R-2

Residence District

<u>Section 601</u>. <u>Use</u>. In this district, the land and structures may be used and structures may be erected, altered, enlarged and maintained for the following uses only:

a. Any use permitted in the R-1 district.

b. 2-family dwelling.

c. Student Home.

d. Special exceptions permitted by the Zoning Hearing Board, as prescribed in Section 606 of this Chapter, including:

(1) Conversion of existing fraternity houses to:

(a) Club or Community Center
(b) Day Care Center for Children
(c) Home for Elderly Persons
(d) *****
(e) Nursing Home
(f) Offices
(g) Private School

(2) Hospital or Clinic

(3) Highway Transitional Uses

(4) Conversion of existing State College Area School District buildings to:

(a) Private Day or Resident School
(b) Professional Office
(c) Medical/Dental Office
(d) Housing for the Elderly or Disabled
(e) Personal Care Boarding Home
(f) Public or Private Library, provided no more than 5 percent of the gross floor area is used for on-site retail sales
(g) Performing Arts Centers, Museums and/or Art Galleries, provided they are open to the general public
(h) Day Care Center
(i) Neighborhood Center

e. Mixed Use Overlay District as provided in Section 609.

(Ordinance 559, June 20, 1959, Section 501, as amended by Ordinance 578, June 10, 1960, Article V, Ordinance 834, December 4, 1973, Section 1, Ordinance 844, February 4, 1974, Article III, Ordinance 858, October 8, 1974, Ordinance 981, November 3, 1980, Section 3, Ordinance 1049, March 9, 1983, Section 1, Ordinance 1347, August 21, 1991, Section 1, Ordinance 1390, September 14, 1992, Section 1, Ordinance 1529, May 5, 1997, Section 3, Ordinance 1591, April 8, 1999, Section 1, *Ordinance 1640, November 21, 2000, Section 1. and by Ordinance 1872, June 18, 2007, Section 1.)

Section 602. Lot Area, Width and Yards. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

a. Lot Area.

1-family dwelling .....10,000 square feet
2-family dwelling .....20,000 square feet
Private Academic Schools .....1 acre

b. Lot Width.

1-family dwelling.....75 feet
2-family dwelling.....125 feet
(measured on the shorter street frontage for corner lots)
Private Academic School.....150 feet

c. Front Yard Depth.

Dwelling.....30 feet
Non-Dwelling .....40 feet

d. Side Yard Depth.

Dwelling.....8 feet
Accessory Building.....8 feet
Non-Dwelling .....20 feet

e. Rear Yard Depth.

All Structures .....20% of the depth of the lot measured from the front building line to the nearest point of the rear lot line, but in no case shall be less than 15 feet.

(Ordinance 559, June 20, 1959, Section 502, as amended by Ordinance 952, January 10, 1979, Section 1[50], and by Ordinance 1177, May 27, 1987, Sections 2 and 3.)

f. Lot Coverage.

(1) The cumulative area of all building footprints on a lot, including accessory buildings, shall not exceed the following coverage for a given lot's area:

Lot areas 15,000 square feet or smaller = 30 %
Lot areas > 15,000 square feet up to and including 25,000 square feet = 4500 plus .05 X number of square feet above 15,000
Lot areas > 25,000 square feet = 20%

Examples: Building Coverage Calculation

- Lot size is 15,000 S.F. calculation is: .3 X 15,000 = 4500 S.F. = 30%.
- Lot size is 20,000 S.F. calculation is: 4500 plus .05 X 5,000 = 4750 S.F. = 23.75%
- Lot size is 25,000 S.F. calculation is: 4500 plus .05 X 10,000 = 5000 S.F. = 20%
- Lot size is 35,000 S.F. Coverage calculation is .2 X 35,000 = 7000 S.F. = 20%

(2) Driveways and off-street parking areas at 1- and 2-family dwellings, as follows:

Lot area <10,000 square feet.....12%

Lot area 10,000 to 20,000 square feet.....12% minus .4% per 1,000 square feet of lot area above 10,000 square feet.

Lot coverage for lots with square feet area between any two 1,000 square-foot points shall be calculated on the basis of the lower 1,000 square foot area.

[Example: Lot area 16,500 square feet; lot coverage ((.12 - (6 x .004)) x 16,500 square feet = .096 x 16,500 square feet = 1,584 square feet]

Lot area >20,000 .....8%

(Ordinance 1396, December 10, 1992, Section 2., as amended by Ordinance 1841, April 4, 2006, Section 3, and Ordinance 1853, October 16, 2006, Section 3.)

g. <u>Maximum Building Width on Replotted Lots</u>. Whenever two or more lots are consolidated or re-plotted into one after the effective date of this ordinance (October , 2006) and the resultant lot width from the consolidation exceeds 135 feet, the maximum building width allowed on such lot shall be determined by multiplying the lot's width in feet by .6. The product of this ratio subject to the rules set forth below is the maximum building width, in lineal feet, permitted on the consolidated lot. Building setbacks are applicable and are used in conjunction with the ratio.

