

C

General Commercial District

Section 1801. Use. Land and structures may be used for any purpose except the following:

- a. Any use where incineration, rendering or refining processes are involved or where special fire hazards are created.
- b. All industrial, assembly and manufacturing uses or the production of any goods, materials or merchandise, except those that are incidental to office, retail or service uses and such incidental uses that occur at the same premises where the office, retail or services uses are located.
- c. Automobile wrecking yard.
- d. Blacksmith or horse shoeing shop.
- e. Coal or coke storage.
- f. Contractor's shop, warehouse or material storage, except during the course of building construction.
- g. Lumber yards, saw, planing or woodworking mills.
- h. Bottling or distribution plant.
- i. Stone or monument works.
- j. And, in general, all those uses which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise.

(Ordinance 559, June 20, 1959, Section 1001, as amended by Ordinance 578, June 10, 1960, Article II, Ordinance 807, April 30, 1972, Ordinance 822, April 5, 1972, Section 1, Ordinance 834, December 4, 1973, Section 3, Ordinance 838, December 21, 1973, Section 3, Ordinance 1087, September 20, 1984, Section 1, Ordinance 1198, February 8, 1988, Section 18, Ordinance 1289, August 14, 1990, Section 4, and by Ordinance 1449, September 8, 1994, Section 2.)

Section 1802. Exceptions and Modifications to Permitted Uses.

- a. Automobile sales, service and repair are not permitted unless:
 - (1) Service and repair activities shall be conducted within an enclosed building;

(2) All service and repair shall be conducted within not less than 30 feet from the front of the building;

(3) There shall be no openings toward adjoining R districts in the walls of the building housing the service and repairs.

- b. In-lieu parking is permitted as a special exception.
- c. Signs are permitted, as prescribed in Chapter XV of this Codification.
- d. Motor-vehicle-oriented businesses are permitted as a conditional use.
- e. Housing for elderly persons are permitted as a special exception, as set forth in Section 1007.c of this Chapter.
- f. Adult business uses are permitted as a conditional use.
- g. **Pedestrian-Oriented Uses:**

1. Definitions:

a. Pedestrian-Oriented Uses: Are uses that stimulate pedestrian activities by being sidewalk-oriented and physically and visually accessible to pedestrians who are on the sidewalk. Pedestrian-oriented uses include uses such as retail, personal service shops, department stores, hardware stores, apparel stores, restaurants, theaters, and within the limitations set forth herein retail financial institutions including retail banking offices and brokerages, medical offices, and professional offices as defined in Section 1202 of the zoning ordinance.

b. Ground-floor-frontage: Refers to the ground floor portion of a building measured from the exterior wall facing the street or alley for a specified uniform minimum distance into the building's interior. The term includes the full surface area of the exterior facing wall on the building's ground floor as well as the floor area behind the facing wall.

c. Ground floor: For purposes of pedestrian-oriented-uses, ground floor refers to the first floor level within a building that is at or near street or alley level or is open to a plaza or open area on the street or alley side of the building. The plaza or open area may be below street or alley level.

2. Location

Pedestrian-oriented-Uses, subject to the terms and conditions specified herein, are mandated within the ground-floor-frontage portion of any building, except buildings used as churches or places of religious worship or instruction, whenever such building has frontage along the following street segments within the Commercial District:

- both sides of the 100 blocks of East and West Beaver Avenue
- both sides of the 100 block of South Allen Street
- west side of the 200 block of South Allen Street between Beaver Avenue and Highland Alley
- south side of the 100, 200, and 300 blocks of East College Avenue
- south side of the 100 and 200 blocks of West College Avenue
- both sides of the 100 blocks between College Avenue and Calder Way on the following streets: Fraser, Pugh, McAllister, Locust, and Heister
- east side of South Burrowes between College Avenue and Calder Way
- west side of Garner Street between College Avenue and Calder Way

3. General Requirements

a. Minimum Depth Facing a Street: The minimum depth of the ground-floor-frontage portion of a building required to be used for pedestrian-oriented-use shall be 20 feet and the use shall extend across 100% of the building's width facing a street where such use is required along streets.

b. Windows Required: Where pedestrian-oriented-uses are required, at least 50% of the surface area of the ground floor's exterior wall facing the street shall be devoted to windows affording pedestrian view into the ground-floor-frontage portion of the building. Areas devoted to service entrances and accesses are exempted from this requirement.

c. Corner Buildings: The 50% window requirement may be waived on buildings located on corners where grade differential or other considerations make wrap-around compliance impractical.

d. Service Entrance & Access: Where pedestrian-oriented-uses are required, service access is prohibited from the street side of a building except in situations where there is no other practical way to provide such access. Service entrances and accesses are allowed from alley sides. Shared service access and refuse storage areas are encouraged. Loading docks are discouraged.

e. Church Exemption: Pedestrian-oriented-uses are not required on buildings used as churches or places of religious worship or instruction.

4. Limitations on Use

a. Medical Office & Professional Office: Medical offices and professional offices are prohibited from being located within the ground-floor-frontage portion of a building that is located in the pedestrian-oriented use district, except for that area along both sides of the 100 blocks of East and West Beaver Avenue and provided that no more than 15% of the cumulative building frontages on each side of the street per block face is so used.

b. Retail Financial Institutions: Retail Financial Institutions, including retail banking offices and brokerages, are allowed as pedestrian-oriented-uses across the entire district provided that no more than 15% of the cumulative building frontages on each side of the street per block face is so used.

c. ATMs: ATMs are permitted within the pedestrian-oriented-use area. However, the following restriction shall apply:

The installation of the ATM shall not reduce the existing glazing or window area within the ground-floor-frontage of any existing building by more than seven percent and cannot reduce the total square footage of glazing or window area by more than twelve square feet.

h. The following use restrictions apply to all ground floor frontages in buildings located within the area described herein:

(1) residential uses of any type are prohibited;

(2) at least the first 20 feet of a building's depth facing a street shall be occupied by a use other than parking or residential that is otherwise a permitted use in the Commercial District at that location. Driveway and pedestrian accesses to parking areas are allowed in this 20-foot area.

The above building ground floor restrictions on residential and parking uses shall apply in all parts of the following area:

(1) the west side of South Fraser Street, the east side of Sowers Street, the south side of College Avenue, the south side of Beaver Avenue; and

(2) South Allen Street from Beaver Avenue to north side of Highland Alley.

(Ordinance 1289, August 14, 1990, Section 5, as amended by Ordinance 1318, March 14, 1991, Sections 1 and 2, Ordinance 1570, July 24, 1998, Ordinance 1692, January 9, 2002. Ordinance 1876, August 6, 2007, Section 1, and by Ordinance 2063, October 12, 2015, Section 1.)

Section 1803. Lot Area, Width, Yards and Floor Area Ratio. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

a. Lot Area.

Per Family:

1-Family Dwelling: same as in R-4 district.

2-Family Dwelling: same as in R-4 district.

Multiple Dwelling ... no specified amount

Commercial Establishments: no specified amount.

Personal Care Boarding Home for Adults: no specified amount.

b. Lot Width minimum of 25 feet

c. Front Yard Depth.

(1) College Avenue (south side), Allen Street (between College and Beaver Avenues): 18 feet, measured from the curb. Exception: Where a subject lot is situated between 2 adjacent lots and each adjacent lot has a main building situated within 5 feet of the subject lot=s side property lines, the front yard depth of the subject lot may be the average depth of the front yards of the 2 adjacent lots provided that:

(a) no portion of the building on the subject lot within 36 feet of the curb face exceeds 45 feet in height; and

(b) at least 10 feet of clear space is maintained for a public sidewalk at the subject lot between the front of the building and the curb face.

(2) 7.5 feet between Calder Way and Beaver Avenue, measured from the curb line for streets meeting all of the following criteria:

(a) have rights-of-way of 40 feet in width;

(b) are located entirely within the Commercial zoning District;

(c) have a street length which does not exceed 475 feet;

(d) does not extend north of College Avenue or south of Beaver Avenue; and,

(e) the depth of the block extending between the said street and other parallel street is 250 feet or less.

(3) All other streets: 15 feet, measured from the curb.

d. Side and Rear Yard Depth (Not Abutting an Alley). Side and rear yards which do not abut an alley shall be subject to the following yard depths, except as provided for in Section 502.f(10):

- (1) No side yard is required for the first floor;
- (2) For floors above the first floor, sufficient to comply with applicable building codes.

e. Side and Rear Yard Depth (Abutting an Alley). Side and rear yards which abut an alley shall be subject to the following required yard depth, except as provided for in Section 502.f(10) and Section 1803.e(1) through (3) and 1803.e(5): 10 feet clear and unobstructed to a height of 14 feet above grade.

The required side or rear yard depth may be reduced to 5 feet clear and unobstructed to a height of 14 feet above grade for yards which abut alleys between College and Beaver Avenues, subject to the following conditions:

- (1) A 5-foot wide sidewalk is constructed to Borough standards along the full length of the side or rear lot line abutting the alley right-of-way;
- (2) A 5-foot utility easement is located in the same area as that occupied by the sidewalk;
- (3) A clear and unobstructed square space at least 15 feet per side shall be reserved as a utility easement, the location of which shall be subject to approval by the Borough Engineer to insure public access; and,
- (4) Space for refuse collection, as provided for in Section 2001.c.
- (5) On the north side of the intersection of the following alleys and Calder Way, 25 feet measured from the north right-of-way line of Calder Way to the building face and extending 25 feet in either direction, measured from the center line of the intersecting alley:

▪Cresson Alley ▪□Miller Alley ▪Kelly Alley ▪Humes Alley

f. Floor Area Ratio. The maximum floor area ratio for structures or portions thereof in this District used for residential purposes, except as otherwise provided, shall be:

- (1) 2.00 in that portion of the Commercial District bounded by the east side of Fraser Street, the west side of McAllister Street and the north side of Beaver Avenue.

