

**Meeting Agenda  
State College Borough Planning Commission  
April 6, 2022  
Council Chambers and Online - Noon**

**ATTENTION:**

*Due to the ongoing COVID-19 pandemic, this meeting will be conducted in a hybrid format.  
**Members of the public may attend in-person at the Municipal Building or register to participate electronically via the link below:***

<https://us02web.zoom.us/j/87801096579?pwd=S1RqMSsvcjBCaXoyWDUrcThnVkRVdz09>

*Written comments may also be submitted by Noon on April 5, 2022 to the Planning Department,  
243 S. Allen St. State College, PA 16801 or emailed to [publicparticipation@statecollegepa.us](mailto:publicparticipation@statecollegepa.us)*

*The meeting will also be televised by C-NET on Channel 7 and available for streaming at <https://www.cnet1.org/>*

*Call Borough Administration at (814) 234-7110 with any questions.*

**I. Call to Order**

**II. Roll Call**

Zoe Boniface, Chair  
Jon Eich  
Anita Genger, Vice-Chair  
Sarah Klinetob-Lowe  
Ron Madrid  
Mallory Meehan  
Josh Portney

**III. Approval of Minutes - March 17, 2022**

**IV. Chair Report**

**V. Public Hour - Hearing of Citizens**

Anyone wishing to address the Commission with an item that is not on the agenda should ask to be recognized at this time. Individuals participating in the meeting electronically must utilize the "raise hand" feature to notify the Chair that you would like to speak. The Chair will recognize the participant and staff will unmute them so they may address the Commission.

**VI. Land Development Plans - None**

## VII. Community Planning

### A. Act 537 Sewage Facilities Plan Special Study for the Calder Way and Atherton Street Sewer Main Replacement

The State College Sewer Authority (SCSA) operates a collection-only authority with all sewage generated within the Borough being transferred to the University Area Joint Authority (UAJA), with the exception of the wastewater from Penn State University, which operates its own sewer system.

Downtown State College has experienced significant growth and has potential for additional growth in downtown and the west end of town under the current zoning regulations. Wastewater from these areas is conveyed into the Calder Way portion of the sewer system. Historical peak flows during Penn State events and/or storm events have been approaching the capacity limits within the main lines. As such, portions of the system have limited capacity.

The Borough operates under the 2006 Act 537 Regional Sewage Plan, and amendments to the regional plan require the applicant to prepare and submit a Special Study to the Department of Environmental Protection (DEP). Special Studies require consideration of several alternatives. The preferred alternative recommended by the study, and supported by the Centre Regional Planning Commission (CRPC) is:

- Replacement of the sewer main along West College Avenue from South Sparks Street to Atherton Street, Atherton Street from West College Avenue to West Calder Way, and West Calder Way from South Atherton Street to Burrowes Street, and;
- Replacement of the sewer main along Calder Way from Hiester Street to High Street then along High Street to East College Avenue, then along East College Avenue to University Drive.

The executive summary is attached beginning on **page 10**. The full study can be downloaded [here](#) or obtained from the Borough upon request. The study is required to be reviewed by the Planning Commission, in accordance with the DEP's rules and regulations. Michael Brown of Gannett Fleming, the Borough's technical consultant, will be available to give a brief overview and take any questions.

**Planning Commission Action:** The Planning Commission should discuss the Special Study and provide any comments to the Borough Engineer for consideration.

### B. State College Area School District's Request for a Text Amendment to the Zoning Ordinance for South Track Lighting

In 2019, the State College Area School District (SCASD) submitted a request to amend the Borough's zoning ordinance to allow flexibility for lighting and facilitating the use of the field designated as the High School South Track, which Borough Council approved. This amendment resulted in the adoption of an operations agreement between the

SCASD and the Borough governing the use of the lights at the South Track facility.  
**(Page 12)**

On February 28, 2022, the District submitted a request for an additional amendment to the ordinance to allow additional flexibility in the use of the South Track Field's lighting.  
**(Page 14)** Council referred the request to the Commission on March 7, 2022.

Council held a Work Session on March 25, 2022 to discuss the matter further with the community and the school district. At today's meeting, SCASD will give a presentation about its request for an additional amendment that would remove the requirement for an operations agreement for the lights. Borough staff will also present background information on the history of the zoning of the school property, and the recent review of the operations agreement with Council.

**Planning Commission Action:** The Planning Commission should review SCASD's request for an additional zoning amendment to allow continued use of the lights. SCASD will provide ordinance text at an upcoming meeting.

C. Sign Ordinance Update

The Planning Commission (PC) has been working on an update to the sign ordinance (Chapter XV: Signs). This work is not included in the ongoing comprehensive zoning rewrite, so Borough Planning staff are leading this initiative. The Design Review Board (DRB) and the PC have been reviewing draft regulations based on the American Planning Organization Pennsylvania Chapter's (APA-PA) Model Sign Ordinance.

