CID

Commercial Incentive District

Section 1850. **Use**.

a. Permitted uses and use restrictions as described in Sections 1801 and 1802 are applicable except that Motor Vehicle Oriented Businesses and Adult Businesses as provided for in Section 1802 are expressly prohibited.

b. The following use restrictions apply to the ground floors of buildings within the Commercial Incentive District, except in that portion of the district west of Atherton Street:

(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 Incentive district at that location. Driveway and pedestrian access to parking areas are allowed

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

c. Pedestrian-oriented-Uses, subject to the terms and conditions specified in Section 1802.g. (except for location which is as specified below), 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 Incentive District:

- both sides of the 100 block of West Beaver Avenue and the north side of the 100 block of East Beaver Avenue
- both sides of the 100 block of Fraser Street
- both sides of the 100 block of Pugh Street

(Ordinance 1821, November 7, 2005, as amended by Ordinance 1876, August 6, 2007, Section 3 and 4.)

Section 1851. Lot Area, Width, Yards and Floor Area Ratio.

a. Lot Area.

All uses .....minimum of 5000 square feet

b. Lot Width .... minimum of 25 feet

c. Front Yard Depth.

(1) buildings or portions thereof used for residential use or parking = minimum of 25 feet measured from the curb;

(2) buildings or portions thereof to a height of 40 feet used for nonresidential uses except off-street parking = minimum of 15 feet measured from the curb;

(3) buildings or portions thereof above a height of 40 feet (all uses) = minimum of 25 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) Except for telecommunication towers, no side or rear yard is required other than sufficient to comply with applicable building codes.

(2) Telecommunication Towers shall comply with the provisions of Section 2001.e(3).

e. Side and Rear Yard Depth (Abutting an Alley). Side and rear yards abutting an alley are subject to the following required yard depths:

(1) Except for telecommunication towers, 10 feet clear and unobstructed to a height of 14 feet above grade. Telecommunication towers shall comply with the provisions of Section 2001.e(3).

(2) Except for telecommunication towers, 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 abutting alleys located between College and Beaver Avenues, subject to the following conditions:

(a) 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;

(b) A 5-foot utility easement is located in the same area as that occupied by the sidewalk;

(c) 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,

(d) Space for refuse collection, as provided for in Section 2001.c.

(3) On the north side of the intersection of Cresson Alley 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.

f. Floor Area Ratio. The maximum floor area ratio for structures or portions thereof in this District used for residential purposes, except as provided for under Section 1855. Incentives shall be 2.0.

Section 1852. **Building Height**.

Buildings and structures……65 feet (maximum), except as provided for in Section 503.d(2), Exceptions, Section 1855, Incentives, and Section 2001.e(4), Telecommunications Facilities

Section 1853. 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. 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 length 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. 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.

Section 1854. Parking Requirements. Off-street parking shall be provided in accordance with Part H of this ordinance, except as follows:

a. The number of required parking spaces for all residential uses shall be the amount specified under Section 2403.c for the given use. Except as provided in section b. below, the amount of parking required for non-residential uses shall be equal to or greater than 1 space per 800 square feet of gross floor area per building. All buildings or portions thereof changed from a non-residential to residential use shall meet the parking requirements for residential uses listed in Section 2403.c

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

(1) Up to 30,000 square feet of gross floor area per building or portion thereof including outdoor sales areas used for non-residential purpose, except for adult businesses as defined in this Chapter. Except as provided for in (2) 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 the ratio of 1 parking space per 800 gross square feet of building area and outdoor sales area.

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

c. New residential construction is not eligible for fee-in-lieu parking, except that up to 10 percent of the required parking may be provided 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.

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, or until arrangements for in-lieu payments are made with the Borough, if a special exception is granted, as provided in Subsection 1854.f, except that:

e. 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.

f. In-lieu parking is permitted in the CID as a special exception pursuant to the provisions of Section 1807.f.

Section 1855. Incentives.

a. Purpose. The purpose and intent of these incentives is to promote ground floor commercial uses, mixed uses, owner-occupied housing, increased public amenities, energy efficient building design and construction, and superior building design in the Commercial Incentive Zoning District.