(2) 2.50 in the following portions of the Commercial District:

- (a) that area bounded by the east side of McAllister Street and the west side of Sowers Street;
- (b) that area bounded by the west side of Fraser Street and the western boundary of the Commercial District; and,
- (c) that area south of Beaver Avenue.

(3) 3.00 in that portion of the Commercial District bounded by the east side of Sowers Street and the eastern boundary of the Commercial District.

Basement areas and portions of a lot used for required parking would not be included when calculating the FAR.

(4) The permitted residential FAR may be increased, as indicated in the following schedule for housing for the elderly and/or disabled, provided said housing is maintained as housing for the elderly and/or disabled for a period of at least 15 years:

(a) a FAR increase of 1.0 for that portion of the commercial district with a base FAR of 2.0 for residential uses;

(b) a FAR increase of .75 for that portion of the commercial district with a base FAR of 2.5 for residential uses; and,

(c) a FAR increase of .50 for that portion of the commercial district with a base FAR of 3.0 for residential uses.

(Ordinance 559, June 20, 1959, Section 1002, as amended by Ordinance 569, March 8, 1960, Section 1, Ordinance 597, August 9, 1961, Sections 1 and 2, Ordinance 941, September 11, 1978, Section 128, Ordinance 974, April 21, 1980, Ordinance 992, January 8, 1981, Ordinance 1034, December 10, 1982, Section 10, Ordinance 1179, August 10, 1987, Ordinance 1289, August 14, 1990, Section 6, Ordinance 1317, March 14, 1991, Sections 1, 2 and 3, Ordinance 1320, March 14, 1991, Section 2, Ordinance 1371, May 6, 1992, Section 6, Ordinance 1409, April 22, 1993, Sections 1 and 2, Ordinance 1589, March 23, 1999, Ordinance 1797, November 22, 2004, Section 1., and by Ordinance 1840, April 4, 2006, Section 27.)

Section 1804. Building Height. The use of sculptured building tops is encouraged in the Commercial District. Sculptured building tops are intended to promote visual interest and variety in the commercial district. Enclosure of mechanical equipment on the roof (and its integration into the design of the building as a whole) is encouraged. The space or area within the sculptured top shall be non-habitable. Accordingly, non-habitable sculptured roof areas, designed to enclose mechanical equipment or to provide other design features, shall be allowed

to extend a maximum of 10 feet above the permitted building height for any building within the commercial zoning district.

The maximum heights of structures in this district, except as otherwise provided, shall be:

a. In those areas bounded by (1) the east side of Burrowes Street, the south side of College Avenue, the east side of Hiester Street, and by the north side of Calder Way; (2) the east side of Kelly Alley, the south side of Calder Way, the west side of Humes Alley, and the north side of Beaver Avenue; and (3) in that area generally within a distance of 200 feet westward measured from the west side of the right-of-way along the 200 block of South Allen Street and 200 feet eastward measured from the east side of the right-of-way along the 200 block of South Allen Street between the south side of Beaver Avenue and the north side of Highland Alley: 4 stories not to exceed 45 feet.

b. Buildings and structures in all other areas of the C District: 65 feet, except as provided for in Section 503.d(2), Exceptions, and Section 2001.e(4), Telecommunications Facilities.

(Ordinance 559, June 20, 1959, Section 1003, as amended by Ordinance 696, October 4, 1966, Section 1, Ordinance 1121, December 5, 1985, Ordinance 1261, November 21, 1989, Section 3, Ordinance 1289, August 14, 1990, Section 7, Ordinance 1319, March 14, 1991, Ordinance 1409, April 22, 1993, Sections 3 and 4, Ordinance 1592, April 8, 1999, Section 1 Ordinance 1597, June 17, 1999, Section 1, and by Ordinance 1880, November 5, 2007, Section 4.)

Section 1805. Adult Business Uses as Conditional Use.

a. Conditional Use. Adult business uses, as defined herein, are permitted in the C District as a conditional use subject to the specific criteria expressed herein when approved by Borough Council. In granting its approval, Council may attach reasonable conditions and safeguards as deemed necessary to protect the public welfare.

b. Procedures.

(1) Submission. Applications for a conditional use permit for an Adult Business Use shall be made to the Planning Department at least 15 days prior to the public meeting date of the Planning Commission at which time the application will be received and reviewed. All information and review fees required by this ordinance shall be submitted with the application and the application shall be accompanied by a development plan as prescribed in Section 305.a.

(2) Council Action. Municipal Council shall receive and consider the application for the Adult Business together with the report and recommendation from the Planning Commission at a public meeting to be held within 60 days of receipt of the application. Council shall take action on the conditional use application within 45 days of the last hearing before Council. Council shall hold hearings on and decide the request in accordance with the expressed standards

and criteria herein for Adult Business Uses. Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to protect the public welfare. When the application is not approved in terms as filed, the decision shall specify the defects found in the application which have not been met and shall cite the provisions of the ordinance relied upon. A written notice of Council's action shall be mailed to the applicant by the Borough Secretary not later than the day following the decision.

(3) Termination of a Conditional Use Permit. When the conditional use permit is authorized by Council, continuation of such use shall be dependent upon meeting the expressed terms of the permit and the ordinance. In the event of non-compliance, the conditional use permit shall be suspended until such time the use is again compliant.

(4) Modification and Transfer of the Conditional Use Permit. The conditional use permit may be modified only by action of the Municipal Council subject to a new public hearing and review. Transfer of the permit to a new owner or operator is allowed without hearing and shall not constitute modification provided that compliance is maintained with the terms of the original approval.

c. Other Requirements.

All storage and displays shall be located within the building.

All business transactions on the premises shall be conducted within the building.

No exterior changes, excluding maintenance, to a building proposed to be used for an adult business use shall be made without the approval of Borough Council. In no case shall opaque covering of display windows be permitted.

All new construction shall be in keeping with the scale and architectural styles of the buildings surrounding the site proposed for an adult business use.

Not more than 1 type of Adult Business use, as defined herein, may operate on any lot.

Advertisements, displays or other promotional materials of specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.

In adult mini-motion picture theaters, no openings are permitted through walls separating private viewing booths.

d. Signs and Other Visible Messages. In addition to the regulations of the State College Sign Ordinance and applicable state laws, the following shall apply to all adult business uses:

Sign messages shall be limited to written description of material or services available on the premises.

Sign messages may not include any graphic or pictorial depiction of material related to specific sexual activities or specified anatomical areas.

Adult business uses shall be limited to 20 square feet in sign area, with lettering on said signs not exceeding 4 inches in height.

e. Locational Requirements.

No adult business use shall be located within 1,000 feet of any other existing adult business use, measured from the property lines of the lot on which the Adult Business Use is located.

No adult business use shall be located within 250 feet of any residential zoning district or within 250 feet of the lots on which the following uses are located:

Churches, monasteries, chapels, synagogues, convents or rectories.

Schools up to and including the 12th grade and their adjunct play areas.

Public playgrounds, public parks, public swimming pools and public libraries.

f. Statement of Ownership. Applications for a conditional use permit for an adult business use shall include a statement providing specific information on each individual, partner, limited partner, corporate officer, corporate director, or corporate stockholder owning more than 3 percentum of the issued and outstanding stock of a corporate applicant, comprising the applicant, to include the following:

- (1) Name, residence address and social security number;

(Ordinance 1056, August 3, 1983, Section 3,²⁷⁰ as amended by Ordinance 1289, August 14, 1990, Section 9, and by Ordinance 1840, April 4, 2006, Section 14 and 15.)

Section 1806. Motor-Vehicle-Oriented Businesses (MVOBs) as a Conditional Use.

a. Standards and Criteria. MVOBs are permitted as a conditional use in the C District pursuant to the following expressed standards and criteria:

- (1) Location: MVOBs are permitted within the "C" Commercial District except within that portion of the district bounded on the west by the east side of South Burrowes Street and on the east by the west side of Sowers Street.

(2) The MVOB uses are permitted only as an accessory to the primary use of the lot or building.

(3) Any facility providing services to a motor vehicle in a short period of time, such as but not limited to gasoline filling stations, self-service gasoline stations, car washes, etc., is expressly prohibited as a new MVOB use in the "C" Commercial District.

(4) Drive-in restaurants are prohibited as a new motor vehicle oriented business use in the "C" Commercial District.

(5) Lot area and width shall comply with the minimum standards set forth for the "C" district.

(6) All MVOB uses and facilities must be located inside the main building on the lot.

(7) Driveways serving an MVOB use shall not be located closer than 150 feet to driveways serving any other MVOB use on adjacent lots. The distance shall be measured between the nearest edges of the driveways at the points where they intersect the same public right-of-way, regardless of which side of the right-of-way the driveways are located.

(8) Egress from MVOBs shall not intersect with a public right-of-way closer than 50 feet from any intersection of 2 or more public rights-of-way.

(9) Driveways serving MVOBs are prohibited from intersecting with the following rights-of-way:

- (a) Atherton Street
- (b) Beaver Avenue
- (c) Burrowes Street
- (d) College Avenue
- (e) High Street

(10) No more than 1 MVOB use is permitted per lot.

(11) No more than 1 service window and lane is permitted per MVOB use.

(12) A driveway or aisleway shall be provided to serve as a vehicle queuing lane for the drive-through service window. Such queuing lane must conform to the standards set forth in Section 2406 for driveways or Section 2404.b for aisleways. The queuing lane shall provide a minimum length of 70 feet before the service window and 30 feet after the window. These distances shall be located within the confines of the lot where the MVOB use is located.