(1) Rules: The following rules are used in conjunction with the ratio.

- Building width shall be measured as the cumulative lineal length of all building walls facing a street that are within a distance of two times the required front setback. Walls beyond this distance do not count towards building width.
- On lots with more than one building, the cumulative widths of all buildings shall not exceed the ratio.
- A facing wall is any wall built parallel to or within a 45 degree angle of the front property line.
- Maximum building width using the ratio is applicable to each lot side with street frontage.
- On lots without frontage, like a flag lot, the ratio applies along the side designated as the front.

(2) Calculation Examples:

- Lot width = 151 feet 151 feet X .6 = 90.6 feet maximum building width
- Lot width = 200 feet 200 feet X .6 = 120 feet maximum building width

(<u>Ordinance 1841</u>, April 4, 2006, Section 5, as amended by <u>Ordinance 1853</u>, October 16, 2006, Section 4.)

h. Minimum Open Space (all uses)……50%

<u>Section 603</u>. <u>Height</u>. The maximum heights of structures in this district, except as otherwise provided, shall be:

a. Dwelling:
25 feet (not exceeding 2 stories), except as provided in Section 503.d.

b. Accessory Building:
15 feet (not exceeding 1 story).

c. Non-Dwelling:
30 feet, except as provided in Section 503.d.

(Ordinance 559, June 20, 1959, Section 503., as amended by Ordinance 1841, April 4, 2006, Section 4..)[60]

Section 604. Parking Requirements. As specified in Part H of this Chapter.

Section 605.[70]

Section 606. Special Exceptions. Under powers set forth in Sections 301 to 304 of this Chapter, the Zoning Hearing Board, after referral to the Planning Commission for review and submittal of a report within 15 days after public hearing, may authorize a permit as a special exception, subject to the conditions set forth, and any further conditions the Board may deem best suited to insure safety and general welfare, minimize traffic and to safeguard adjacent properties, for the following:

a. **Conversion of Existing Fraternity Houses**. Existing fraternity houses in such districts may be converted to the following specific uses subject to the terms and conditions set forth hereinunder:

(1) Club or Community Center
(2) Day Care Center for Children
(3) Home for Elderly Persons
(4) *****
(5) Nursing Home or Medical Clinic
(6) Offices
(7) Private School

Conversion of such fraternity houses shall be made only after the Zoning Hearing Board finds that the following standards and criteria have been met:

Exterior alterations and additions to the building shall be limited so that the ground area coverage of the building shall not be increased more than 20 percent. Such proposed alterations shall be reviewed by both the State College DRB (first) and the State College Planning Commission (second) and their recommendations shall be made in writing to the Zoning Hearing Board, which shall consider such recommendations and may require reasonable changes in such proposed alterations as a condition in granting of such special exception.

Repair and maintenance work on such building exterior, which does not alter the design or appearance of such building, shall not be considered a proposed alteration and shall not require review and recommendation by the 2 agencies set forth hereinabove.

Repair and maintenance work on such building exterior, which does not alter the design or appearance of such building, shall not be considered a proposed alteration and shall not require review and recommendation by the 2 agencies set forth hereinabove.

Any applicant for a special exception hereunder may submit plans showing such proposed alterations to the Planning Commission and the DRB and obtain such recommendations required hereunder before making application for such special exception; or, if not, after the application for such special exception is filed, such plans shall immediately be referred to the Planning Commission and DRB for such review and recommendation by the Borough Zoning Officer, and such written recommendations shall be transmitted by the 2 agencies to the Zoning Hearing Board within 30 days thereafter.

All motor vehicle parking areas shall be confined to the rear yard and such areas shall not occupy more than 35 percent of the lot area; provided, however, that parking areas in existence prior to the conversion of such building may be permitted to continue in use, provided such parking areas do not constitute a safety hazard.

If a sign is desired for use after conversion, 1 sign may be approved subject to the following conditions:

The appearance and location of such sign shall be approved by the State College DRB and such approval given, in writing, to the Zoning Hearing Board. The procedures set forth herein for exterior alteration proposals shall govern the approval required herein. In addition, any such sign shall not exceed 12 square feet in area; shall be restricted to name and address and type of business; and shall not include commercial advertising of products.