Staff have made additional revisions based on input received, and these are indicated in the latest draft, which is provided in a "track changes" format. **(Pages 18-43)**

**Planning Commission Action:** The PC should propose any final revisions to the sign regulations and provide a recommendation to Borough Council. The recommendation should include a review by the Borough Solicitor prior to Council action.

D. Planned Commercial 3 (CP-3) Zoning Amendments

In 2021, the Planning Department received a preliminary land development submission for a mixed-use building at 734 South Atherton Street in the CP-3 zoning district. The plan was denied because staff identified several elements of the project that did not meet the zoning district requirements. The applicant disagreed with the Department's interpretations and appealed the denial to the Centre County Court of Common Pleas. The Borough retained legal counsel, and ultimately entered into a settlement agreement with the developer. This gave the Borough the opportunity to set some favorable terms for the development rather than risking losing in court and having no control over the development.

The objective of these minor revisions to the CP-3 district regulations is to be specific and corrective. Staff have reviewed the sections of the ordinance that were challenged in court and have proposed corrective revisions.

At its February 17, 2022 meeting, the Planning Commission provided comments to staff, and the draft has been revised accordingly. “Track changes” and “clean” versions are provided beginning on **page 44**. The revised draft has been reviewed by the attorney who represented the Borough in the 734 South Atherton appeal. *Staff notes that, per state law, these revisions cannot be retroactively applied to the 734 South Atherton Street project since the land development plans were submitted under the current zoning ordinance.*

In addition to the revisions to the CP-3 district, staff have also proposed revisions to the Definitions section of the zoning ordinance to better define “Gross Floor Area.” (**Page 60**)

**Planning Commission Action:** The Planning Commission should review the proposed CP-3 revisions and provide additional input to staff, including any requested changes, and a recommendation to Borough Council.

## **VIII. Official Reports and Correspondence**

### A. Borough Council (BC)

### B. Zoning Hearing Board (ZHB)

#### 1. Variance - 1109 South Allen Street

The Zoning Hearing Board voted to deny a variance request on March 22, 2022. The applicant wanted to construct a detached garage at 1109 South Allen Street.

#### 2. Variance - 253 East McCormick Avenue

Hearing scheduled for April 12th. Applicant seeks a variance to construct a single-family home on an undersized lot at 253 East McCormick Avenue.

### C. Upcoming Plans

1. Final Subdivision - Jeramar Plaza (226 South Allen Street)

2. Final Land Development - 734 South Atherton Street

### D. Staff Updates

### E. Centre Regional Planning Commission (CRPC)

## **IX. Upcoming Meetings**

Thursday, April 21, 2022 at 7 p.m.

Wednesday, May 4, 2022 at Noon

## **X. Adjournment**

**Meeting Minutes  
State College Borough Planning Commission  
March 17, 2022**

The State College Borough (SCB) Planning Commission (PC) met on Thursday, March 17, 2022, for a hybrid meeting held in Council Chambers. Ms. Boniface, Chair, called the meeting to order at 7 p.m.

**Member Present**

Zoe Boniface, Chair; Jon Eich; Anita Genger, Vice-Chair; Sarah Klinetob-Lowe, Ron Madrid, and Josh Portney

**Members Absent**

Mallory Meehan

**Others Present**

Ed LeClear, Planning Director; Greg Garthe, Planner/Zoning Officer; John Wilson, Zoning Officer; Isabel Storey, Planner; Jasmine Fields, Borough Sustainability Program Officer; Ashley George, ICMA Fellow; Andrew Arnold, Gwin Dobson and Foreman, Acting Borough Engineer Consultant; Melanie Kozak, Sekula Signs, and other interested parties

**Approval of Minutes**

A motion to approve the minutes as amended from March 2, 2022, was made by Mr. Portney, and seconded by Ms. Genger. The vote was unanimously approved.

**Chair Report**

Ms. Boniface, Chair, had nothing to report.

**Public Hour**

There were no questions or concerns from the public on items not on the agenda.

**Community Planning**

Draft Request for Proposal (RFP) for Engineering/Planning Professional for the State College Borough Mobility Plan

Mr. Arnold gave a brief background overview and stated last year's Capital Improvement Plan set aside funds to conduct a bicycle and pedestrian study to build off past studies, (the last one in 2017). He noted in light of recent changes in the Borough and the scope set by Council's direction the RFP presented at this meeting was an overall mobility study and the focus should be on the scope of work. He noted this was also presented to the Transportation Commission (TC) earlier this month in which they provided many useful comments that would be incorporated into the RFP. He stated staff welcomed comments from the Commission and would need them by March 24, 2022. He also noted this was a joint effort between Public Works, Engineering and Planning.