(13) MVOB uses shall not generate more than 105 vehicle trips per day to and from the MVOB site nor shall the MVOB use generate more than 20 vehicle trips to and from the MVOB site during any 60-minute period of operation.

(14) All utility lines on the site shall be installed underground or within buildings.

(15) Council may require curbing, lighting, sidewalks, traffic-control devices and limitations on the hours of operation to ensure that traffic generation does not impede the orderly flow of vehicular or pedestrian traffic or produce unsafe conditions on the premise or adjacent public rights-of-way.

b. MVOB Permit Application Procedures.

(1) Submission. Applications for a conditional use permit for a MVOB use shall be submitted to the Planning Department at least 15 days before the date of the public meeting at which the Planning Commission will receive and review the application. All information and review fees required by this ordinance shall be submitted with the application and the application shall be accompanied by a development plan as prescribed in Section 305.a.

(2) Council Action. Municipal Council shall receive and consider the application for the MVOB together with the report and recommendation from the Planning Commission at a public meeting to be held within 60 days of receipt of the application. Council shall take action on the conditional use application within 45 days of the last hearing before Council. Council shall hold hearings on and decide the request in accordance with the expressed standards and criteria herein for MVOB Uses. Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to protect the public welfare. When the application is not approved in terms as filed, the decision shall specify the defects found in the application which have not been met and shall cite the provisions of the ordinance relied upon. A written notice of Council's action shall be mailed to the applicant by the Borough Secretary not later than the day following the decision.

(3) Termination of the Conditional Use Permit. When the conditional use permit is authorized by Council, continuation of such use shall be dependent upon meeting the expressed terms of the permit and the ordinance. In the event of non-compliance, the conditional use permit shall be suspended until such time the use is again compliant.

(4) Modification and Transfer of the Conditional Use Permit. The conditional use permit may be modified only by action of the Municipal Council subject to a new public hearing and review. Transfer of the permit to a new owner or operator is allowed without hearing and shall not constitute modification provided that compliance is maintained with the terms of the original approval.

(Ordinance 1289, August 14, 1990, Section 11., as amended by Ordinance 1840, April 4, 2006, Sections 16 and 17.)

Section 1807. Parking Requirements. Off-street parking shall be provided in accordance with Part H of this ordinance, except as follows:

a. Except as provided for in Section 1807.b, c, and d, the number of parking spaces for all adult business uses in the C district shall be an amount equal to or greater than 1 space per 800 square feet of gross floor area per building devoted to residential use or adult business use. All buildings, or portions thereof, changed from any non-residential use to a residential use shall meet the parking requirements for residential uses as set forth in Section 2403. Number of Spaces Required in Off-Street Parking Areas, subsection c of this Chapter.

b. The provision of off-street parking is not required for:

(a) up to 30,000 square feet of gross floor area for buildings or portions of buildings used for non-residential purposes, except for adult businesses as defined in this chapter which must comply with the parking requirement in a. above, or for outdoor areas used for sales or seating at non-residential uses. Except as provided for in (b) below, parking shall be provided for all building area in excess of 30,000 square feet of gross floor area used for non-residential purposes at a ratio of 1 parking space per 800 gross square feet of building area.

(b) theaters, as defined in this Chapter, that are located within 400 feet of a public parking facility with a minimum capacity of 300 vehicles and that is owned and operated by the Borough of State College or an authority established by the Borough of State College.

c. The following common space areas shall be excluded when calculating the gross floor area to be used in determining the number of parking spaces required for housing for the elderly and/or disabled the proposed use:

- (1) lobbies;
- (2) foyers;
- (3) common elevators, halls and stairwells; and/or
- (4) for residential buildings or portions thereof, common spaces or rooms for exclusive use by building residents and their guests.

d. New residential construction may provide up to 10 percent of the required parking through the fee-in-lieu special exception, provided that the remaining 90 percent of the required parking is located on the same lot as the residential use served by the parking.

e. No zoning permit shall be issued until plans are submitted and approved showing the provision of the parking required for such construction by the terms of the Zoning Ordinance, or until arrangements for in-lieu payments are made with the Borough, if a special exception is granted, as provided in Subsection f below, except that:

(1) New residential construction is not eligible, except as provided for in Subsection 1807.d. above.

(2) Not more than 6 off-street parking spaces may be provided through payment of fees-in-lieu-of providing on-site parking for existing buildings, or portions of existing buildings, which are reused for residential purposes.

f. Special Exception. Recognizing that parking is a major problem in the downtown area of State College, encompassed in the C district and CID, that the C district and CID have unique and special needs different from other zoning districts in the municipality, that the provision of off-lot public parking may be a more practical way of meeting the parking needs for uses in the C district and CID, that the C district and CID are already largely built up and that lot sizes and shapes cannot be easily altered to meet modern commercial needs, and that flexibility in meeting the parking needs of the C district and CID is necessary in order to provide the most practical responses to meeting the parking and planning needs, the Zoning Hearing Board is authorized to grant a special exception upon the request of a landowner to pay in-lieu fees for the provision of public parking in lieu of providing all or part of the on-lot parking, as required by this ordinance, except as limited in Section 1807.d and e of this Chapter.

(1) Said special exception shall be granted by the Zoning Hearing Board according to the following criteria:

(a) That the number of parking spaces which are or will be available at existing, or planned, or projected public parking facilities are or will be adequate to serve the parking needs of the use or structure on the property involved, as projected at the time the special exception is granted.

(b) That the public parking spaces which are or will be available at existing, or planned, or projected facilities are within a reasonable walking distance from the property involved so as to serve the parking needs of the residents, tenants, customers or guests thereof.

(c) That the Planning Commission has prepared a parking report, which outlines the plans to provide public parking to serve the needs of the C district and CID, and that such report has been initially prepared or updated within 3 years prior to the application for special exception.

(d) That the grant of the requested special exception is not contrary to the public interest [i.e. will not: (i) increase the danger of fire or otherwise endanger public safety; (ii) increase traffic congestion; or (iii) be contrary to the harmony, spirit and purpose of this ordinance.]

(2) The Zoning Hearing Board is empowered to grant such special exception for all or only part of the number of parking spaces otherwise required or as requested by the landowner for in-lieu payment, except as limited in Section 1807.d and Section 1807.e of this Chapter.

(3) Borough Council shall establish by Resolution the amount of the in-lieu fee per parking space omitted by such special exception. The amount of the in-lieu fee may be changed from time to time by Council, based on the Borough's most recent experience in the cost of providing on-lot parking spaces in a parking structure in the C district and CID, or, if this experience occurred more than 5 years prior to the date of the application for a special exception, other generally accepted standards on inflation in the construction industry.

Special Exceptions:

(a) All in-lieu fees paid by landowners shall be accounted for in a separate fund. Funds shall be used exclusively for:

- providing additional parking facilities in the C, CID, R-O, and UV zoning districts;
- parking facility renovations that result in a net gain of parking spaces
- satellite parking facilities
- transit subsidies
- pedestrian improvements related to parking facilities
- non-routine capital repairs, expansion and/or maintenance of existing parking facilities
- acquire land for use as a parking facility in the C, CID, R-O, and UV zoning districts
- reimbursing the costs of any parking facility in the C, CID, R-O, and UV zoning districts that is under construction or has been completed within one calendar year from the date when the in-lieu payment is received by the Borough

Such lots or facilities may be constructed by the Borough and need not be within reasonable walking distance of properties for which payments have been made, except in accordance with a phased plan.

(b) It is further the intention of this ordinance that the planned, shared public parking facilities may provide for parking needs in a more efficient manner, resulting in fewer total parking spaces than would be required if provided on-lot by each landowner, so that the public parking spaces provided by such Borough need not necessarily equal those for which in-lieu payments have been made.

(5) In addition to the Comprehensive Plan, the Planning Commission shall cooperate with the State College Transportation Commission to develop a parking report for the C district

and CID, which outlines the plans to provide public parking to serve the needs of the C district and CID over the next 7 years and shall update said report every 3 years.

(6) All in-lieu fees collected must be expended or committed to be expended for the provision of additional public parking facilities within 7 years of receipt of the in-lieu payment required. If said payments have not been expended or committed to be expended, the amount of such in-lieu payment, plus interest actually accumulated thereon, shall be refunded to the then-owner of the property for which the in-lieu payment was made, whether such owners be the original payor or a successor owner. The term "expended" or "committed to be expended" shall be deemed to include, but not limited to, the use of such funds for: construction, or for the purchase of land, the execution of a contract for construction or purchase, official action required for taking land by Eminent Domain, or by expenditure or obligation to pay for engineering, architecture, or other planning expenses.

(7) In the application of the criteria for adequate parking facilities within a reasonable walking distance of applicant's lands, the Zoning Hearing Board shall consider that the concept for the C district and CID is to provide public centralized parking.

(8) If any refunds of in-lieu payments are made after the expiration of the times stated in Paragraph 6, then such properties for which in-lieu payments were refunded shall be considered lawful non-conforming uses or structures insofar as the required parking was not provided on-lot or in a public facility.

(9) Upon the grant of a special exception, in-lieu payments shall be paid in full, in cash, and no zoning permit shall be issued until the landowner or his agent has deposited such payments in full.

(10) In the event the boundaries or the area applicable to this special exception are changed, in-lieu payments received from landowners prior to said change shall only be used to provide parking within or conveniently accessible to the area designated for the grant of a special exception as the area stood when said in-lieu payments were received.