An existing fraternity house located in an R-2 district may be demolished and replaced with another fraternity house or may be enlarged after review and written recommendation from the State College Planning Commission. Such replacement or enlargement may include the use of additional vacant land adjacent to the prior lot.

If any vacant land is owned by a fraternity house, corporation or similar entity and thereafter is rezoned R-2, such land may thereafter be used for the construction of a new fraternity house, after review and recommendation by the said Planning Commission.

Review and recommendation by the Planning Commission, as set forth in this Section, shall be deemed to include review and recommendation by the State College DRB also, and the procedure for such review and recommendation shall be as set forth in this Section. Such recommendations shall be considered by the Zoning Hearing Board as reasonable conditions to the granting of such special exception.

(Ordinance 559, June 20, 1959, Section 1501, as amended by Ordinance 844, February 5, 1974, Sections 3 and 4, by Ordinance 941, September 11, 1978, Section 128, and by Ordinance 1198, February 8, 1988, Section 10.)

b. **Hospital or Clinic**. Hospitals or clinics are permitted in the R-2 districts, provided:

Such hospital or clinic does not include general treatment of contagious disease, the insane and is not a penal or correctional institution.

Access is from a primary street which has a pavement width of not less than 32 feet.

No part of any main building shall be located less than 100 feet from the property line.

(Ordinance 559, June 20, 1959, Section 1501.2, as amended by Ordinance 941, September 11, 1978, Section 128, and by *Ordinance 1640, November 21, 2000, Section 2.)

c. Highway Transitional Uses. Any existing structure or land abutting the designated primary arterial streets may be used for the uses listed below subject to meeting the express criteria:

(1) Location. Highway transitional uses are permitted only on properties abutting the below-listed streets, provided vehicular access is available through an existing alley:

(a) West side of South Atherton Street from the southern lot line of 306 South Atherton Street to the north side of Fairmount Avenue.

(2) Uses Permitted. Offices for lawyer, accountant, architect, engineer, minister, governmental, insurance, real estate, brokerage and all other offices which are similar to the listed uses in function, traffic generating and attraction capacities, except that medical and related offices of chiropody, chiropractic, clinical psychologist, dentistry, medical optical, optometric and osteopathic offices and other client care providers are specifically excluded.

Drive-in or motor-vehicle-oriented business uses are prohibited as a main or accessory use.

(3) Area and Bulk. Lot area and width, yards and height restrictions shall be the same as those for single-family dwellings for the district within which the special exception is requested. Nonconforming lots and structures which fail to meet the applicable area and bulk requirements may be used for the uses permitted above as special exceptions, provided such nonconformities are not increased and that other provisions of this Section are met.

(4) Design Criteria.

(a) When an existing residence is to be converted to a non-residential use, no exterior alterations or additions which change the residential character of the building by use of colors, materials, design or lighting shall be permitted.

(b) No more than 1 primary structure shall be permitted on any 1 parcel.

(c) When abutting a residential use, the rear and side yards of all nonresidential highway transitional uses shall be screened from the adjoining properties by a buffer at least 6 feet in height of view-restrictive plantings or decorative wall.

(d) Minimum off-street parking spaces shall be provided as required in Section 2403 of this Chapter, or 1 space per employee, whichever is greater. The maximum number of spaces for highway transitional uses shall not exceed one space per 150 square feet of gross floor area. The construction of new driveways off arterial streets is prohibited.

(e) All off-street parking areas, including driveways and aisles, shall be designed and constructed in compliance with the provisions of Sections 2401 through 2406 of this Zoning Ordinance.

(f) The number of employees in permitted highway transitional uses shall be limited to 8 employees for the first 10,000 square feet or portion thereof of lot area, plus 1 employee for each additional 5,000 square feet of lot area beyond the initial 10,000 square feet [e.g. 8,000 square feet = 8 employees; 12,000 square feet = 8 employees; 15,500 square feet = 9 employees]. Employment limitations shall apply to all full-time and part-time persons (including owners or partners) employed on the premises at any given time or during any work shift.

(g) No structure used for a highway transitional use may cover more than 20 percent of the lot, or 2,500 square feet, whichever is greater. Existing structures converted to highway transitional uses may be expanded to meet, but not exceed, these limitations.

(h) Highway transitional uses may be open for business only between the hours of 8:00 a.m. and 9:00 p.m.

(i) One sign may be permitted on each property used as a highway transitional use. In addition to the criteria of Chapter XIV of this Codification, any sign displayed for a highway transitional use shall be subject to the following:

(i) Not exceed 12 square feet for a single-face or 24 square feet for a 2-faced sign.