PC comments regarding the Borough's requests and the Mobility Plan components: 1) development of a public involvement strategy, 2) Plan development, 3) analysis of existing bicycle, pedestrian, and transit facilities, 4) a prioritized list of areas of concern, 5) recommendations for prioritized connections/future improvement projects, 6) policies to promote pedestrian and bicycle activity and safety, 7) bicycle education and enforcement strategies, and 8) implementation Plan:

- Ms. Genger suggested when conducting the survey make sure to ask what people do not use regarding the current transportation situation in the Borough.
- Mr. Portney asked if the public survey would delineate between students and long-term residents. Mr. Arnold stated State College was unique compared to other areas and the person hired would be made aware of these kinds of items.
- Ms. Klinetob-Lowe asked if ADA accessibility would be included in the RFP and Mr. Arnold stated it could be incorporated as a specific line item.
- Mr. Eich asked if other means of mobility (motorized unicycles, delivery carts independently operated to name a few) would be included in the RFP. Mr. Arnold stated yes to the extent in which staff predicted what people would be doing in a few years and also assess the current situation.
- Ms. Klinetob-Lowe suggested making sure there was compatibility with local ordinances for such items as motorized scooters.
- Mr. Portney suggested making sure there were "share the road" implementation in the RFP as well.
- Mr. Portney suggested looking at bicycle racks along the busiest routes.
- Mr. Eich asked if the RFP would only look at parking garages or what the private sector might be building/doing. Mr. Arnold stated it was staff's hope this would be addressed and how that would impact the zoning ordinance revision having hard data.
- Ms. Klinetob-Lowe stated she supported the inclusion of evaluating the pedestrian mall options into this RFP.
- Mr. Eich asked if Allen Street would become a pedestrian mall and if there were plans to relocate the Locust Lane farmer's market to Allen Street. Mr. LeClear stated that was a private request and staff would need to reach out to the organizers of the farmer's market. Mr. LeClear stated an item could be put into the RFP for what kind of infrastructure could be put in place for a variety of uses.
- Ms. Genger asked what part of Allen Street would be a pedestrian mall and Mr. Arnold stated it would be between College and Beaver Avenues. She noted the section of Allen Street in front of the Borough building would be a good place for a farmer's market because it was more easily accessible.
- Mr. Madrid noted the 2008 Borough Traffic Calming guidebook came almost word for word from the State Traffic Calming guidebook. He noted the Borough's Traffic Calming guidebook did not take into consideration the uniqueness of our community. He also noted it did not address the amount of traffic for both commuter and people just passing through. Speeding was a problem and enforcement was a challenge. He also noted there was no consideration of sequencing the lights and it was not part of the Traffic Calming guidebook. He also stated the document was just a guide not a mandate.
- Ms. Genger agreed with Mr. Madrid and noted this was a problem for bicycles as well as pedestrians.

Mr. LeClear noted there was a sustainability component to the RFP as well and Ms. Fields was present for any questions.

- Mr. Portney endorsed the feasibility (or assist with the development) of a fare free program for Borough residents.
- Ms. Genger noted she had an issue with Mr. Portney's proposal because buses did not run when students were not here which left those long-term residents without mass transit. Mr. Portney agreed with Ms. Genger.

- Mr. Eich stated he would like the consultants to come up with an analysis of where the vehicles that have the permission to park on side streets downtown originated from.
- Mr. Madrid noted there was no such thing as “something for free” and someone had to pay for it. He asked the question if the assessment would come from the County, the Borough, or the Region.
- Mr. Portney stated the consultant should also be able to look at the Parking study of 2018 and reevaluate the numbers post Pandemic to see how much parking was really in deficit.
- Mr. Portney asked if the State College Town Centre project could be reviewed in tandem with evaluations and suggestions for pedestrian mall options on South Allen Street and Calder Way between South Fraser and South Pugh Streets.
- Ms. Klinetob-Lowe added to comments regarding the fare free proposal and noted there were other cities implementing such plans and asked how the Borough would shift their investment, for example, away from car infrastructure to a fare free route. She asked what kind of conversations already occurred or would be part of this RFP and to find out what kind of infrastructure Pennsylvania State University (PSU) had or were planning to build that would help with this deficit parking.

Mr. LeClear asked Ms. Fields to discuss what her dialogue had been with PSU. Ms. Fields stated there had been some conversations regarding the SPIN bicycle share program but did not know if some one else had reached out to CATA regarding the fare free bus system. She noted she had been working on trying to connect the bicycle share program where CATA stopped bus service and did get GPS points on where to expand bicycle racks to accommodate some of the changes.

- Mr. Eich noted a few years ago CATA did a study on universal access and those results were available to be incorporated into the RFP. He also noted where the study stopped should be where the funding should begin.
- Mr. Eich also asked if there had been any meetings with the stakeholders during the presentation of the plan and as a draft final was prepared. Mr. Arnold stated a presentation could be done involving 75% or 95% of a complete plan.

Mr. Arnold discussed the time frame:

- Commissions comments due by March 24, 2022.
- RFP ready for distribution by end of April 2022

He also stated staff would get written TC comments to the Commission.