(Ordinance 1145, July 14, 1986, Section 1, as amended by Ordinance 1159, December 16, 1986, Ordinance 1201, April 20, 1988, Ordinance 1231, November 9, 1988, Ordinance 1263, December 8, 1989, Ordinance 1289, August 14, 1990, Section 10, Ordinance 1328, May 8, 1991, Sections 1, 2 and 3, Ordinance 1329, May 8, 1991, Ordinance 1371, May 6, 1992, Sections 1 through 4, inclusive, Ordinance 1379, July 22, 1992, Ordinance 1410, April 22, 1993, Section 8, Ordinance 1433, January 6, 1994, Ordinance 1450, September 8, 1994, Section 4, Ordinance 1462, February 14, 1995, Ordinance 1521, February 4, 1997, Ordinance 1622, April 3, 2000, Sections 1 through 6, Ordinance 1632, August 30, 2000, Sections 1, 2, and 3, Ordinance 1797, November 22, 2004, Sections 2 and 3, and by Ordinance 1821, November 9, 2005, Section 11 and 14.)

g. Off-Site Parking. Except as provided in Subsection (1) below, all uses in the C district and the Commercial Incentive District, may provide all or part of the required off-street parking on another lot in accordance with the following criteria:

(1) All new residential construction in the C district and the CID that provides any portion of the required parking through the fee-in-lieu special exception must provide all other required parking on the same lot as the residential use served.

(2) All lots providing off-site parking shall be located within the C, CID, RO, UV, and CP-2 districts and shall be within 400 feet of the lot for which said parking is required, and, when located in the RO zone, shall be at least 100 feet from any lot zoned R-2. The distance between lots shall be measured as the closest point between lot lines; however, the width of street and alley rights-of-way shall be excluded from the measurement.

(3) All lots providing off-site parking, as set forth herein, shall be and shall remain in the same possession and ownership as that of the lot containing the use for which the off-site parking is intended to serve. On approval of the application referred to herein, the owner shall execute and record, in the Office of the Recorder of Deeds of Centre County, an appropriate covenant applicable to both of said lots, the form and content thereof to be approved, prior to such recording, by the Zoning Officer.

(4) The total number of parking spaces provided for a use both on- and off-site shall be not less than the sum of spaces required by this ordinance for the use.

(5) Only 1 off-site lot may be used to provide all or part of the required off-street parking.

(6) All applications for a zoning permit for a use which will be served by off-site parking shall include a development plan, pursuant to Section 305, for both the lot containing the use and the lot on which the related off-site parking shall be located. Any future expansions of a use served by off-site parking, which requires additional parking, shall be accompanied by a new development plan showing the additional off-street parking required to serve the expanded use.

(7) All other regulations of this Ordinance governing off-street parking shall be met.

(Ordinance 1169, February 5, 1987, Section 1, as amended by Ordinance 1198, February 8, 1988, Section 19²⁸⁰, Ordinance 1284, July 10, 1990, Section 15, Ordinance 1371, May 6, 1992, Sections 1 through 4 inclusive, as corrected by Ordinance 1389, September 14, 1992, Ordinance 1449, September 8, 1994, Section 3, Ordinance 1622, April 3, 2000, Sections 7 & 8, Ordinance 1687, November 27, 2001, Section 1, Ordinance 1787, July 7, 2004, Ordinance 1797, November 22, 2004, Section 4., and by Ordinance 1821, November 9, 2005, Section 12.)

Section 1808. Notice Prior to Demolition, Removal or Razing. See Section 707 of this Chapter. (Ordinance 1516, December 23, 1996, Section 4.)

Section 1809. Signature Development Projects as a Conditional Use.

a. Use Land and buildings used for a signature development project as a conditional use shall meet the following criteria:

(1) All signature development projects must contain a mix of uses, as follows:

(a) A minimum of 40% of the Gross Floor Area (GFA) must be non-residential, exclusive of gross floor area devoted to on-site parking.

(b) Residential uses may not exceed the lessor of 60% of the GFA or the permitted FAR for residential, including owner occupied bonuses.

(2) The following use restrictions apply to all ground floor areas in buildings located within the area described herein:

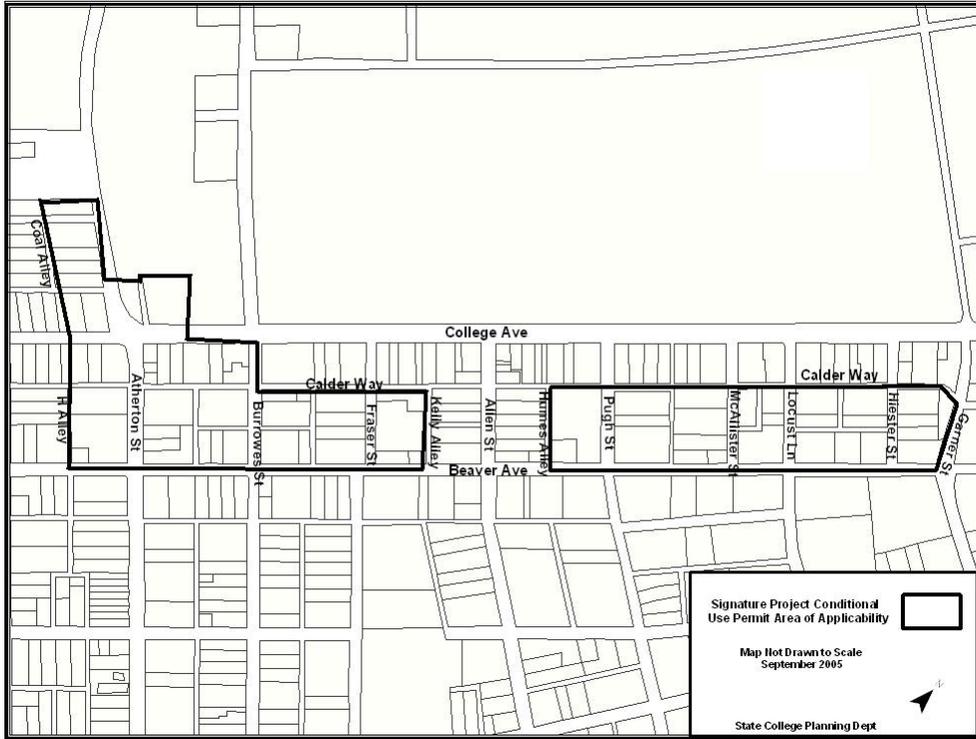
(a) At least the first 25 feet of a building's depth facing a street shall be occupied by a use other than parking or residential that is otherwise a permitted use in the zoning district at that location. Driveway and pedestrian accesses to parking areas are allowed in this 25-foot area.

(b) at least 50% of the commercial space's exterior wall area facing the street shall be devoted to windows affording view by passersby into the interior commercial space.

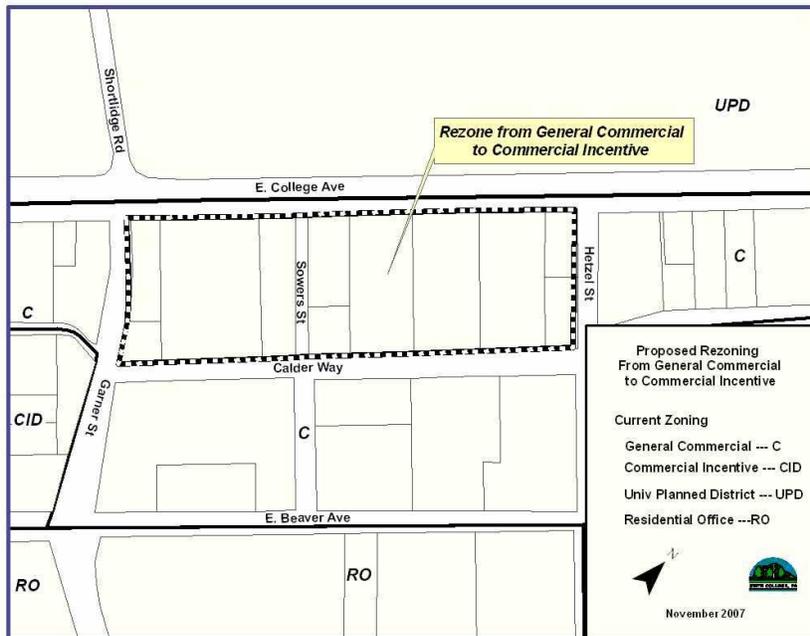
b. Location: signature development projects, as defined herein, are permitted in areas bounded by:

(1) parcels zoned Commercial Incentive that are located west of the center line of Kelly Alley and north of the center line of West Beaver Avenue (see map below).

(2) parcels zoned Commercial Incentive that are located east of the center line of Humes Alley, south of the center line of Calder Way, west of the center line of Garner Street and north of the center line of West Beaver Avenue (see map on next page).



(3) parcels zoned Commercial Incentive that are located east of the center line of Garner Street, north of the center line of Calder Way, west of the center line of Hetzel and south of the center line of East College Avenue (see map below).



c. Standards and Criteria

(1) Minimum Lot area.....30,000 square feet

(2) Minimum Lot width.....100 feet on all street frontages

(3) Yard Depths

(a) Except as provided for below in section (d), the minimum front yard depth shall be:

(i) Ground floor, must comply with underlying zoning, except on corner lots where the setback must comply with special setback requirements detailed herein.

(ii) Buildings or portions thereof above a height of 40 feet shall have an average minimum front yard depth of 25 feet measured from the curb

(iii) Buildings or portions thereof above a height of 95 feet shall have minimum setback of 30 feet or 1/2 of the street right-of-way width, which ever is greater.

