-street parking areas serving 1- or 2-family dwellings that contain 5 or fewer spaces; the construction or expansion of a driveway, unless the

driveway is constructed or expanded as part of a land development; fences; and signs, unless the sign is installed as part of a land development plan.

(Ordinance 559, June 20, 1959, Section 1502, as amended by Ordinance 603, November 8, 1961, by Ordinance 645, March 3, 1964, Section 1, Ordinance 1198, February 8, 1988, Section 3, Ordinance 1284, July 10, 1990, Sections 3, 4 and 5, Ordinance 1522, February 20, 1997, Sections 1, 2 and 3, Ordinance 1536, July 21, 1997, Section 3, Ordinance 1549, November 19, 1997, Section 2, Ordinance 1619, April 3, 2000, Sections 3, 4, 5, 6, and 7, Ordinance 1671, August 15, 2001, Section 1, Ordinance 1676, August 20, 2001, Ordinance 1736, February 5, 2003, Sections 1 and 2, Ordinance 1758, September 9, 2003, Sections 1 and 2, Ordinance 1771, February 19, 2004, Sections 4 – 8, Ordinance 1775, April 27, 2004, Section 1., and by Ordinance 1840, April 4, 2006. Sections 5-8.)

Section 306. Subdivision and Resubdivision. No rearrangement of lot lines shall be approved without recommendations of the Planning Commission and approval of the Municipal Council. Upon such approval, such change shall be duly recorded in the Offices of Record in both the Municipality and the County. No subdivision and resubdivision plan shall be reviewed or approved by the Municipality until the required fee has been paid. (Ordinance 559, June 20, 1959, Section 1503, as amended by Ordinance 834, December 4, 1973, Section 1, Ordinance 1198, February 8, 1988, Section 4, Ordinance 1202, May 12, 1988, Section 2, and by Ordinance 1284, July 10, 1990, Section 6.)

Section 307. Lot Consolidation. Lots may be consolidated under regulations established in Section 2609 of this Chapter. No lot consolidation plan shall be reviewed or approved by the Municipality until the required fee has been paid. (Ordinance 559, June 20, 1959, Section 1202.4, as amended by Ordinance 1198, February 8, 1988, Section 5, Ordinance 1202, May 12, 1988, Section 3, Ordinance 1284, July 10, 1990, Section 7, and by Ordinance 1840, April 4, 2006, Section 9.)

Section 308. Fees.²⁰ Council shall establish, by Resolution, appropriate fees to cover the reasonable cost of review and administration of all applications for any zoning permit, site plan for land development, lot consolidation, subdivision and resubdivision plan, and driveway permit, as required herein. All fees must accompany the plan or application for permit at the time of application and shall be payable to the Borough of State College at the Office of the Zoning Officer. No approval or review of any plan or permit shall be made by the Borough prior to payment of all applicable fees. (Ordinance 1202, May 12, 1988, Section 4, as amended by Ordinance 1396, December 10, 1992, Section 10.)

Section 309. Land Disturbance. Whenever land disturbance occurs pursuant to a proposed land development, it shall be the duty of the land developer or landowner to insure that the performance standards set forth in the approved development plan for landscaping and grading are met.

When the performance standards cannot be met because of weather or other adverse conditions beyond the control of the developer and other than a lack of funds, and the buildings and other site amenities are substantially completed in the judgment of the Planning Department, the Planning Department may accept a performance bond or other form of surety to be posted to cover the cost of finishing required grading and installing required seeding, landscaping, or other improvements not completed prior to authorizing the occupancy of buildings and structures or the use of parking lots. Acceptance by the Planning Department of the developer's bond or surety shall entitle the buildings, structures, or parking areas, to be occupied and/or used, as the case may be, until the required improvements are completed. Required improvements shall be completed within 9 months of the posting of the performance bond or surety. Thereafter, the Borough of State College may use the bond or surety to pay the cost of completing the required improvements.