Mr. Portney asked what the process was in selecting a consultant and if the Commission was involved. Mr. LeClear stated the process was for staff only.

### Sign Ordinance Update

Mr. LeClear stated staff could give the Commission another week for comments then the draft would go to the Borough Solicitor for review. Then, a final draft would come back to the PC for recommendations to Council.

Mr. Garthe stated he received some written comments from Ms. Genger, and Mr. Francke (letter from Mr. Francke was included in this agenda) and that the Design Review Board had some comments.

### PC comments

- Mr. Portney and Mr. Garthe briefly discussed Mr. Francke’s concern regarding digital displays.
- Ms. Genger had an issue with the definition of the word “premises” and suggested staff go with the added sentence Mr. Garthe inserted, “the residential portion of the building would be a single premises. Each individual business would be a single premise” for clarification.

- Ms. Genger discussed supporting framework and trim that were not considered part of the signs. Mr. Garthe stated the “premises” definition was not ideal and through research noted it was tricky.
- Mr. Eich asked if the structure surrounding the sign subject to height limitations. Mr. LeClear stated staff could make sure language was included.

Ms. Kozak, who attended on behalf of Mr. Francke, noted the sign for Mr. Francke was designed to be a little more interesting and the bottom half was part of the structure of the sign.

- Ms. Genger stated this sign, in particular, was worrisome because of the changing of pictures and that it was on Atherton Street which was a very dangerous street. She stated if it was in front of the plaza itself it would not be as big an issue. Ms. Genger also asked if staff was talking about more than one sign per plaza and would it apply to the other plazas. Mr. Garthe stated it could be applied per zoning districts and also specify setbacks.
- Mr. Eich noted this sign appeared to be near the crest of a hill to catch passersby attention and asked if they had considered moving it elsewhere. Ms. Kozak stated it was based on the location of the current sign and noted Mr. Francke wanted the sign to be predominantly on Atherton Street.
- Ms. Boniface stated the sign language in the agenda packet was hard to read and the picture was not necessary. Ms. Kozak stated the sign presented was not necessarily what the final product would be. She noted the larger the letters on the sign the easier it would be to read.
- Mr. Eich asked if the installation of the sign would affect by the work to be done on South Atherton Street.
- Ms. Genger asked if this was 2-sided sign and Ms. Kozak stated yes it was.

Mr. Garthe asked the Commission to review the definitions of “periodic and continuous digital display and message center” and think about which districts would be appropriate for these types of signs.

### **Official Reports and Correspondence**

Borough Council (BC): Mr. LeClear reported Council received, at their last meeting, the South Track Lighting proposal with a staff recommendation of amendments to the agreement. Both the State College Area School District (SCASD) and the South Track Lighting Committee’s concerns would be on the agenda for BC’s March 21, 2022 meeting and action for these would be at the April 4, 2022 meeting. The amendment had some expirations that would occur on April 6, 2022. He also noted there would be a text amendment request from SCASD at the April 6, 2022 meeting as well.

Zoning Hearing Board (ZHB): Staff reported on the items below:

- Variance - 723 West Foster Avenue  
On February 22, 2022, the Board heard a request for a variance from homeowners intending to convert attic space in their two-story home to a home office. A variance for Maximum Height limitations as well as third floor occupancy was required. On March 15, 2022 the Board rendered a decision.
- Variance - 1109 South Allen Street  
Homeowner requested a variance to construct a detached garage which would encroach into the side and rear yard setbacks. On March 15, 2022, the Board rendered a decision.
- Variance - 253 East McCormick Avenue  
March 22, 2022. Variance requested to construct a new home on an undersized lot. The property was located at 253 East McCormick Avenue. The lot area was 494 square feet under the requirement of 10,000 square feet.

Upcoming Land Development Plans: Mr. Garthe stated staff just received the final plan for the subdivision for the Jeramar Plaza and the 734 South Atherton Street final plan would be coming in as well.



Staff Updates: Mr. LeClear stated plans were in the works for a joint Council, PC and Zoning Revision Advisory Committee meeting.

Centre Regional Planning Commission (CRPC): Mr. Eich reported on the items below:

- Discussed the approach they were going to try for the update to the Centre Regional Comprehensive Plan and concentrate on the land use section and incorporate the findings of all the other functional plans that had been developed by various agencies around the center region over the last five years.
- The next public meetings on the State College connector project were coming up in early April: 1) April 5, 2022 at Calvary Baptist Church from 3 p.m. – 8 p.m. and 2) April 6, 2022 at the Centre Hall Fire Company 3 p.m. – 8 p.m. He noted a summary of the last meeting in September was reviewed.

### **Upcoming Meetings**

- Wednesday, April 6, 2022 at Noon
- Thursday, April 21, 2022 at 7 p.m.