(iv) On corner lots, the setback at the corner up to a height of 40 feet shall be determined as a diagonal line intersecting each of the two front setback lines that are parallel with the curb face. The diagonal setback line forms the base of an isosceles triangle with equal sides of 20 feet. The triangles vertex is the point where the extended parallel lines intersect. (see illustration)

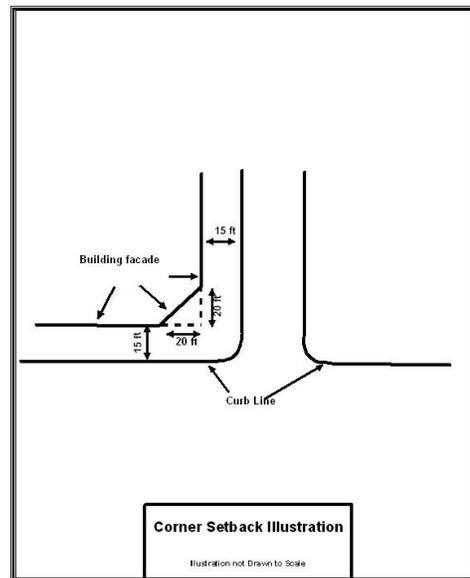
(b) Side and Rear Yard Depth (Not Abutting an Alley) Side and rear yards which do not abut an alley be subject to the following yard depths, except as provided for in Section 502.f(10):

(i) No side yard is required for the first floor;

(ii) For floors above the first floor, sufficient to comply with applicable building codes.

(c) Side and Rear Yard Depth (Abutting an Alley)

Except as provided for below in section (d), the minimum side and rear yard depth where the side or rear abuts an alley shall be:



- (i) Rear – must comply with underlying zoning to a height of 65 feet.
 Above 65 feet – 20 feet measured from the property line.
 Above 95 feet – 30 feet measured from the property line.
- (ii) Side – must comply with underlying zoning to a height of 65 feet.
 Above 65 feet – 20 feet measured from the property line.
 Above 95 feet – 30 feet measured from the property line.

(d) Borough Council, following review by the Planning Commission, may modify the additional setbacks required for upper floors for buildings or portions thereof used for commercial, non owner-occupied or owner-occupied residential uses where:

(i) the applicant can prove that strict adherence to the minimum required yards will prevent the construction of a permitted use; or

(ii) where the applicant agrees to provide a mid-block pedestrian connection between College or Beaver Avenues and Calder Way. If no public sidewalk exists on Calder Way end of the mid-block connector, the applicant shall install a public sidewalk extending the entire length of the property’s frontage on Calder Way.

The mid-block connection shall:

- (a) Remain open to the public 24-hours per day.
- (b) Have a minimum width of 15 feet.
- (c) Have a minimum vertical dimension of 20 feet from the grade of the walkway to the lowest point of any roof or ceiling areas that extend over the walkway. Light fixtures, projecting signs and other design elements may extend lower than 20 feet if sufficient pedestrian clearance is provided, subject to review by the Planning Commission and approval by Borough Council.
- (d) To the extent possible, remain open to the sky.

(iii) Fifty percent (50%) of the frontage of the mid-block connection shall be developed as pedestrian oriented uses as defined in Section 1802 of this Chapter. The applicant may satisfy this requirement by providing entrances from the mid-block connection to businesses located within the ground floor of the building.

(4) Maximum Building Height12 stories, not to exceed
 145 feet

Exception: Street level commercial that proposes over 10 foot ceiling height and not exceeding 20 feet may increase the building overall height based on the difference in height over 145 feet to allow for the street level commercial increased ceiling height.

(a) Parcels adjacent to or separated by a public right-of-way from parcels zoned CID:

Commercial or UPDnot to exceed 155 feet

(b) Parcels with any property line(s) adjacent to or separated by a public right-of-way from parcels located in any other zoning districtnot to exceed 145 feet

(5) Maximum Residential Floor Area Ratio.....as specified in the underlying zoning, including any bonuses for owner occupied housing and non-owner occupied housing.

(6) Maximum Total Building Floor Area Ratio.....8 (basement areas and portions of a lot used for required parking are not included when calculating FAR)

(7) Open space – in addition to the area provided by the setbacks, a minimum of 5% of the lot must be dedicated to open space as specified herein. Open space may consist of the following:

(a) all areas covered with vegetation;

(b) plazas, fountains, seating areas, pedestrian walkways and similar impervious areas which are open to the sky.

(8) **Building Façade Offsets:** Long continuous walls in the same plane and blank walls void of architectural form and detail are undesirable along street-facing façade walls. Street-facing façade walls designed to produce shadow lines and visual relief through offsets, projections, changes in texture and materials, use of recesses including window and doorways, canopies, and or other architectural features are desirable. Differential between the ground floor walls at street level and the walls on floors above is also desirable. Accordingly, the following visual interest standards shall apply to all walls facing public streets:

(a) No portion of a building's wall facing any street shall exceed 50 feet in continuous horizontal length in the same plane. The face of such wall shall be staggered or offset to provide wall segments that project forward and or backward in order to break the plane by forming recesses, projections, and/or other displacements. Either 8(a)(1) or and 8(a)(2) below may be selected.

i. The minimum displacement required between segments is 2 feet. Such offsets may be staggered across individual stories or may be aligned vertically from floor to floor on walls facing the street. In either design, the total horizontal line of the offsets per story shall equal at least 25% of the total horizontal wall length facing the street and shall extend vertically for the whole wall height of that story. Offsets or wall segments may be summed to meet the 25% requirement. No offset is required on walls facing alleys or yards not abutted or yards not abutted by street lines.

ii. The displacement required between segments may be achieved by utilizing solid and glazed materials in building facade finishes. Such offsets may be staggered across individual stories or may be aligned vertically from floor to floor on walls facing the street. In either design, the total horizontal line of offsets, per story, shall be distributed along the horizontal wall length(s) facing the street and shall extend vertically for the whole wall height of that story. This offset is required on all visible building facades facing streets, alleys and access easements.

(b) In addition to offsets, the ground floor of all nonresidential facades facing public streets shall have a separate architectural treatment distinguishing it from the floor immediately above by using architectural features that create visual interest and shadow lines. These features may include elements such as arcades, display windows, recessed or projected entry areas, projecting awnings, canopies, and projecting overhangs. The cumulative length of these features shall equal or exceed 60% of the building's horizontal façade length at street level. These features may be used individually or in any combination that distinguishes the ground floor from the floor above. In some cases these variations may extend beyond ground floor and distinguish the higher floors where there is the same desired architecture of the lower floor.

(c) Borough Council, following review by the **Design Review Board** and Planning Commission, may accept an alternative facade design per Section 1809 c. (8) (a)(1) or (a)(2) and (b) for commercial and mixed use buildings.

(9) Building materials: Use of vinyl siding and untextured concrete block or other untextured veneers is prohibited.

(10) Parking. Signature development projects must comply with the parking requirements of the zoning district in which they are located, except as provided below.

Parking incentives in the commercial incentive zone may be used for signature development projects located in that zoning district.

Required parking may be reduced for building square footage used for following purposes:

(a) Lobbies, foyers, elevators, halls, and stairwells;

(b) An additional 20,000 square feet of gross floor area designated for commercial uses on the application for a signature development conditional use permit provided the signature project site is located on the same block as a municipally owned and operated public parking structure.

As part of the conditional use permit review, any new development under the Signature Development Projects requirements may enter into a lease or use agreement with a

minimum duration of 29 years that shall be renewable in perpetuity to provide parking to meet Section 1854 Parking Requirements on and/or off the development site.

Parking provided in an off-site facility must be within 400 feet of the use served. The 400 foot requirement does not apply to valet parking that is established with an agreement in place for a minimum of 29 years that shall be renewable in perpetuity.

A minimum of one parking space must be provided for each owner-occupied residential unit on the development site. Rental Housing shall meet the parking requirements of Section 1854. Parking Requirements.

(11) As part of the conditional use permit review, a curb cut may be installed along Beaver Avenue for hotel or theater use, subject to the following conditions:

(a) Any existing curb cut on Beaver Avenue on a parcel owned by the applicant and part of the conditional use application shall be closed.

(b) Only one curb cut is permitted per block face within the permitted signature development project area.

(c) There must be a 250 feet separation between curb cuts per side of Beaver Avenue within the permitted signature development project area.

(d) Curb cuts must be designed to accommodate only ingress movements.

(e) Egress from the site must be onto a municipal street or alley.

(f) Driveways and/or patron loading and unloading accessed via the curb cut must contain two travel lanes.

(g) An analysis of the traffic impacts of the curb cut prepared by a qualified professional shall be included with the application for the conditional use and an agreement by the applicant to implement mitigation measures to address the deficiencies of the curb cut. The cost to implement the mitigation measures shall be borne by the applicant.

(12) Non owner-occupied housing that is part of the Signature Development Project. Any project pursuing this designation may do so as part of the conditional use review provided the items listed below are included in the project. This will allow the Signature Development Project to increase the non-owner occupied residential FAR by 3.0 and preempt Section 1809.a.Uses(1). The project may alter the mix of use requirements in Section 1809.a.(1) to a FAR of 1.0 for non-residential uses. The non-owner-occupied residential FAR cannot exceed 5.0 and maximum building height may not exceed 12 stories.

(a) Marketing Plan that demonstrates the rental units will be marketed to graduate and non-student populations and be resubmitted every three years from date of full occupancy.

(b) Long-term management plan for on-site uses, with special emphasis on mitigating potential impacts on neighboring properties, such as, cameras, full time on-site manger and daily plan to mitigate refuse outside the building. As part of this management plan, the applicant must provide a copy of its lease document.

(c) No more than 60% of total residential units may contain 4 or more bedrooms.

(d) No more than 2 unrelated persons may occupy any bedroom; no more than 2 unrelated persons per studio/efficiency; no more than 5 unrelated persons per dwelling unit.

(e) If office space proposed, it must be Class A Office space designed and marketed according to industry standards.

(f) The building contains a non-residential space that can be used by residents and/or non-residents for activities such as a public market, community center, gathering space, group meeting rooms, etc., for which a program is described in the building's marketing plan.

