

Ordinance 2013

AMEND THE STATE COLLEGE ZONING ORDINANCE AND MAP (CHAPTER XIX, PART D) OF THE CODIFICATION OF ORDINANCES) BY ESTABLISHING A NEW ZONING DISTRICT CP-3, PLANNED COMMERCIAL DISTRICT-3.

Zoning Map Amendment and Parcel List



Parcel ID	Parcel ID	Parcel ID
36-017-,151-,0000-	36-017-,242-,0309-	36-017-,242-,0607-
36-017-,151A,0000-	36-017-,242-,0310-	36-017-,242-,0608-
36-017-,151B,0000-	36-017-,242-,0311-	36-017-,242-,0609-
36-017-,242-,0100-	36-017-,242-,0312-	36-017-,242-,0610-
36-017-,242-,0101-	36-017-,242-,0400-	36-017-,242-,0611-
36-017-,242-,0102-	36-017-,242-,0401-	36-017-,242-,0612-
36-017-,242-,0103-	36-017-,242-,0402-	36-017-,242-,0700-
36-017-,242-,0104-	36-017-,242-,0403-	36-017-,242-,0701-
36-017-,242-,0105-	36-017-,242-,0404-	36-017-,242-,0702-
36-017-,242-,0106-	36-017-,242-,0405-	36-017-,242-,0703-
36-017-,242-,0107-	36-017-,242-,0406-	36-017-,242-,0704-
36-017-,242-,0108-	36-017-,242-,0407-	36-017-,242-,0705-
36-017-,242-,0109-	36-017-,242-,0408-	36-017-,242-,0706-
36-017-,242-,0110-	36-017-,242-,0409-	36-017-,242-,0707-
36-017-,242-,0111-	36-017-,242-,0410-	36-017-,242-,0708-
36-017-,242-,0112-	36-017-,242-,0411-	36-017-,242-,0709-
36-017-,242-,0200-	36-017-,242-,0412-	36-017-,242-,0710-
36-017-,242-,0201-	36-017-,242-,0500-	36-017-,242-,0711-
36-017-,242-,0202-	36-017-,242-,0501-	36-017-,242-,0712-
36-017-,242-,0203-	36-017-,242-,0502-	36-017-,247-,0000-
36-017-,242-,0204-	36-017-,242-,0503-	36-017-,248-,0000-
36-017-,242-,0205-	36-017-,242-,0504-	36-017-,249-,0000-
36-017-,242-,0206-	36-017-,242-,0505-	36-017-,250-,0000-
36-017-,242-,0207-	36-017-,242-,0506-	36-017-,253-,0000-
36-017-,242-,0208-	36-017-,242-,0507-	36-017-,256-,0000-
36-017-,242-,0209-	36-017-,242-,0508-	36-017-,257-,0000-
36-017-,242-,0210-	36-017-,242-,0509-	36-017-,259-,0000-
36-017-,242-,0211-	36-017-,242-,0510-	36-017-,260-,0001-
36-017-,242-,0212-	36-017-,242-,0511-	36-017-,260-,0002-
36-017-,242-,0300-	36-017-,242-,0512-	36-017-,260-,0003-
36-017-,242-,0301-	36-017-,242-,0600-	36-017-,262-,0000-
36-017-,242-,0302-	36-017-,242-,0601-	36-017-,263-,0000-
36-017-,242-,0303-	36-017-,242-,0602-	36-021-,034-,0000-
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36-017-,242-,0305-	36-017-,242-,0604-	36-021-,035A,0000-
36-017-,242-,0306-	36-017-,242-,0605-	36-021-,037-,0000-
36-017-,242-,0307-	36-017-,242-,0606-	36-021-,041A,0000-
36-017-,242-,0308-		

CP-3

Planned Commercial District-3

Section 1510. Purpose. The CP-3 district, to be known as a "Planned Commercial District," is intended to preserve neighborhood-scaled commercial uses and to promote new commercial developments in mixed-use neighborhood centers. Commercial activity in this district should be oriented along arterial and collector streets and encouraged in designed shopping centers rather than stand-alone structures, for the purpose of accommodating the commercial needs of nearby consumer concentrations. Orientation of commercial uses in this district should accommodate all forms of transportation, with a focus on providing a pedestrian-oriented mix of uses. Adequate access roads or driveways must be provided, and they shall be designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. Standards for site and building performance promote an accessible mix of uses that provide an active focal point for nearby users.