As used in Section 309 and 310, "land disturbance" shall mean any of the following:

- a. Causing any disturbance to the ground by moving soil, earth, rock, minerals, or other materials or by dumping, digging, drilling, blasting, or excavation activity.
- b. Mounding soil, earth, rocks, or other materials on top of the ground.
- c. Removing topsoil or vegetation to such extent that the lot or parcel or a substantial portion thereof is denuded.

(Ordinance 1657, May 1, 2001, Section 1.)

Section 310. Restoration of Disturbed Lot. It shall be unlawful in the pursuit of land development when such development has been suspended or terminated for whatever reason to leave any lot or parcel or portion thereof in a condition where soil, rock, or other materials are piled in mounds or where discarded pieces of concrete, asphalt, bricks, shingles, siding, lumber, or other discarded paving or construction materials are exposed beyond grading lines or where holes or depressions are left in the ground or where the land is otherwise left disturbed without grading or seeding.

Whenever such condition occurs or persists after one year following the date of the initial land disturbance made pursuant to land development, it shall be the duty of the landowner or land developer to remove any mounds of earth or other materials, to fill in holes and depressions, to cover any exposed discarded materials by grading, and to restore the disturb area by spreading top soil in a uniform fashion and planting grass so that the lot or parcel is not denuded and does not appear to be in a barren or abandoned condition. To the extent that it is reasonably possible, the grading and seeding of the disturb area shall match the condition existing prior to the initial land disturbance.

As used in Section 310, "Disturbed Area" is an area of a lot subject to land disturbance.
(Ordinance 1657, May 1, 2001, Section 2.)

Section 311. Technical Guidelines for Submission of Land Development Plans in State College Borough Format.

a. Acceptable Data Transfer Media.

- (1) 3.5 inch disks. Information can span multiple disks.
- (2) CD-ROM
- (3) Zip Disk
- (4) Transferred electronically via the Internet using File Transfer Protocol (FTP) or email.
- (5) Other media approved by the Borough of State College

b. Data Compression.

- (1) Files can be compressed. A copy of the compression executable file shall accompany the compressed digital file.

c. Data Transfer Format.

- (1) AutoCAD DWG or DXF format in the version in use by State College Borough at the time of submission or earlier release.
- (2) MicroStation DGN format in the version compatible with the version of AutoCAD in use by State College Borough at the time of submission or earlier release.
- (3) Other data transfer format approved by the Borough of State College

d. Geodetic Control Requirements.

- (1) The digital file must be geo-referenced to the Pennsylvania State Plane North Coordinate Zone FIPS survey feet NAD1983 within 1-foot horizontal and vertical accuracy.
- (2) For land development plans involving the subdivision on land, the plan boundary shall be field tied to the nearest Borough monument using either a self-closing looped traverse conducted between two Borough monuments or other control points acceptable to the Borough the plan boundary or a self-closing looped traverse conducted between one Borough monument or other control points acceptable to the Borough, the plan boundary and a line whose azimuth has been determined by Global Positioning System (GPS). GPS observation shall be performed to the third order control standards as set forth by the Federal Geodetic Survey. In either case, the minimum required precision shall be no less than 1 part in 10,000, before adjustment.

- e. Layering and Symbology.** All information required in this Chapter to be shown on a land development and/or subdivision plan contained on digital plans submitted shall be compatible with the layering and symbology used in the Borough GIS.

State College Borough maintains a Data Dictionary containing detailed information on the layering and symbology used in its GIS. This information will be provided to all applicants for land development or subdivision plan approval.

f. Metadata for Digital Files.

- | | |
|---|--|
| (1) Type of Plan | (6) Scale of Plan |
| (2) Name of Municipality | (7) File Format |
| (3) Identification of Subdivision
or Land Development Plan | (8) Name of person who created digital file |
| (4) Date of Approval | (9) Name of agency/firm who prepared
digital file |
| (5) Plat Book Number | (10) Contact Person |

(Ordinance 1758, September 9, 2003, Section 3.)