(g) Elevator core access management to control tenant access to various levels and uses within building.

d. Procedures.

(1) Submission. Applications for a conditional use permit for Signature Development shall be submitted to the Planning Department at least 15 days before the date of the public meeting at which the Planning Commission will receive and review the application. All information and review fees required by this ordinance shall be submitted with the application and the application shall be accompanied by a development plan as prescribed in Section 305.a.

(2) Council Action. Municipal Council shall receive and consider the application for the Signature Building use together with the report and recommendation from the Planning Commission at a public meeting to be held within 60 days of receipt of the application. Council shall take action on the conditional use application within 45 days of the last hearing before Council. Council shall hold hearings on and decide the request in accordance with the expressed standards and criteria herein for Signature Development Uses. Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to protect the public welfare. When the application is not approved in terms as filed, the decision shall specify the defects found in the application which have not been met and shall cite the provisions of the ordinance relied upon. A written notice of Council's action shall be mailed to the applicant by the Borough Secretary not later than the day following the decision.

(3) Termination of a Conditional Use Permit. When the conditional use permit is authorized by Council, continuation of such use shall be dependent upon meeting the expressed terms of the permit and the ordinance. In the event of non-compliance, the conditional use permit shall be suspended until such time the use is again compliant.

(4) Modification and Transfer of the Conditional Use Permit. The conditional use permit may be modified only by action of the Municipal Council subject to a new public hearing and review. Transfer of the permit to a new owner or operator is allowed without hearing and shall not constitute modification provided that compliance is maintained with the terms of the original approval.

(Ordinance 1822, November 9, 2005, Section 1, as amended by Ordinance 1840, April 4, 2006, Sections 18 and 19, Ordinance 1880, Section 2 and 3, November 5, 2007, and by Ordinance 2021, July 1, 2013, Section 1-3, and by Ordinance 2023, August 19, 2013, Sections 1-7.)

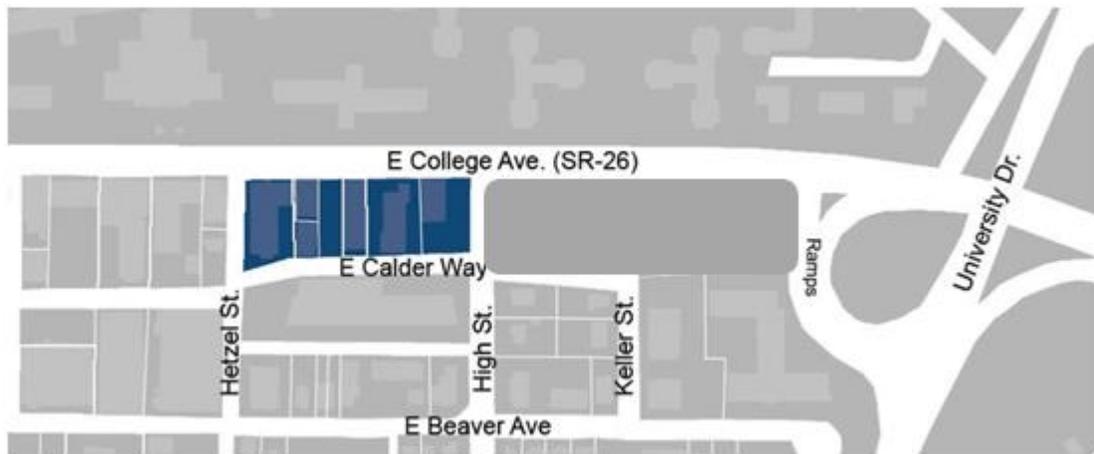
Section 1810. Reserved.

Section 1811. Collegiate Housing Overlay.

a. Purpose. The purpose and intent of the Collegiate Housing Overlay is to add value to the downtown and community by requiring projects to incorporate first floor commercial space, maintenance of pedestrian access, increased residential FAR and building height.

b. Location. Collegiate Housing Overlay projects, as defined herein, are permitted in areas bounded by:

(1) Parcels zoned Commercial that are located east of the centerline of Hetzel Street, north of centerline of East Calder Way, west of the centerline of High Street and south of the centerline of East College Avenue (see map below).



c. First Floor Commercial Requirement. Buildings must provide first floor commercial in order to be eligible for the overlay maximum build outs in Section 1811.d.

(1) Street level commercial must be a minimum of 14 feet in height and cannot exceed 20 feet in height.

(2) At least 50% of the commercial space's exterior wall area facing the street shall be devoted to windows affording view by passersby into the interior commercial space.

d. Maximum Building Height, Stories and Residential. When first floor commercial is provided, each parcel shall be eligible to develop a structure not to exceed the maximum building height, stories and FAR identified below:

Maximum building height	76-84 feet (variation depends on height of ground floor commercial use)
Maximum building stories	7 stories
Maximum Residential FAR	4.0

e. Parking Requirements. Off-street parking shall be provided in accordance with Section 1807.b.

f. Bicycle Parking. For developed sites within the Collegiate Overlay, the following provisions for minimum bicycle parking spaces shall apply.

(1) Multi-family sites1 space per every 2 units

(2) Mixed-Use sites

(a) GFA <7,500 square feetnot required

(b) GFA 7,501-20,000 square feet3 spaces

(c) GFA > 20,001 square feet1 space per 6,000 square feet

(3) All bicycle parking should be installed on sites in conformance with the front yard requirements. All bicycle parking should be located such that it is easily accessible from building entrances, visible from bicycle access routes and well lit for users' safety but not exceeding the Zoning Ordinance Part K Lighting standards.

(Ordinance 2062, July 6, 2015.)

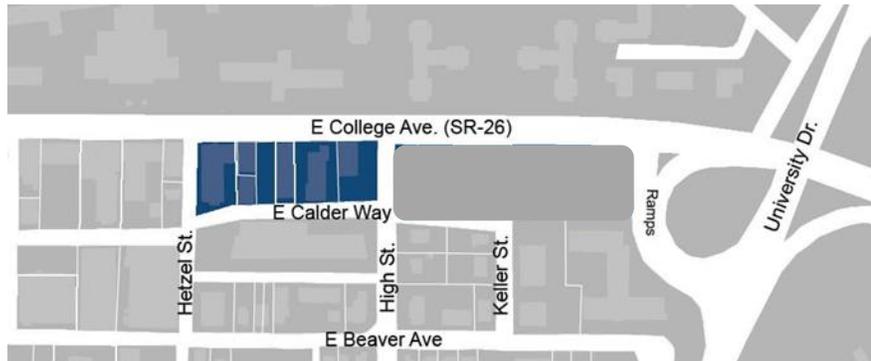
Section 1812. Incentives/Bonuses for Collegiate Housing Overlay Projects.

a. Purpose. The purpose and intent of the Collegiate Housing Overlay is to add value to the downtown and community by requiring projects to incorporate first floor commercial space, maintenance of pedestrian access, increased residential FAR and building height and stories. Collegiate Housing Overlay Incentives/Bonuses will offer development incentives for increased indoor bicycle parking, use of high quality building materials, commercial space, energy efficiency benchmarks, and surface parking alternatives and owner-occupied housing.

The incentives/bonuses can only be pursued if Section 1811 Collegiate Housing Overlay is met.

b. Location. Incentives/Bonuses Collegiate Housing Overlay projects, as defined herein, are permitted in areas bounded by:

(1) Parcels zoned Commercial that are located east of the centerline of Hetzel Street, north of centerline of East Calder Way, west of the centerline of High Street and south of the centerline of East College Avenue (see map below).



c. Maximum Allowance using the Incentives/Bonus Schedule. Each parcel shall be eligible to earn one or more bonuses, not to exceed the maximum building height, stories, residential FAR and parking reduction identified below:

Maximum building height.....	102 feet
Maximum building stories	9 stories
Maximum residential stories.....	7 stories
Maximum residential FAR	5.0
Maximum parking reduction.....	One incentive may be selected to reduce parking in addition to the reductions permitted in Section 1807.

d. Incentives/Bonus Schedule. All of the incentives listed in Table 1 are described in detail below. In order for the incentive to qualify for the bonuses, the incentive shall meet or exceed the criteria described below. (Each parcel shall be eligible to earn one or more bonuses, not to exceed the maximum building height and stories identified in Section 1812.c):

Table 1

	Incentives:	Bonus: Increase in Building Height	Bonus: Increase in Floor Area Ratio (FAR) for Residential Use	Bonus: Maximum Reduction in Required Parking
(1)	Indoor Protected Bicycle Parking			10%
(2)	Above Ground Floor Commercial	1 story (not to exceed 14 additional feet)	1.0	
(3)	Green Building		1.0	20%
(4)	Underground Parking	1 Story (not to exceed 11 additional feet)		Each underground parking space is equal to 1.5 spaces in a surface or above-grade structure
(5)	A least two levels of structured parking above ground within the building footprint	1 Story per two levels of parking (not to exceed 11 additional feet)		
(6)	Owner-Occupied	Up to 2 stories (not to exceed 22 additional feet)	1.0	20%

(1) Description of Incentives. All of the incentives listed in Table 1 above are described in detail below. In order for the incentive to qualify for a bonus, the incentive shall meet or exceed the criteria described below.

(a) Indoor Protected Bicycle Parking. Indoor protected bicycle parking spaces are secure facilities that protect the entire bike against theft and against inclement weather. These facilities include but are not limited to bike lockers, check-in facilities, monitored bike parking, restricted access parking and personal storage. To qualify for this bonus, applicant must provide at least the minimum required spaces per section 1811.f, and 75% of these spaces must be provided in a protected facility. These spaces must be clearly distinguishable, and described on a site plan, from other required bike parking, which may be in the form of exterior racks/storage areas. The bicycle parking cannot be provided within the units.