### **Adjournment**

There being no further business, Mr. Portney motioned to adjourn the meeting at 8:02 p.m.

Respectfully submitted,

Denise L. Rhoads  
Administrative Assistant

## EXECUTIVE SUMMARY

The Pennsylvania Sewage Facilities Act (Act 537) requires that every municipality within the Commonwealth develop and maintain an up-to-date sewage facilities plan. The Borough of State College (Borough) authorized the preparation of this special study to evaluate the sewage planning as it relates to upsizing pipes in the Borough's sewage collection system.

This Special Study was prepared in accordance with Act 537 as described in the Pennsylvania Department of Environmental Protection's (PADEP's) "Guide for Preparing Act 537 Update Revisions," dated February 1998 and updated in January 2003.

The Borough operates under a 2006 Act 537 Plan Update for the CRCOG, which includes the Borough and five other municipalities. The plan has been amended and updated five times since then with more details in Section 1.1.

The sewer service area for the State College Sewer Authority (SCSA) includes only the area within the Borough and does not include the Penn State University (PSU) grounds. SCSA is a collection-only authority and transfers flows to the University Area Joint Authority (UAJA) for treatment. The Calder Way Sewer Basin, the focus of this special study, is composed of 9 miles of piping and 255 manholes.

Because the Borough is so heavily affected by the presence of the PSU campus, the SCSA system sees two distinct flow patterns. The two seasons are categorized as "In-Season" and "Off-Season", with In-Season representing the times when the majority of students are on campus and Off-Season representing times when most students are not on campus.

The Borough has identified areas of the Calder Way Sewer Basin that have significant growth potential according to zoning regulations. Historical peak flows during PSU events and/or storm events currently approach the capacity of portions of the Calder Way Trunk Sewer. As such, portions of the Calder Way Trunk Sewer have limited capacity to convey flows associated with future growth.

To account for these challenges, a capacity modeling study was performed on the Calder Way Sewer Basin by Gannett Fleming in early 2021. The results of this study found an In-Season average flow of 0.622 mgd and an Off-Season average flow of 0.220 mgd near the Trunk Sewer

outfall near the PSU Treatment Plant on University Drive. According to available flow meter records between October 2016 and April 2018, the system has experienced a maximum 15-minute peak flow rate of approximately 1.73 mgd. Under proposed build-out conditions, the system is forecasted to see a maximum 15 minute peak flow rate of approximately 4.46 mgd. More information on build-out projections are shown in Section 4.2. This modeling study found future sewer surcharges could be prevented by the recommended alternative proposed in this special study. This proposal upsizes approximately 2,100 linear feet of pipeline in the Atherton Street area and 5,150 linear feet of pipeline in the Calder Way area. A preliminary cost estimate found this project may cost around \$1,880,000. The Opinion of Probable Cost is shown in Appendix A, Figure 5.

The plan will be implemented under the following schedule:

Complete Act 537 Plan.....	October 2021
Public Advertisement of Plan.....	October 2021
Submit Plan to CRCOG for Regional and Municipal Planning Commission Comments.....	October 2021
Comments Received from Planning Commissions.....	December 2021
Municipal Approval of Plan.....	January 2022
Submit Plan to DEP.....	January 2022
PennDOT Atherton Project Let Date.....	February/March 2022
DEP Approval.....	May 2022
Construction Begins.....	May 2022
Construction Concludes.....	November 2022

## ORDINANCE 2129

AMENDING THE STATE COLLEGE BOROUGH ZONING ORDINANCE (CHAPTER XIX PART B and PART K OF THE CODIFICATION OF ORDINANCES) BY ADDING A DEFINITION OF OPERATIONS AGREEMENT AND ALLOWING FOR LIGHTING ON SCASD PROPERTY LOCATED IN THE R3B ZONING DISTRICT WHEN THE AGREEMENT IS COMPLETED.

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 1.** Amend the Codification of Ordinances, Chapter XIX, **Part B**, Section 201. Definitions, to read as follows:

Operation Agreement. A written agreement between an the State College Area School District and the Borough of State College containing specific requirements to ensure lighting on school property is not a nuisance. Borough Council will consider this agreement and act upon it at a regular Borough Council meeting. The lighting agreement shall be approved by Borough Council prior to the use of the lighting on school property.

The lighting agreement shall contain the following information:

- a. Address, site plan (per Section 2709.a.) including location of nearest main buildings beyond the perimeter of the property line for adjacent parcels, zoning designation, lighting specifications and ownership of the property.
- b. Provisions in the agreement when the lights will be used for the Fall and Spring season and duration the lights will be turned on.
- d. The length of time the agreement is in place.
- e. The process and terms of renewal of the agreement. This agreement is in place until Borough Council terminates or amends the agreement.
- f. Assurances, to the extent feasible, that the lighting will be used only for the events outlined in the agreement and any modification to the agreement will require Borough Council approval.