Table 1
Incentives/Bonus Schedule
(Each Incentive shall be eligible to Earn One or More Bonuses)

Incentives (Building)	**Bonus – Increase in Building Height**	**Bonus – Increase in Floor Area Ratio (FAR) for Residential Use**	**Bonus – Reduction in Required Parking**
Front Building Setback = 25 feet or more	1 story (not to exceed 10 additional feet)		20%
Green Certified	1 story (not to exceed 10 additional feet)		***10% - 20%***
Underground Parking	1 story (not to exceed 10 additional feet)		Each underground parking space = 1.5 spaces in a surface lot or above grade structure
Incentives (Uses)			
Owner Occupied	Up to 2 stories (not to exceed 20 additional feet)	1.0	30%
Street Level Commercial where not required	1 story (not to exceed 10 additional feet)		20%
Retail/office (mixed use)	Up to 3 stories (not to exceed 10 additional feet per story)		

b. Description of Incentives. All of the incentives listed in Table 1 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.

(1) Front Setback Increase. To qualify for incentives, the building shall be set back 25 feet or more as measured from the curb face along all sides of the lot having street frontage. Incentives under this option may also be received when the front setback increase is achieved using an averaging method. Under the averaging method, the front setback line does not have to be a uniform distance from the curb face, but the total square footage of the setback area provided must equal or exceed the total square footage of setback area that would otherwise be achieved using the uniform 25-foot setback from the curb face. Under this option, no portion of the building shall be set back less than 15 feet, and the overall area requirement is gained by increasing the setback farther than 25 feet at other portions of the building.

On corner lots, the minimum setback using the averaging method shall not be less than 25 feet from the curb face within a distance of 45 feet measured from any corner formed by the curb intersections of two streets. Beyond 45 feet, the setback may be reduced to 15 feet provided the area requirement under the averaging method is met.

(Note: The front setback under the base zoning standard is 15 feet for non-residential uses except for parking and 25 feet for residential and parking uses and all uses above 40 feet.)

(2) Green Certified. 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 a minimum of 26 points through the LEED certification process. The following bonuses are available: 26 through 32 points…a 10% reduction in required parking, 33 through 38 points…1 additional story plus a 10% reduction in required parking; 39 or more points…1 additional story plus a 20% reduction in required parking.

(3) 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 FAR bonus, 75% of the required parking must be provided in subsurface facilities.

(4) Owner-Occupied Residential. 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. To qualify for this bonus, 100% of the residential units proposed must be designated and used as owner occupied.

(5) Street Level Commercial This incentive does not apply in that portion of the commercial incentive district described in Section 1852.b where residential and parking uses are limited on the ground floor of a building.

To be used as an incentive the street level portion of the building facing the street shall meet all of the following criteria: (1) the use within the building's street level commercial area shall be retail, service, office, restaurant, theatre, or any combination therein; (2) the area dedicated to the commercial use shall not be less than 25% of the building's ground floor area and shall abut the exterior wall or walls facing the street; (3) the minimum depth of the commercial area as measured from the exterior perimeter wall facing the street shall be 25 feet; and (4) 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.

(6) Mixed Use Retail/Office A mixed use project is a building that contains non-residential uses in combination with residential uses where the residential use is located above the ground floor. Non-residential uses can be commercial, retail, personal service, professional service, restaurant, office, lodging, or other non-residential uses (except for parking) permitted in the district. To qualify for this bonus, non-residential uses must occupy the entire floor area (excluding space devoted to circulation and HVAC systems) of a story within the building. The following bonuses are available: one additional floor for each floor of non-residential use up to a maximum of three additional floors.

c. Maximum Bonus. The following height, residential FAR and reductions in required parking shall not be exceeded regardless of the number of incentives provided:

Maximum Building Height .....95 feet
Maximum Residential FAR 3.0
Maximum Reduction in Required Parking 30%

Section 1856. 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 1855.

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 building 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 1821, November 9, 2005, as amended by Ordinance 1840, April 4, 2006, Section 20.)