(b) Above Ground Floor Commercial. Any building achieving more than one floor dedicated to non-residential use, will be eligible for one additional floor of height to

provide an additional story of commercial use. Only one additional story of height can be achieved using this bonus, with a maximum of 14 feet for the story. The total permitted height of the first floor, plus an additional floor of non-residential cannot exceed 34 feet.

(c) Green Certified.

(i) Any building designed and constructed following the currently applicable Leadership in Energy and Environmental Design (LEED) Green Building Rating System. This includes major renovations to existing buildings as defined in the applicable LEED Green Building Rating System. To qualify for this bonus, a building must obtain the minimum number of points through the LEED certification process to receive designation as a Silver Certified Building or higher (or equivalent level of certification).

(ii) Any application for a bonus to increase building FAR through the green certified incentive must include a LEED Project Checklist for New Construction and Major Renovations, or successor checklist that identifies those credits that will be utilized to obtain the required LEED certification.

(iii) Any applicant that intends to obtain a bonus allowing increased building FAR or a reduction in parking requirements as per the incentives/bonus schedule must post a performance bond with the Borough of State College as surety that the building will receive the appropriate level of LEED certification or higher. State College Borough Council shall establish the amount of this performance bond by Resolution following receipt of a land development plan. State College Borough will retain this bond in an Environmental Sustainability Improvement Fund following receipt of a land development plan.

(iv) Conditional occupancy maybe granted prior to receipt of documentation from the US Green Building Council (USGBC) or a USGBC certified professional that the Silver or higher LEED certification has been awarded if a USGBC certified professional reviews the completed construction and notifies the Planning Department the building has been constructed based on the submitted application to USGBC.

(v) Upon Receipt of Documentation from the US Green Building Council (USGBC) or a USGBC certified professional that the appropriate level of LEED certification has been awarded to the applicant, State College Borough will return the bond, with any accrued interest, to the applicant. Failure to obtain the appropriate level of LEED certification within a period of one year from the date of the issuance of the certification of occupancy will result in forfeiture of the performance bond and accrued interest. The applicant may request the Borough Manager or his/her designee extend this certification period for a period of not to exceed 2 years. Said extension must include documentation that all materials necessary to obtain certification have been submitted to USGBC. State College Borough shall use any forfeited performance bond funds on projects to increase the environmental sustainability of community facilities in State College Borough.

(d) Underground Parking. Parking located at street level reduces opportunities to utilize this valuable space for activities that increase street life. Locating parking in subsurface facilities expands the total building volume available for commercial and residential development. To qualify for the bonus, a minimum of 65% of the total project parking must be provided in subsurface facilities.

(e) Structured Parking within a building footprint. Parking located at street level reduces opportunities to utilize this valuable space for activities that increase street life. Locating parking in structured facilities expands the total building volume available for commercial and residential development. However, site constraints and geology may interrupt the ability to develop subsurface parking. To qualify for the bonus, at least two levels of parking must be provided above the ground level within the footprint of the primary development. For each two levels of parking in an above ground structure, an additional one story of residential or commercial uses may be developed.

(f) Owner-Occupied Housing. Owner-occupied residential refers to dwelling units that are a residence of the legal or beneficial owner. Any project pursuing designation as an owner-occupied residential project must establish a home-owners or condominium association and incorporate appropriate provisions in its association by-laws to insure that the use of the property is for owner occupied dwellings, including limitations on leasing units. The by-laws of the home-owners or condominium association shall grant the authority for enforcing the owner-occupied covenant to the Borough of State College. Changes to the by-laws that will affect the occupancy covenant must be approved by the Borough of State College. Legal costs accrued as a result of a conflict in an occupancy covenant must be borne by the home-owners or condominium association. To qualify for this bonus, 100% of the residential units proposed must be designated and used as owner occupied and include a covenant to ensure this use.

(Ordinance 2062, July 6, 2015.)

Section 1813. Collegiate Housing Overlay Projects as a Conditional Use.

a. Purpose. The purpose and intent of the Collegiate Housing Overlay Project as a Conditional Use is to expand upon the overlay and the incentives/bonus table in the Collegiate Housing Overlay by allowing for additional development capacity through the conditional use process. The conditional use requiring projects to require building façade enhancements, aesthetically pleasing materials, high-quality building design and increased tenant diversity. In order to qualify for the conditional use both the overlay and the incentives/bonuses must be followed as prescribed in Sections 1811 and 1812. In order to qualify for the conditional use, a minimum residential FAR of 5 must be achieved and the maximum stories in Section 1813.d.

b. Use. Land and buildings used for a Collegiate Housing Overlay project as a conditional use shall meet the following criteria:

(1) Buildings used as churches or places of religious worship or instruction are exempt from this requirement.

(a) Residential uses not exceeding the permitted FAR for residential, including professional/graduate housing bonuses.

(2) The following restrictions apply to all ground floor areas in buildings located within the Collegiate Housing Overlay:

(a) Residential uses of any type are prohibited.

(b) At least the first 25 feet of a building's depth with street frontage shall be occupied by a use other than parking or residential that is otherwise a permitted use in the zoning district at that location.

(c) Pedestrian access to parking areas are allowed in this 25-foot area. Vehicular access is prohibited in this 25-foot area.

(3) At least 50% of the commercial space's exterior street frontage shall be devoted to windows affording view by passersby into the interior commercial space.

c. Standards and Criteria. The following standards apply to Collegiate Housing Overlay Project as a Conditional Use:

(1) Minimum Lot Area. (Square Feet)15,000

(2) Minimum Lot Width. (On All Frontages90 feet

(3) Front Yard Depth (On All Frontages)same as underlying zoning

(4) Side and rear yards shall comply with the underlying zoning in the Commercial District.

(5) Ground Floor Commercial. Ground floor commercial space required.

d. Maximum Allowance using the Incentives/Bonus Schedule. Each parcel shall be eligible to earn additional development capacity by utilizing the Conditional Use process, but may not exceed the maximum building height, stories, residential FAR and parking reduction identified below:

(1) Maximum building height120 feet

(2) Maximum building stories10 stories only when Section

1813.k Collegiate Housing - Professional Housing is followed but only one floor of such residential use is achieved in the building.

(3) Maximum building stories11 stories only when Section 1813.k Collegiate Housing - Professional Housing is followed and two floors of such residential use is achieved in the building. Maximum of one story for each floor permitted.

(4) Maximum Residential FAR 7 only when 2 floors of Section 1813.k Collegiate Housing - Professional Housing is followed. Maximum of one FAR increase for each floor permitted up to a total increase of two FAR.

(5) Maximum parking reduction Two additional parking reductions can be selected as part of the Collegiate Housing Overlay Projects after the one incentive selected from Table 1812.d is calculated as part of Section 1812.

(6) Maximum development permitted as part of the conditional use process can be increased to 124 feet and 11 stories if the following conditions are followed:

(a) All parts of the conditional use process are met.

(b) When two floors of commercial use are provided as described in the Table 1 in Section 1812 and two floors of the professional/graduate units are also provided.

e. Building Facade Offsets. Long continuous walls in the same plane and blank walls void of architectural form and detail are undesirable along street-facing facade walls. Street-facing facade walls designed to produce shadow lines and visual relief through offsets, projections, changes in texture and materials, use of recesses including windows and doorways, canopies, and/or other architectural features are desirable. Differential between the ground floor walls at street level and the walls on floors above is also desirable. Accordingly, the following visual interest standards shall apply to all walls facing public streets in the Collegiate Housing Overlay:

(1) No portion of a building's wall with street frontage shall exceed 50 feet in continuous horizontal length in the same plane. The face of such wall shall be staggered or offset to provide wall segments that project forward and/or backward in order to break the plane by forming recesses, projections, and/or other displacements. Either (1)(a) and (1)(2) below may be selected.

(a) The minimum displacement required between segments is 1 foot. Such offsets may be staggered across individual stories or may be aligned vertically from floor to floor on walls facing the street. In either design, the total horizontal line of the offsets per story shall equal at least 25% of the total horizontal wall length facing the street and shall extend vertically for the whole wall height of that story. Offsets or wall segments may be summed to meet the 25% requirement. No offset is required on walls facing alleys or yards not abutted by street lines.

(b) The displacement required between segments may be achieved by utilizing solid and glazed materials in building facade finishes. Such offsets may be staggered across individual stories or may be aligned vertically from floor to floor on walls facing the street. In either design, the total horizontal line of offsets, per story, shall be distributed along the horizontal wall length(s) facing the street and shall extend vertically for the whole wall height of that story. This offset is required on all visible building facades facing streets, alleys and access easements

(2) In addition to offsets, the ground floor of all nonresidential facades facing public streets shall have a separate architectural treatment distinguishing it from the floor immediately above by using architectural features that create visual interest and shadow lines. These features may include elements such as arcades, display windows, recessed or projected entry areas, projecting awnings, canopies, and projecting overhangs. The cumulative length of these features shall equal or exceed 50% of the building's horizontal facade length at street level. These features may be used individually or in any combination that distinguishes the ground floor from the floor above. In some cases variations may extend beyond ground floor and distinguish the higher floors where there is the same desired architecture of the lower floor.

(3) Borough Council, following review by the **Design Review Board and Planning Commission**, may accept an alternative facade design per Section **1810 d.(8)(a)(i) or (a)(ii) and (b)** for residential and mixed use buildings.

f. Corner Expression Guidelines.

(1) Corner conditions that offer no opportunities for pedestrian activity and are void of architectural form are undesirable. It is desirable to promote a node for pedestrian activity through high-quality architectural design at corners. Accordingly, parcels located on corners in the Collegiate Housing Overlay are subject to corner expression guidelines. The area regulated by these guidelines is defined as the following:

(a) An isosceles triangle formed by the two intersecting front setback lines parallel to the curb face. The triangle has two equal sides of 20 feet, starting at the vertex of the setback lines, and measured outward.

