ORDINANCE #2062

AMENDING THE STATE COLLEGE BOROUGH ZONING ORDINANCE (CHAPTER XIX OF THE CODIFICATION OF ORDINANCES) BY ADDING THE COLLEGIATE OVERLAY IN THE COMMERCIAL DISTRICT.

Be it ENACTED AND ORDAINED by the Borough Council of the Borough of State College, and it is hereby Enacted and Ordained by authority of same, as follows:

Section I. Amend the Codification of Ordinances, Chapter XIX, Part D to add:

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:

(i) 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).

![Map of Collegiate Housing Overlay Area]

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.

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

(ii) 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.

   (i) Multi-family sites....... 1 space per every 2 units

   (ii) Mixed-Use sites

   i. GFA <7,500 square feet......................... not required

   ii. GFA 7,501-20,000 square feet............. 3 spaces

   iii. GFA > 20,001 square feet..................... 1 space per 6,000 square feet

   (iii) 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.

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:

   (i) 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:

<table>
<thead>
<tr>
<th>Maximum building height</th>
<th>102 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum building stories</td>
<td>9 stories</td>
</tr>
<tr>
<td>Maximum residential stories</td>
<td>7 stories</td>
</tr>
<tr>
<td>Maximum residential FAR</td>
<td>5.0</td>
</tr>
<tr>
<td>Maximum parking reduction</td>
<td>One incentive may be selected to reduce parking in addition to the reductions permitted in Section 1807.</td>
</tr>
</tbody>
</table>
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>
<thead>
<tr>
<th></th>
<th>Incentives:</th>
<th>Bonus: Increase in Building Height</th>
<th>Bonus: Increase in Floor Area Ratio (FAR) for Residential Use</th>
<th>Bonus: Maximum Reduction in Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Indoor Protected Bicycle Parking</td>
<td></td>
<td></td>
<td>10%</td>
</tr>
<tr>
<td>(2)</td>
<td>Above Ground Floor Commercial</td>
<td>1 story (not to exceed 14 additional feet)</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Green Building</td>
<td></td>
<td></td>
<td>20%</td>
</tr>
<tr>
<td>(4)</td>
<td>Underground Parking</td>
<td>1 Story (not to exceed 11 additional feet)</td>
<td></td>
<td>Each underground parking space is equal to 1.5 spaces in a surface or above-grade structure</td>
</tr>
<tr>
<td>(5)</td>
<td>A least two levels of structured parking above ground within the building footprint</td>
<td>1 Story per two levels of parking (not to exceed 11 additional feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6)</td>
<td>Owner-Occupied</td>
<td>Up to 2 stories (not to exceed 22 additional feet)</td>
<td>1.0</td>
<td>20%</td>
</tr>
</tbody>
</table>

(i.) 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.

(1) 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.
(2) **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.

(3) **Green Certified.**

   (a) 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).

   (b) 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.

   (c) 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.

   (d) 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.

   (e) 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.

(4) **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 55% of the total project parking must be provided in subsurface facilities.

(5) **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.

(6) **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.

**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.

   (i) 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:

   (i) Residential uses of any type are prohibited.

   (ii) 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.

   (iii) 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 Frontages) .......... 90 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 height ................. 120 feet

   (2) Maximum building stories ..................... 10 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 stories ..................... 11 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:

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

(ii) 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:

(a) 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 (a)(i) and (a)(ii) below may be selected.

(i) 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.

(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 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.

(c) 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.

(a) 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:

(i) 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.

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

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

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

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

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

(iv) 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.

(a) 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.

(b) 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.

(a) 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:

i. 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.

ii. 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.

iii. 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.)

iv. 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.

v. 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.

vi. 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.

vii. Special Conditions:

a. 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-O, 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-O, and UV zoning districts.
8) 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 the Borough need not necessarily equal those for which in-lieu payments have been made.

c. 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.

(a) 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:

   i. 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.

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

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

   iv. 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.

v. 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).

vi. 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.

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

viii. 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.

ix. 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.

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.

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.

ENACTED AND ORDAINED this 6th day of July, 2015

ATTEST: BOROUGH of STATE COLLEGE

Sharon K. Ergler
Assistant Borough Secretary

By: James E. Rosenberger
President of Council

EXAMINED AND APPROVED as an Ordinance this 10th day of July, 2015.

Elizabeth A. Goreham
Mayor