Section 1511. Use. Buildings and lots in the CP-3 district may be used for the following purposes:

- a. Any use permitted in the C-Commercial District, Section 1801 of this Chapter, except for the following:
 - a. One and Two family homes, except on lots smaller than 14,000 sq.ft.
 - b. Hotels and Motels, except according to Section 1511.c.3.c
 - c. Automobile Sales except on State Highways
 - d. Motor Vehicle Oriented Business such as restaurants with a drive through or services provided to cars in a short period of time, such as gas stations and carwashes. Drive-in banks and pharmacies are permitted.
 - e. Junk Yards, which includes storage of vehicles and vehicle parts for more than 35 days
 - f. Adult Businesses and Theaters
 - g. Telecommunications facilities

b. Accessory land uses and buildings customarily incident to any of the permitted uses

c. Mixed Use,

- (1) Any new development or redevelopment containing only commercial uses are not subject to the mixed use requirements, but must adhere to the provisions in Sections 1511.c.2.a, 1511.c.3, 1512-1518 and 1520.
- (2) Any new development or renovation of an existing site containing residential uses, on which new buildings are constructed or the footprints of the existing

structures are altered or additional stories are added in a manner which expands the gross floor area by at least 20,000 square feet, must adhere to the following provisions:

- a. Commercial Uses
 - i. Only commercial uses are permitted on the ground floor of any structure
 - ii. Individual retail commercial uses may not exceed 70,000 square feet.
 - iii. Individual non-retail commercial uses may not exceed 35,000 square feet.
- b. Multiple Family Dwellings
 - i. Except for on the ground floor of any structure
 - ii. No more than 60% of the gross building area may be dedicated to residential uses

(3) Any new development or renovation of an existing site within this district must adhere to the following regulations:

- a. Mixed-use requirements are not applicable for lots smaller than 14,000 square feet; these lots may be developed according to Section 502.f.
- b. Parking not permitted within the first 25 feet of building depth on the ground floor of any structure facing a public street.
- c. Hotels and Motels are permitted in this district only if the ground floor of any structure containing guest rooms is maintained for retail commercial uses.

Section 1512. Lot Area, Width and Yards. Each lot in this district must comply with the following requirements except as otherwise noted.

a. Lot Area.

Multiple-Family Dwelling (per unit).....3,500 square feet

All other uses minimum lot area.....14,000 square feet

Lots held under common ownership and which are separated by a public right of way or are adjacent to one another may be developed as one lot. Minimum yard area will only apply to portions of lots that are not abutting a lot being collectively developed. Requirements for mixed use, parking and open

space do not apply to each lot individually, but rather in aggregate for all lots that are developed collectively.

Lots that exist at the effective date of this ordinance that do not meet the minimum lot area requirement are not subject to the mixed use requirements of Section 1511.c. and can be developed according to Section 502.f.

b. Yards.

- (1) Front. Front yards in any CP-3 district should adhere to the following minimum and maximum requirements below.

Multiple Family Dwellings.....	20 feet min to 40 feet max
Commercial and non-residential.....	20 feet min to 40 feet max
Commercial and non-residential with parking in yard.....	45 feet max

- (2) Side. Minimum side yards for buildings shall be as follows:

Multiple-Family Dwellings.....	10 feet
with Inclusionary Housing abutting Residential District	40 feet
Commercial abutting Residential District	40 feet
Commercial abutting non-Residential District	Not required

- (2) Rear. Rear yards shall remain unobstructed with buildings and structures and shall be as follows:

Any use abutting Residential District	40 feet
Any use abutting non-Residential District.....	20 feet

- (4) Perimeter Planting. Within the CP-3 districts, all required front yards must be improved with living plant material and hardscape components in accordance with the all the provisions of Section 2404.i of this Chapter applying to perimeter parking. Special screening regulations along lot perimeter lines in the CP-3 district are found in Paragraph (5) of this subsection.

- (5) Screening. For any mixed-use site within the CP-3 district, the following additional screening requirements are required along the lot's side and rear yards wherever it abuts an R-1 or R-2 district and alleys.