(ii) Be located only in the yard abutting the arterial street.

(iii) Internally-illuminated signs are not permitted; external illumination may be used only during business hours.

(iv) The content of the sign shall be restricted to the name and address of the occupant and to the type of business conducted on the site.

(j) All business activity on the site shall be conducted only within the building on the site. Any outdoor storage of business materials or supplies is prohibited.

(5) Plan Review. All applications for a highway transitional use shall be submitted to the Planning Commission for its review and recommendation to the Zoning Hearing Board. Any report by the Planning Commission to the Zoning Hearing Board may also include suggestions by the Commission for modification to the development plan. Plans shall be submitted in the form required by Section 305 of this Chapter.

(6) In reaching a determination on a specific proposal for a highway transitional use, the Zoning Hearing Board may exercise every precaution to ensure that the use shall not create a nuisance by reason of smoke, odor, glare, noise, vibration, radio or television interference off the site.

d. Conversion of Existing State College Area School District Buildings. Upon sale or other cessation of use by the State College Area School District, existing State College Area School District buildings may be converted to the following specific uses subject to the terms and conditions set forth hereinunder:

- Private Day or Resident School
- Professional Office
- Medical/Dental Office
- Housing for the Elderly or Disabled
- Personal Care Boarding Home
- Public or Private Library, provided that no more than 5 percent of the gross floor area is used for on-site retail sales
- Performing Arts Centers, Museums and/or Art Galleries, provided they are open to the general public
- Day Care Center
- Neighborhood Center

(1) Vehicular Access. Vehicular access for the following school buildings shall be restricted to the following streets:

- College Heights Elementary School restricted to Hillcrest Avenue;
- Radio Park Elementary School restricted to Cherry Lane;

- Corl Street Elementary School restricted to Corl Street;
- Easterly Parkway Elementary School restricted to Easterly Parkway.

(2) Required Off-Street Parking. Except as provided for in this Section, required off-street parking shall be provided in accordance with Part H of the Zoning Ordinance.

(a) Rear- and side-yard setbacks for parking areas adjacent to an R-1, R-2, R-3 or R-3B district shall be a minimum of 10 feet. This setback shall be planted in accordance with the buffer yard requirements stated in Section 606.e(3), below.

(3) Buffer Yards. Buffer yards, as specified herein, are required when a school building located on a site adjacent to an R-1, R-2, R-3 or R-3B district is converted to one or more of the uses permitted under this special exception.

All building faces and parking areas, except those fronting public rights-of-way, whether in existence at the time of the adoption of this ordinance or developed subsequently, shall be screened from view from abutting residential zoning districts, as provided for in Subsections 606.e(3)(i), (ii) and (iii) below, as applicable:

(a) Screening shall be provided by a continuous view-restrictive screen at least 6 feet in height designed to obscure the view of buildings and parking areas from residentially zoned districts.

The screen's length shall be comprised of trees, shrubs or a combination thereof. A minimum of 50 percent of the screen's length shall be of evergreen plant material. A minimum of 2 canopy trees shall be planted for each 100 feet of screen length. All plant material shall be 6 feet in height at time of planting and placed to provide view restriction. Walls, earth mounds and fences (or a combination thereof) may be included with the plant material to complement and provide variety to the screen but may not be exclusively used for screening. Special consideration shall be given to form, color, texture, density, growth habits and maintenance requirements. Grass or other living ground cover shall be planted, mulched and maintained on all portions of the landscaped screen not occupied by other landscaped material. All required plant material which dies shall be replaced.

(b) Existing vegetation and/or natural features may be used to meet buffer yard requirements, provided the location and composition of existing plant materials and/or natural features will result in screening that meets the requirements of this Section. The requirement that 50 percent of the screen's length be comprised of evergreen plant material shall only apply to newly installed plant material whether at the time of initial installation or installation to replace required plant material that has died.

(c) Existing parking areas fronting public rights-of-way shall be screened in accordance with the requirements of Part H, Off-Street Parking, of this Chapter.

(4) Signs. One ground pole sign is permitted on each property. Such sign shall not exceed 12 square feet per sign face. No part of the sign or any supporting structure may exceed 6 feet in height. The base area of all ground pole signs shall be landscaped with shrubs and other living plant material.

Roof signs and projecting signs are prohibited.

Wall signs, other than directory signs or building name signs, are prohibited. Such wall signs may not exceed 25 square feet per directory sign. No more than 1 directory sign is permitted per building entrance.

Internally illuminated signs are prohibited.