**Section 2.** Amend the Codification of Ordinances, Chapter XIX, **Part K**, Section 2706.d, to read as follows:

(4) Lights Out. The primary light source (e.g., spotlights or floodlights) for all activities shall be turned off within 60 minutes following the end of the event. Exception: the track facility at the State College Area High School, South Campus shall be governed by an Operations Agreement approved by Borough Council and State College Area School District, Board of Directors.

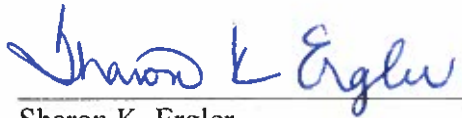
(6) Luminaire Height. In non-residential zones, the maximum height of luminaires for outdoor facility lighting and event lighting shall not exceed 70 feet. In residential zones, the

maximum height of luminaires shall not exceed the requirements in Table 1. Exceptions: The maximum height of luminaries for outdoor facility and event lighting at Memorial Field, located in the RO-A zoning district, and the South Track facility at the State College Area High School, South Campus, located in the R3B zoning district, shall not exceed 70 feet.

ENACTED AND ORDAINED this 13<sup>th</sup> day of May, 2019.

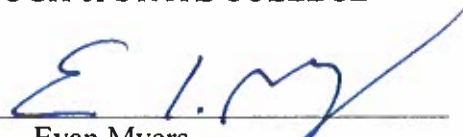
ATTEST:

BOROUGH of STATE COLLEGE



Sharon K. Ergler  
Assistant Borough Secretary

By:



Evan Myers  
President of Council

EXAMINED AND APPROVED as an Ordinance this 15<sup>th</sup> day of May, 2019.



Donald M. Hahn  
Mayor



## State College Area School District

240 VILLA CREST DRIVE • STATE COLLEGE PENNSYLVANIA • 16801  
TELEPHONE: 814-231-1016 • FAX: 814-466-6068

February 28, 2022

State College Borough Council  
243 South Allen Street  
State College, PA 16801

Attn: Thomas J. Fountaine, II, Manager

Re: Zoning Ordinance Text Amendment  
High School Track Facility  
State College Area School District

Dear Council Members,

At the request of the State College Area School District (District), the State College Borough Council (Council) approved a zoning ordinance text amendment in 2019 for the High School Track Facility allowing the installation of luminaries at a maximum height of 70 feet. The zoning ordinance text amendment was required as the track facility is located in the R3B Residence Zoning District where the maximum height of luminaries permitted is 25 feet. The installation of luminaries at the 70 feet height allows for using the track facility for increased student programs with less light spillage onto the neighboring properties than the 25 feet luminaries had produced.

Prior to the zoning ordinance text amendment being approved, the District administration met with the residents adjacent to and near the track facility to provide information about the project and respond to questions and concerns. The District continues to be responsive and communicate with the neighborhood residents related to operations at the track facility in an effort to improve and maintain a positive relationship.

The approval of the zoning ordinance text amendment required an operational agreement between the Council and the State College Area School District Board of Directors (Board). The operational agreement was approved in August 2019 with amendments in April and July of 2020.

As a result of continued limitations placed on the school operations at the track facility and the compliance with the ordinance and operational agreement, our Board requests changes to the zoning ordinance text amendment 2129. This request is made to provide increased flexibility for the District's use of the track facility.

State College Borough Council  
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February 28, 2022

The District has been aware since the original request was made in 2018 that a comprehensive review of zoning in the Borough is being planned. The District should benefit from this review of the zoning of the high school property, which currently consists of multiple different zoning districts. The R3B Residence Zoning district, where the track facility is located, is the only zoning district on the high school property which does not allow 70 foot luminaries.

The Board of Directors and administration look forward to discussing this request and possible resolution in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. O'Donnell", is written over a faint, light blue circular background.

Robert J. O'Donnell  
Superintendent of Schools



## State College Area School District

OFFICE OF THE SUPERINTENDENT  
240 VILLA CREST DRIVE • STATE COLLEGE PENNSYLVANIA • 16801  
TELEPHONE: 814-231-1016 • FAX: 814-466-6068

April 4, 2022

State College Borough Council  
243 South Allen Street  
State College, PA 16801

Attn: Thomas J. Fountaine, II, Manager

Re: Zoning Ordinance Text Amendment  
High School Track Facility  
State College Area School District

Dear Council Members:

The District would like to provide more details following our communication dated February 29, 2022 from the State College Area School District Board of Directors requesting changes to the zoning ordinance text amendment 2129. Specifically, the district is requesting for the removal of the requirement of the operational agreement in the zoning ordinance text amendment.

The district believes the South Track facility should be treated in a similar manner to that of Memorial and North Fields which also have 70 foot luminaries. Those facilities have requirements for lights to be turned off 60 minutes following the conclusion of the event and with operations limited to between 6 a.m. and 11 p.m. Since the use of the South Track is generally different from the other facilities, the district would be open to operations being limited to between 7 a.m. and 10 p.m. with lights extinguished 30 minutes following the conclusion of the event.