The entire length of the perimeter lot line so described must contain a continuous, view-restrictive screen at least 6 feet in height designed to obscure the view of commercial buildings and parking areas from residentially-zoned districts. The screen's length must be comprised of trees, shrubs or a

combination thereof. A minimum of 50 percent of the screen's length shall be evergreen material. All living screening must be at least 6 feet in height at the time of planting and be spaced closely enough to provide for view restriction. Walls, earth mounds, fences, or any combination thereof, may be included with the living plant material to complement and provide a variety to the screen but may not be exclusively used for screening. Special consideration should 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 landscape strip not occupied by other landscape materials.

Whenever the lot's perimeter abuts R-3, R-3B or R-4 or abuts a street or alley adjacent to R-3, R-3B or R-4 zoning district:

The foregoing regulations may be reduced to provide a view-restrictive screen equivalent to 50 percent of the length of the perimeter. The 50 percent requirement may not be met with a single continuous hedgerow; rather, the creation of a special design effect by grouping or staggering of trees, shrubs and other landscape features is encouraged.

- (7) Design Standards. On all roofs which contain air-conditioning and other similar types of mechanical/electrical equipment, a view-restrictive screen, that is the same height above the roof as the equipment, must be located around the perimeter of the roof. Such screen may consist of a solid decorative type fencing or panels or may be an extension of the parapet. The screen's purpose is to hide the equipment from the view of a person standing at street level.

Section 1513. Height. The maximum height permitted in this District shall be:

Buildings	35 feet (not to exceed 3 stories)
All Other Structures	35 feet

except as provided for in Section 1516.

Section 1514. Open Space. The purpose of providing open space within this district is to 1) assist in storm water management on developed sites, 2) assist in providing a buffer between on-site uses and adjacent properties, and 3) provide active social and recreational spaces for the site's users. Open space requirements for storm water management can be met through such treatments as yards, landscaped areas, rain gardens, bio-retention areas, green roofs, and other vegetated areas. Open space requirements for social activity can be met through paved or unpaved areas that include plazas, seating areas, recreational areas or other vegetative or hardscape treatments that have a clearly developed program that encourages gathering and communal

activity. In order to achieve these purposes, the following requirements for open space in this district apply:

(1) Open Space Required.....30% gross land area

(2) Required Open Space Improvements

- a. At least 10% of the required open space must be improved for use as a public space. Improvements can be made through the use of vegetation or hardscape materials, and should include features that encourage socialization and communal activity for both the residents of the site and visiting users. This space should be located on the site in such a way that it is accessible to the site's visitors from the on-site pathways and should be in addition to hardscape materials that are used for sidewalks.
- b. Improved areas that are treated with hardscapes, including areas such as sidewalks and plazas, can be used to meet the required open space as long as the gross land area of hardscape does not exceed 25% of the required open space. Features can include fixtures such as picnic shelters, tables and/or benches, gazebos, fountains, playground equipment, etc. Improved areas should also include ornamental lighting and refuse containers, if necessary.
- c. Improved areas must be indicated on the land development plan, reviewed by the Design Review Board and Planning Commission, and approved by Planning Staff.

Section 1515. Parking.

- a. On-Site Vehicular Parking. As prescribed by Part H of this Chapter except for the following provisions:
 - a. For mixed-use buildings exceeding 100,000 sq.ft., the first 30,000 sq.ft. of commercial space is exempt from any parking requirements. Parking for the remainder is calculated at 1 space per 300 sq.ft. of gross floor area that is devoted to commercial uses.
 - b. For mixed-use buildings, parking requirements for residential units should be 1.5 spaces for 1-2 bedroom units, and 2 spaces for 3 or more bedroom units.
 - c. Vehicular parking not to exceed minimum required by Part H of this Chapter by more than 10%.
 - d. Incentives for parking reduction per Section 1518.
- e. On-Site Bicycle Parking. For developed sites within CP-3 districts, the following provisions for minimum bicycle spaces shall apply:
 - a. Multi-family sites.....1 space per every 3 units

- b. Mixed-Use sites
 - i. GFA <7,500 sq.ft..... not required
 - ii. GFA 7,501-20,000 sq.ft..... 2 spaces
 - iii. GFA >20,001 sq.ft..... 1 space per 10,000 sq.ft.
- c. 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.