(5) Building Expansion. Any existing school building(s) converted to a non-school use, as provided for herein, may be expanded by up to 20 percent of the existing gross floor area at the time of the initial conversion to a non-school use subject to the following conditions:

(a) height of the building shall be limited to 2 stories, not to exceed 25 feet;

(b) design, materials, and color of the building expansion be complimentary to the existing building; and,

(c) setbacks for non-dwellings are maintained.

(6) Configuration. Housing for the elderly or disabled may be configured as 1-family dwellings, 2-family dwellings, multiple-family dwellings, row dwellings or any combination thereof, as defined in Part B of this Chapter.

(7) Lot Area. The minimum lot area for housing for the elderly and/or disabled shall be 4,000 square feet of lot area per dwelling unit.

(8) Land Development Plan Review. Prior to review by the Zoning Hearing Board, all applications for a special exception for the conversion of an existing school building shall be submitted to the Planning Commission and Design Review Board, as specified in Section 305 of the Zoning Ordinance. In making its report to the Zoning Hearing Board on the application, the Planning Commission may also include suggestions for modifications of the land development plan.

(Ordinance 1049, March 9, 1983, Section 2, as amended by Ordinance 1181, September 10, 1987, Ordinance 1198, February 8, 1988, Section 11, Ordinance 1284, July 10, 1990, Section 8, Ordinance 1347, August 21, 1991, Sections 2 through 6 inclusive, Ordinance 1374, June 3, 1992, Sections 1 through 7 inclusive, Ordinance 1390, September 14, 1992, Ordinance 1392, November 3, 1992, and by Ordinance 1449, September 8, 1994, Section 1.)

Section 607. Elderly Housing Development. Housing projects for the elderly, as specified below, may be permitted as conditional uses in the R-2, Residence District, subject to the following criteria:

a. Purpose And Concept. This provision is intended to help meet the growing demand for elderly housing in the Borough through the creation of planned elderly housing developments. It modifies use, lot area, width and yard requirements otherwise applicable to the district, establishes additional design controls, requires unified planning and management of each development and provides for Council approval as a conditional use following site plan review. Elderly housing developments shall be planned, designed and managed as integrated projects.

b. **Use**. In addition to the uses permitted in Section 601 of this Chapter, elderly housing developments may consist of the following: row dwellings not exceeding 6 units in any one direction; and medical clinics, nursing and convalescent homes for use by residents of the development only. Personal care and congregate meals may be provided within the building types permitted above.

c. Lot Area, Width And Yards.

(1) Lot Area. Each elderly housing development shall consist of a minimum of 5 acres for the total development and a maximum density of 4,000 square feet of lot area per dwelling unit. The amount of land used for medical clinics, nursing and convalescent homes may be used to achieve the 5-acre minimum for the development but may not be used for purposes of calculating maximum residential densities.

(2) Minimum Lot Width. 300 feet.

(3) Minimum Yard Depth. Minimum front, side and rear yard depths shall be as required in Section 602 of this Chapter, except that yard depths for row dwellings, medical clinics, nursing and convalescent homes shall be as follows:

Front Yard Depth .....40 feet
Side Yard Depth.....40 feet
Rear Yard Depth .....30 feet

All structures in excess of 25 feet in height shall be set back a minimum distance of 80 feet from all property lines not abutting a street. For side and rear lot boundaries which abut properties in zoning districts other than R-1 and R-2, the required side and/or rear yard depths specified above are reduced to those applicable in the abutting district.

d. Height. The maximum height of structures permitted for elderly housing developments shall be as specified in Section 603 of this Chapter.

e. **Parking Requirements.** Provisions of Section 505.e of this Chapter shall apply.

f. Additional Requirements. Provisions of Section 505.f of this Chapter shall apply.

g. Administrative Review. Provisions of Section 505.g of this Chapter shall apply.

(Ordinance 1157, December 16, 1986, Section 2.)

Section 608. Notice Prior to Demolition, Removal or Razing. All owners of structures included in the *Historic Resources of the Centre Region*, prepared in 1982 by the Centre Regional Planning Commission, listed on the National Register of Historic Buildings or included as a contributing structure in an existing or formally proposed National Historic Register District must give public notice prior to the demolition, removal or razing of such building or any portion thereof. This notice shall be given no less than 30 days prior to issuance of the zoning permit for demolition. The notice of demolition shall be posted on the property on which the structure is located (using a sign provided by the Borough) and on the public bulletin board at the State College Municipal Building, and placed in a paper of general circulation within the Borough. The applicant, before starting notice procedure, must schedule a meeting with the Zoning Officer to review the applicant's plans for the notice and provide a copy of the notice to the Zoning Officer. Following is a sample notice to be used:

NOTICE OF DEMOLITION OF A HISTORIC STRUCTURE

Public Notice is hereby given that this property has a building that is listed or eligible for listing on the National Register of Historic Places; is a contributing structure in a National Register Historic District; or is listed in the Historic Resources of the Centre Region prepared in 1982 by the Centre Regional Planning Commission and is proposed to be demolished in whole or in part. The property in which the Historic Structure is located is at _____, Tax Parcel Number _____. The type of structure, or part thereof, to be demolished is _____. The purpose of this notice is to give the residents an opportunity to contact the owner and to point out other options to possibly prevent the demolition of a historic resource of the Borough of State College. It is the owner's intent to start demolition of this structure on _____. For more information on this demolition, you can contact the Borough Zoning Officer at 118 South Fraser Street, State College, PA 16801 or by telephone (814) 234-7193, TDD (814) 234-7110. The owner's name and address are: _____.

(Ordinance 1516, December 23, 1996, Section 1, as amended by Ordinance 1574, August 20, 1998, Section 1.)

Section 609. **Mixed Use Overlay**. This overlay district is established within designated areas of the municipality as an overlay district supplementing the existing base zoning. It recognizes that urbanized areas are often characterized by excessive noise and congestion caused by increased pedestrian movements, truck traffic and other varieties of vehicular traffic. Excessive noise and congestion are not compatible with low-density residential uses.

Within the Mixed-Use Overlay District, there are many 1- and 2-family houses remaining that were built at a time when the designated areas were less urban. It is desirable to maintain and reuse these structures even though they may no longer be in a suitable location for low-density residential uses.

a. Purpose. Accordingly, the purposes of the overlay district are to:

(1)provide uses, in addition to the base zoning, that can function well in busy urbanized areas

(2) provide for adaptive reuse of these structures without changing their character, physical appearance or compatibility with adjoining residential uses.

(3) provide a buffer between established residential neighborhoods and the designated areas thereby insulating these neighborhoods from the detrimental effects of high traffic volumes, congestion and noise.

b. Location.

(1) East Beaver Avenue (south side), Hetzel Street to the eastern dead end of Beaver Avenue;

(2) and as permitted in the R-3H zone.

Properties within the Mixed-Use Overlay District that do not meet the criteria established in this Section may not be used for the uses listed in Subsection d. below.

c. Access. Vehicle access to any site for which a Mixed-Use Overlay District use is proposed shall be from an arterial street, provided the access criteria specified herein are met. In cases where arterial access criteria cannot be met, access shall be provided from the next access classification in descending order. Access classifications, in descending order, are as follows: secondary arterial, collector, local, and alley.

(1) Criteria for Arterial Access. Direct access to an arterial street from a proposed Mixed-Use Overlay District use is permitted only if the following conditions are met:

(a) the arterial street on which the site of the proposed Mixed-Use Overlay District use has frontage is either (1) a 1-way street or (2) a 2-way street with center turn lane and on-site traffic controls restrict exiting movements to right turn only;

(b) line of sight at any existing or proposed curb cut or other access point equals or exceeds PennDOT standards for safe sight distance for passenger cars exiting from driveways onto 2-lane roads at the posted speed for the road being entered;

(c) the projected trip generation, assuming all existing building square footage is used for the proposed Mixed-Use Overlay District use, does not exceed 100 average daily traffic (i.e. total ingress and egress does not exceed 100 trips per day);

(d) if the arterial street is a State route, a highway occupancy permit must be obtained from PennDOT;

(e) the peak hour volume/capacity ratio for the arterial is .75 or less and is calculated using the methodology in the Highway Capacity Manual;

(f) on-site parking is configured such that vehicles may enter and exit the site without backing off of or on to the arterial street; and

(g) access shall conform to driveway location standards and off-street parking standards, as specified in this Chapter.

(2) Criteria for Secondary Arterial, Collector or Local Street Access. Direct access to a secondary arterial, collector or local street from a proposed Mixed-Use Overlay District use is permitted only if the following conditions are met:

(a) access to an arterial street meeting the above-specified criteria is not available;

(b) line of sight at any existing or proposed curb cut or other access point equals or exceeds PennDOT standards for safe sight distance for passenger cars entering 2-lane highways at the posted speed for the road being entered;

(c) on-site parking is configured such that vehicles may enter and exit the site without backing off of or on to the street; and,

(d) access shall conform to driveway location standards and off-street parking standards, as specified in this Chapter.