The operational agreement for the South Track contains restrictions which control the use of the field as follows:



- District sports practices and all non-competition events shall end no later than 9 p.m. with lights being extinguished no later than 9:15 p.m.
- Non-district users may not use the facility when operation of the lights is required.
- Marching band practices may utilize the lighting twice each week in the fall season with all practices ending no later than 8 p.m. on Monday and 8:30 p.m. on Wednesday.
- The district will dim the lights to at least 50% to facilitate the exit of participants and audiences safely from the facility, followed by extinguishing the lights as soon as possible.
- The district will prioritize the North Field and Memorial Field for evening events and practices whenever possible.

These restrictions hamper district operations and offerings for student opportunities through extra-curricular and co-curricular activities. In addition, use of the South Track by non-district groups is limited to hours when the lights are not necessary. A portion of non-district groups are able to accommodate at other facilities, however not all use requests are able to be granted.

Additionally, the district was told in 2018 that a comprehensive review of Borough zoning was scheduled to occur. Unfortunately, this has yet to take place. As a result, the district believes a comprehensive review of the high school property is warranted to provide consistent zoning. As has been stated before, the district, through the use of taxpayer funds, made a significant investment in the renovations and additions during the State High Project. This was due in large part to the community's commitment to State High through the referendum. We believe the zoning should be consistent across the entire high school property to enable flexible use and successful instructional and engagement opportunities for the students.

The district Board and administration are willing and able to provide additional information and answer questions from the planning commission and Council in order to respond to these requests.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. O'Donnell", is written over a light blue circular stamp.

Robert J. O'Donnell

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### **§ 15-101: Applicability**

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

### **§ 15-102: Background and Intent**

Signs help identify and promote properties, businesses, services, residences, events, and other matters of interest to the public. Signs also direct vehicular and pedestrian traffic, warn people of dangers, and serve as gateways and identification for historic districts, business districts, institutions, residential developments, and recreational areas. Well-designed and appropriately located signs can be an asset to a community. Signs vary widely in terms of function, size, location, and structural type, and this ordinance regulates these physical characteristics of signs.

The intent of this Chapter is to regulate signs within State College Borough (Borough) to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

- Setting standards and providing uniform controls that permit reasonable use of signs while also preserving the character of the Borough.
- Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations that may create a hazard to pedestrians and motorists.
- Permitting signs that provide adequate identification and direction while minimizing clutter and confusion.
- Encouraging designs that builds on the image and visual environment the Borough seeks to promote, including consistency with the Borough's Design Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.
- Establishing a process for the review and approval of sign permit applications.

### **§ 15-103: Definitions**

Words and terms used in this ordinance shall have the meanings provided herein. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this ordinance shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

**ABANDONED SIGN:** A sign that has not identified or advertised an active business, service, owner, product, or activity for a period of at least 30 days in the case of off-premises signs, or at least 60 days in the case of on-premises signs. "Out of Business" signs or those directing people to a new business location are not included, provided they meet the definition of a temporary sign.

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**ADDRESS SIGN:** A sign that designates a street address number and/or a street name for identification purposes.

**ANIMATED SIGN:** A sign exhibiting action, motion, **flashing, or varied light intensity** or color changes through electrical or mechanical means.

**AWNING:** A cloth, plastic, or other nonstructural covering installed on a frame that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**AWNING SIGN:** Any sign that is part of or attached to an awning.

**BALLOON SIGN:** A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

**BANNER:** Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners.

**BEACON LIGHTING:** Any source of electric light, whether portable or fixed, wherein the primary purpose is to cast a concentrated beam of light as a means of attracting attention to its location, rather than to illuminate any particular sign, structure, or other object.

**CANOPY:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

**CANOPY SIGN:** Any sign that is part of or attached to a canopy.

**CHANGEABLE COPY SIGN:** A sign, or portion thereof, on which the copy or symbols change either automatically through electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system on the face of the sign. Changeable copy signs include but are not limited to message center signs and digital displays.

**CHANNEL LETTER SIGN:** A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall **with or without a raceway**, and which may accommodate a light source.

**CLEARANCE:** The vertical distance between the ground and the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

**DIGITAL DISPLAY (PERIODIC):** A device capable of changing a static electronic message periodically, but not continuously. Digital displays utilize technology including but not limited to LCD, LED, or plasma displays. A digital display is considered periodic when it is restricted to a fixed minimum amount of time each message displays on the screen.

**DIGITAL DISPLAY (CONTINUOUS):** A device, such as a television, capable of displaying a continuously moving or changing electronic display. Digital displays utilize technology including but not limited to LCD, LED, or plasma displays. A continuous digital display is not restricted to a minimum duration for each image or message.