Section 1516. Pedestrian-Oriented Design. Pedestrian-oriented design shall be applied to all portions of a building's ground-floor frontage. This includes treatments such as architectural details, awnings, signs, large front windows and other features that will create an attractive and comfortable neighborhood retail environment for all users. At least 50% of the ground floor exterior wall facing a street shall be devoted to windows affording pedestrian view into the interior commercial space.

Section 1517. Signs. Signs and name places are permitted, when affixed flush with the front of the building and not extending above it. The addition, relocation or modification of any sign in a Planned District shall be reviewed by the Design Review Board. Specific regulations regarding signs in planned districts are found in Section 118.b of Chapter XV of this Codification. One freestanding sign is permitted per lot, or lots held in common ownership, to identify the mixed use development and to be used as the directory sign for multiple businesses in mixed use developments.

Section 1518. Incentives.

- a. **Purpose.** The purpose and intent of these incentives is to promote owner-occupied housing, increased public amenities, energy efficient building design and construction, and superior building design in the CP-3 Zoning District.
- b. **Description of Incentives.** All of the incentives listed in Table 1 are described in detail in this subsection. In order for the incentive to qualify for a bonus, the incentive shall meet or exceed the criteria described in the following Table 1.

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 density for Residential Uses	Bonus- Reduction in Required Parking
Green Roof		5%	10% reduction in required parking

Structured Parking behind Primary Buildings or Underground	1 Story (not to exceed 10 additional feet)	10%	Each underground or structure parking space = 1.25 spaces in a surface lot
Owner Occupied*	1 story (not to exceed 10 additional feet)	20%	30%

*See Section 1519

1. **Green Roof.** Green roofs are a structural veneer of vegetation and soil or other media, usually 3.5"-4" in depth, that help mitigate the effects of urbanization on water quality by filtering, absorbing or detaining rainfall. The soil and specialized mix of plants that comprise a green roof are tolerant of the harsh temperature and other conditions of a rooftop, can tolerate short periods of inundation from storm events and typically require minimal maintenance. These systems help remove pollutants from entering the storm sewer system and can help reduce the stormwater runoff volume and peak discharge rates.

Engineering plans for the green roof must demonstrate the design's ability to appropriately accommodate a stormwater capacity equal to the first one inch of summer rainfall. Engineering plans must also demonstrate a building design that can accommodate the additional roof load. The roof shall be properly maintained over time in order to retain its efficiency.

In order to qualify for the bonuses in Table 1, at least 50% of the roof area must be a green roof. A 10% reduction in the required surface parking and a 5% density bonus for residential uses can result from the installation of a green roof. Additionally, up to 50% of the surface area of the green roof can be utilized to achieve the required open space for the site.

2. **Underground Parking or above ground structures.** Parking at street level reduces opportunities to utilize this valuable space for activities that increase street life. Locating parking in subsurface and above ground facilities expands the total building volume available for commercial and residential development. To qualify for the Increase in Building Height and Reduction in Parking bonuses, 75% of the parking must be provided in subsurface or above ground facilities.
3. **Owner-Occupied Residential.** Owner-Occupied residential refers to dwelling units that are the primary residence of the legal or beneficial owner. To qualify for this bonus, 100% of the residential units proposed must be designated as owner-occupied. 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 and by-laws to ensure 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.

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

Maximum Building Height.....	45 feet
*No more than one (1) additional stories permitted, regardless of the combination of incentives achieved.	
Maximum Residential Density Bonus.....	30%
Maximum Reduction in Required Parking.....	30%

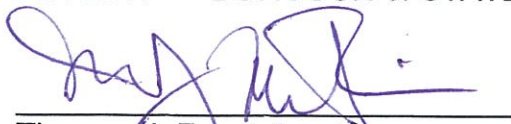
Section 1519. Covenants with the Borough for Bonuses.

- 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 addition building stories or increased floor area above the base zoning or a reduction in parking based on the incentive/bonus scheme under Section 1518.
- 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 further 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 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.

Section 1520. Development Plan. As prescribed by Section 305 of this Chapter.

ENACTED AND ORDAINED this 18th day of March, 2013.

ATTEST: BOROUGH of STATE COLLEGE



Thomas J. Fountaine, II
Secretary

By: 

Donald M. Hahn
President of Council

EXAMINED AND APPROVED as an Ordinance this 25th day of March,
2013.



Elizabeth A. Goreham
Mayor