(3) Criteria for Alley Access. Direct access to an alley from a proposed Mixed-Use Overlay District use is permitted only if the following conditions are met:

(a) access is not available from an arterial, secondary arterial, collector or local street which meets the applicable standards for access from an arterial street, as specified in Subsection a.i through vii, or Subsection b(i) through (iv), above, respectively;

(b) the alley has been ordained and opened by the municipality;

(c) the alley is located at the rear of the site and parallel to the arterial street on which the site has frontage; and,

(d) adequate sight distance exists at the intersection of the alley and the secondary arterial, collector or local street with which it intersects.

d. Uses Permitted. Offices for medical doctor, chiropodist, chiropractor, psychologist, psychiatrist, dentist, optician, optometrist, osteopath, lawyer, accountant, architect, engineer, ministry, governmental, insurance, real estate, brokerage, Desktop publishing services, Artist Studio, Motion Picture and Video Production, Software publishing, Internet Publishing and Broadcasting and all other offices which are similar to the listed uses in function, traffic generation and attraction capacities.

Drive-in or motor-vehicle-oriented business uses are prohibited.

Mixed use of residential (as permitted in the Zoning District) and other permitted uses (as permitted in the Overlay District) are allowed. Student homes use within a mixed use overlay building in the R-2 zoning district is not permitted unless the subject lot complies with all provisions of Section 501.l. (6). Student Home as applicable to one- and two-family dwellings used as a student home.

e. Lot Area and Width. The minimum lot area and width shall be the same as that for 1-family dwellings under the base zoning district. Nonconforming lots containing existing residential buildings may be used for overlay uses provided all other provisions of this section are met.

f. Yards, Lot Coverage, Open Space and Other Requirements.

(1) Required yards, lot coverage, open space, building height, building size, number of buildings, design prohibitions, and historic preservation, shall comply with the regulations applicable for the base zoning district within which the parcel is located, provided that no building used for a mixed use overlay shall contain more than two thousand five hundred (2,500) square feet of gross floor area per floor. Existing buildings converted to an overlay use may be expanded provided such expansion does not exceed 2,500 square feet in gross floor area per floor.

g. Use of Nonconforming Buildings. Any residential building in existence at the effective date of this ordinance that does not conform to building setbacks or building size or building height may be used for overlay use provided that the nonconformity is not expanded or increased and that all other requirements are met.

h. Vacant Lots. A mixed use building may be erected on any conforming lot of record that is vacant at the effective date of this ordinance provided all other regulations applicable to a mixed use overlay are met.

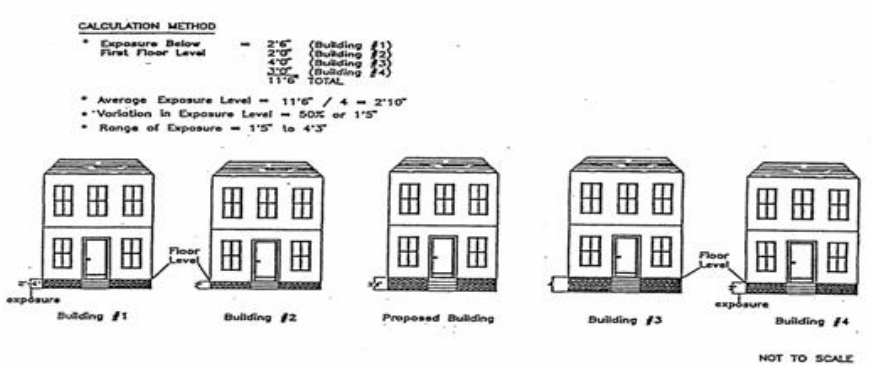
i. Design Criteria.

(1) When an existing residence is converted to a non-residential use or to a mixed use, no exterior alterations or additions which change the residential character of the building by use of colors, materials, design or lighting shall be permitted.

(2) When a side or rear yard of an overlay use abuts a residential lot or a public alley, the abutting yard shall be buffered with a view-restrictive screen at least 6 feet in height, consisting of plantings, decorative walls or any combination therein. All plant material shall be at least 6 feet in height at time of planting. Areas of a lot abutting an alley used for parking as provided for in Section 2406.b. (11) of this Chapter are exempt from this requirement and shall be comply with the provisions of Section 2406.b. (11).

j. Design Prohibitions. The following items are prohibited in the Mixed Use Overlay:

(1) Untextured concrete block or other untextured veneers.
(2) Main roofs, dormer roofs or stair tower roofs with less than 4/12 pitch. (Porch roofs are excluded and may have less than 4/12 pitch.)
(3) Curved main, dormer or stair tower roofs.
(4) First-floor levels and basement exposures of street front buildings that are unaligned by more than 50 percent from the average first floor levels and basement exposures of adjacent buildings (two on each side) along the street. See illustration, which follows, for example.
(5) Unpainted/unstained stair towers.
(6) Corrugated plastic roof materials covering outside stairways



k. Number of Employees and Hours of Operation.