(b) Corners formed by East Calder Way are exempt from these guidelines.

(2) Buildings which fall into this defined area shall have the following visual interest standards:

(a) Any architectural overhangs occurring above the ground floor must be at least 13 feet above grade in the designated area.

(b) A maximum of 20% of the gross area on the ground floor in the defined area shall be interior space.

(c) At least one entrance to the building must occur within, or directly adjacent to, the defined area at street level.

(d) The cumulative length of architectural features listed in Section 1810.c (8)(b) shall equal or exceed 80% of the building's horizontal façade length within the defined area up to a height of 45 feet above street level.

g. Building Materials. Use of vinyl siding and untextured concrete block or other untextured veneers is prohibited.

Ground floor commercial up to and including the fourth floor that fronts on a street shall not be permitted to contain synthetic stucco. The remaining floors facing the street shall not exceed 50 percent coverage of synthetic stucco. The use of synthetic stucco on the remaining floors facing alleys and yards is permitted.

h. Parking. Collegiate housing overlay projects must comply with the parking requirements of the zoning district in Section 1807, except as provided below:

i. Off-site Parking Standards.

(1) Parking provided in an off-site facility must be within 400 feet of the use served and is under control of the property or has entered into a 99 year lease arrangement for use of the parking spaces.

(2) The 400-foot requirement does not apply to valet parking that is established with an agreement in place for a minimum of 29 years that shall be renewable in perpetuity.

j. Fee-In Lieu Parking.

(1) New residential construction is eligible for fee-in-lieu parking after the incentive /bonus table parking reductions as noted in Section 1813.d are applied, provided that:

(a) Lot size and location restricts ability to comply with parking requirements of this section, up to 30 percent of the required parking may be provided as fee-in-lieu provided that the remaining 70% of the required parking is located on the same lot as the residential use served by the parking.

(b) Not more than 6 off-street parking spaces may be provided through the fee-in-lieu-of special exception for existing buildings, or portions of existing buildings, which are reused for residential purposes.

(c) That the fee-in-lieu requested is not contrary to the public interest (i.e. will not: (i) increase the danger of fire or otherwise endanger public safety; (ii) increase traffic congestion; or (iii) be contrary to the harmony, spirit and purpose of this ordinance.)

(d) No zoning permit shall be issued until plans are submitted and approved showing the provision of the parking required for such construction by the terms of the Zoning Ordinance.

(e) In-lieu payments shall be paid in full, in cash or cash equivalent, and no zoning permit shall be issued until the landowner or his agent has deposited such payments in full.

(f) Borough Council shall establish by Resolution the amount of the in-lieu fee per parking space omitted. The amount of the in-lieu fee may be changed from time to time by Council, based on the Borough's most recent experience in the cost of providing on-lot parking spaces in a parking structure, or other generally accepted standards in the construction industry.

(g) Special Conditions:

i. All in-lieu fees paid by landowners shall be accounted for in a separate fund. Funds shall be used exclusively for:

1. Providing additional parking facilities in the C, CID, R-0, and UV zoning districts.
2. Parking facility renovations that result in a net gain of parking spaces.
3. Satellite parking facilities.
4. Transit facility improvements including but not limited to signage and transit stop amenities within 1,000 feet of the development site.
5. Pedestrian improvements related to parking facilities.
6. Non-routine capital repairs, expansion and/or maintenance of existing parking facilities.
7. Acquire land for use as a parking facility in the C, CID, R-0, and UV zoning districts.
8. Reimbursing the costs of any parking facility in the C, CID, R-0, and

UV zoning districts that is under construction or has been completed within one calendar year from the date when the in-lieu payment is received by the Borough. Such lots or facilities may be constructed by the Borough and need not be within reasonable walking distance of properties for which payments have been made, except in accordance with a phased plan.

ii. It is further the intention of this ordinance that the planned, shared public parking facilities may provide for parking needs in a more efficient manner, resulting in fewer total parking spaces than would be required if provided on-lot by each landowner, so that the public parking spaces provided by the Borough need not necessarily equal those for which in-lieu payments have been made.

iii. All in-lieu fees collected must be expended or committed to be expended for the provision of additional public parking facilities within 7 years of receipt of the in-lieu payment required. If said payments have not been expended or committed to be expended, the amount of such in-lieu payment, plus interest actually accumulated thereon, shall be refunded to the then-owner of the property for which the in-lieu payment was made, whether such owners are the original payor or a successor owner. The term "expended" or "committed to be expended" shall be deemed to include, but not limited to, the use of such funds for: construction, or for the purchase of land, the execution of a contract for construction or purchase, official action required for taking land by Eminent Domain, or by expenditure or obligation to pay for engineering, architecture, or other planning expenses.

1. In-lieu payments shall be paid in full, in cash or cash equivalent, and no zoning permit shall be issued until the landowner or his or her agent has deposited such payments in full with the Borough.

2. If any refunds of in-lieu payments are made after the expiration of the times stated in (c), then such properties for which in-lieu payments were refunded shall be considered lawful non-conforming uses or structures insofar as the required parking was not provided on-lot or in a public facility.

k. Collegiate Housing - Professional Housing. Any project pursuing this section use may do so as part of the conditional use review provided the items listed below are included in the project. This will allow the Collegiate Housing Overlay Project to increase the non-owner occupied residential FAR by 1.0 per floor to a maximum of 2.0 FAR, and allow for a maximum of 11 floors when two floors of the building provide for Professional/Graduate Residential housing.

(1) Professional/Graduate Residential refers to dwelling units that are a residence of a non-student or graduate student. Any project pursuing this incentive must provide:

(a) Provide a copy of the lease prior to occupancy that notes the occupancy limitations on these units and provide a copy annually to the Borough Planning Department.

(b) Annual affidavit by owner and property manager of the building that the units are occupied by non-students or graduate students.

(c) Allow for the Borough Planning Department to perform an annual audit and inspection of the Professional/Graduate Residential units.

(d) Covenant established for this use shall run with the land and be attached to the land. The Borough shall be empowered to terminate occupancy of the unit in violation and obtain injunctive relief in a court of competent jurisdiction enjoining future occupancy of the unit while the violation of the covenant occurs. At the discretion of Borough, the occupancy of the unit shall be terminated for six (6) months and for each violation thereafter there will be no discretion and the occupancy of the unit will be terminated to be occupied for six (6) months. Violations of this ordinance shall be punishable as provided by Part I, Remedies, Penalties and Validity, of Chapter XIX, Zoning. All covenants must be approved by the Borough Solicitor and be recorded with the Centre County Recorder of Deeds and referenced on the development plan. Covenants shall be recorded prior to building occupancy and shall specify that the landowner will comply with all approval conditions applicable to the incentive and bonus provisions under which the land development plan was approved. Covenant language shall include access to review records for non-student status of residents.

(e) Provide a marketing plan that demonstrates the non-student units will be marketed to graduate and non-student populations and be resubmitted every three years from date of full occupancy. The units shall be on separate floor (preferably upper-most units) and shall occupy the entire floor area (including special amenities).

(f) Provide a long-term management plan for on-site uses, with special emphasis on mitigating potential impacts on neighboring properties, such as, cameras, full time on-site manager and daily plan to mitigate refuse outside the building. As part of this management plan, the applicant must provide a copy of its lease document.

(g) No more than 25% of total professional residential units may contain 4 or more bedrooms.

(h) Professional/Graduate units shall be limited to no more than 2 unrelated persons may occupy any bedroom; no more than 2 unrelated persons per studio/efficiency; no more than 5 unrelated persons per dwelling unit.

(i) The building contains a non-residential public space that can be used by residents and/or non-residents for activities such as a public market, community center, gathering space, group meeting rooms, etc., for which a program is described in the building's marketing plan. This public space may be on the ground floor but cannot be on the floors devoted to the professional housing.

(Ordinance 2062, July 6, 2015.)

Section 1814. Covenants with the Borough for Bonuses.

a. Purpose. To assure continuation of amenities, housing or uses provided in a project to qualify for bonuses, the property owner must execute a covenant with the Borough of State College. The covenant is required prior to issuance of the building's occupancy permit and is made in consideration of allowing additional building stories or increased floor area above the base zoning or a reduction in required parking based on the incentive/bonus zoning scheme under Section 1812 and 1813.

b. Requirements. The covenant must run with the land and be attached to the land. In the event the property owner fails to abide by the covenant, the Borough shall be empowered to terminate occupancy of the units associated with the additional building stories or increased floor area and are identified in the covenant and to obtain injunctive relief in a court of competent jurisdiction enjoining future occupancy of the building while the violation of the covenant occurs. All covenants must be approved in form by the Borough solicitor and be recorded with the Centre County Recorder of Deeds and referenced on the development plan. Covenants shall be recorded prior to building occupancy and shall specify that the landowner will comply with all approval conditions applicable to the incentive and bonus provisions under which the land development plan was approved.

(Ordinance 2062, July 6, 2015.)

Section 1815. Termination and Modification of Collegiate Housing Overlay Projects as a Conditional Use.

a. Termination of a Conditional Use Permit. When the conditional use permit is authorized by Council, continuation of such use shall be dependent upon meeting the expressed terms of the permit and the ordinance. In the event of non-compliance, the conditional use permit shall be suspended until such time the use is again compliant.

b. Modification and Transfer of the Conditional Use Permit. The conditional use permit may be modified only by action of the Borough Council subject to a new public hearing and review. Transfer of the permit to a new owner or operator is allowed without hearing and shall not constitute modification provided that compliance is maintained with the terms of the original approval.

(Ordinance 2062, July 6, 2015.)