(1) For lots 20,000 square feet or less in area, the total number of employees allowed per building shall not exceed the lesser of 1 employee per two hundred and fifty (250) gross square feet of floor area or 20 employees.

(2) For lots with an area greater than 20,000 square feet, containing a single building on June 18, 2007, the time of the adoption of this ordinance, an additional 5 employees are permitted providing the total number of employees does not exceed 1 employee per 250 square feet of gross floor area.

(3) Employment limitations shall apply to all full-time and part-time persons (including owners and partners) working in the building at any given time or during any work shift.

(4) Approved nonresidential uses may be open to the public for business only between the hours of 8:00 a.m. and 9:00 p.m.

l. Signs.

(1) The provisions of Chapter XV providing for signs in residential districts are modified to the extent that signs displayed for overlay uses shall be subject to the following:

(a) One sign shall be permitted at each property used as an overlay use.

(b) Maximum size shall not exceed the following:

Lots abutting arterial or secondary arterial streets = 6 square feet for single-faced or 12 square feet for double-faced.

Lots abutting collector streets = 4 square feet for single-faced or 8 square feet for double-faced.

Lots abutting local streets or alleys = 2 square feet for single-faced or 4 square feet for double faced.

(c) Internally-illuminated signs are not permitted.

(d) The content of the sign shall be restricted to the name and address of the occupant and to the type of business conducted on the site.

(e) All signs shall be constructed of wood, stone, brass, ceramic or iron.

(f) When configured as a ground pole sign, the sign shall not exceed 6 feet in height at its highest point, including all parts, braces and supports.

(g) Temporary signs in windows and doors as allowed by Section 103.p of the Sign Ordinance, Chapter XV, are prohibited.

(2) All business activity on the site shall be conducted only within the building on the site. Any outdoor storage of business materials or supplies is prohibited.

m. Parking. All off-street parking areas, including driveways and aisles, shall be designed and constructed in compliance with the provisions of Part H of this Chapter. Off-street parking spaces provided on-site are permitted only as an accessory use incidental to and subordinate to the primary use. As such, on-site parking spaces shall be used only to serve the parking needs of the property's residents or the customers and employees of the overlay use.

(1) For all residential uses, the number of parking spaces shall equal but not exceed the minimum number required in Section 2403. All parking for residential uses shall be located on the same lot as the use served.

(2) For nonresidential uses 1 parking space is required for each 500 square feet of gross floor area for medical and related offices and 1 parking space is required for each 600 square feet of gross floor area for all other permitted nonresidential uses.

(3) All required parking for approved nonresidential uses shall be located on site up to the extent that fifty percent (50%) of the area of the lot remains as open space. Parking areas, in combination with the lot coverage by all buildings on the lot, shall not exceed fifty percent (50%) of the area of the lot. Additional required parking spaces shall be located off-site as provided for in subsection (4) below. Together, the total number of on-site and off-site parking spaces shall equal or exceed the amount of parking required for all uses on the lot.

(4) Parking on public streets and alleys shall not be used to meet any or all of the parking requirement.

(5) Off-site parking spaces shall be located within 1200 feet of the building containing the office use. Spaces may include private or public off-street parking areas provided that such off-street parking area is a lawful primary use in the zoning district where it is located. All off-site parking shall be and shall remain under the control of the owner or operator of the use which the off-site parking is intended to serve. On approval of a land development plan which relies on off-site parking to provide all or a portion of the required parking, the owner or operator of the said use shall execute and, where appropriate, record, in the Office of the Recorder of Deeds of Centre County, an appropriate covenant, deed, lease or other binding agreement that guarantees the availability of the off-site parking for the use or uses it is intended to serve. Said covenant, deed, lease or other binding agreement shall be approved by the Planning Department and noted on the land development plan prior to the recording of said land development plan.

(6) Existing on-site parking may be used to meet required parking for office uses, but shall be brought into conformity with current access and design standards as specified in this Section and Chapter.

(7) Driveway and off-street parking area lot coverage maximums established for 1- and 2-family uses in R-2 and R-3H zoning districts shall not apply to properties required to comply with the fifty percent (50%) maximum lot coverage rule cited in (3) above.

(8) Mixed use overlay uses shall not be eligible for the parking reduction conditional use as provided in Section 2403. (b).

n. Lighting. All exterior lighting for mixed-use overlay installations shall comply with Part K of this Chapter.

o. Plan Review. See Section 305 for plan content requirements and plan review procedures.

(Ordinance 1872, June 18, 2007, Section 4.)