**DIRECTIONAL SIGN:** A sign with no commercial advertising designed to provide direction to pedestrians, bicyclists, or motorists on or off the premises on which it is installed.

**ELECTION SIGNAGE:** Signs expressing support for a particular candidate in an upcoming local, state, or federal election.

**FESTOON LIGHTING:** A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

**FLAG:** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

~~**FLASHING SIGN:** An illuminated sign that is not kept at constant intensity when the sign is in use, and which exhibits frequent changes in light, color, direction, or animation.~~

**FOOT-CANDLE:** A unit of incident light on a surface that is stated in lumens per square foot and measurable with an illuminance meter. One (1) foot-candle is equal to one (1) lumen per square foot.

**FREESTANDING SIGN:** A sign affixed to posts or similar supports that are placed on, or anchored into the ground, and that is independent and detached from any building. A POLE SIGN is a type of freestanding sign.

**FRONTAGE:** The maximum linear width of a building, or an individual premises within, as measured in a single straight line parallel to the abutting public street or alley along the designated front yard of the property. If the premises has multiple frontages, the applicant may utilize the longest single frontage dimension when calculating allowable sign area.

**FUELING STATION CANOPY:** A freestanding, open-air structure designed to shield fueling station islands from the elements. Fueling station canopies include those covering fossil fuel pumps, as well as other commercially available vehicular power sources including but not limited to electric vehicle charging stations.

**FUELING STATION CANOPY SIGN:** Any sign that is part of, or attached to, the vertical sides of a fueling station canopy roof structure. For the purposes of this ordinance, fueling station canopy signs shall be considered wall signs.

**GOVERNMENT/REGULATORY SIGN:** Any official sign for the control of traffic or for identification purposes, not including businesses or residences. Such signs include, but are not

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limited to street signs, warning signs, or railroad crossing signs.

**GROUND SIGN:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. A MONUMENT SIGN is a type of ground sign.

**HALO SIGN:** A three-dimensional sign which is backlit to produce a halo effect.

**HOLIDAY DECORATIONS:** Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.

**ILLUMINATION (EXTERNAL):** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

**ILLUMINATION (INTERNAL):** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. MESSAGE CENTER SIGNS and DIGITAL DISPLAYS shall not be considered internal illuminated signs for the purposes of this ordinance.

**INCIDENTAL SIGN:** A sign with no commercial advertising that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians, cyclists, and motor vehicle operators who have entered a property from a public street. A DIRECTIONAL SIGN is a type of incidental sign.

**INCIDENTAL WINDOW SIGN:** Signs in a window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain commercial advertising.

**INFLATABLE SIGN:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

**INTERACTIVE SIGN:** An electronic or animated sign that reacts to the behavior of pedestrians or the electronic signals of motor vehicle drivers.

**LIGHT TRESPASS:** Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

**LUMINANCE:** An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in foot-candles.

**MARQUEE:** A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

**MARQUEE SIGN:** Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

**MECHANICAL MOVEMENT SIGN:** A sign having parts that physically move while the sign is in operation. Signs such as banners or flags that exhibit naturally occurring wind-activated movement are not considered mechanical movement signs.

**MEMORIAL SIGN:** A memorial plaque or tablet, including grave markers or other remembrances of persons or events.

**MENU SIGN:** A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food or beverages.

**MESSAGE CENTER SIGN:** A type of internally-illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

**MONUMENT SIGN:** A type of ground sign having a low profile that shall be mounted on a base that is solid from the ground to the bottom of the sign.

**MULTI-TENANT SIGN:** A sign displaying the names, logos, or graphics of multiple businesses or other nonresidential occupants located within a building or shopping complex containing multiple tenants that utilize one or more shared entrances to the site.

**MURAL:** A large image or design on a building or other structure including, but not limited to painted art. Murals do not contain any commercial advertising elements and they are not regulated as signs.

**NONCONFORMING SIGN:** A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not comply with the current sign regulations.

**OFF-PREMISES SIGN:** An outdoor sign with a commercial message that directs attention to a specific premises that is not the premises upon which the sign is located. Off-premises signs may include DIRECTIONAL SIGNS, but are only regulated under §15-108 if they contain commercial words, logos, graphics, etc.

**ON-PREMISES SIGN:** A sign identifying, advertising, or otherwise directing attention to a business, person, organization, activity, event, place, service, or product that is located on the same premises where that business, person, organization, activity, event, place, service, or product is principally located, manufactured, or sold.

**PENNANT:** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

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**PERMANENT SIGN:** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**PERSONAL EXPRESSION SIGN:** An on-premises sign that expresses an opinion, interest, position, or other non-commercial message. Personal expression signs include election signage.

**POLE SIGN:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**PORTABLE SIGN:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

**PREMISES:** For the purposes of this Chapter, a “premises” shall mean a single property, as identified by its unique street address. In the case of multi-tenant nonresidential buildings, each business or organization **within the building** shall be considered a single premises, **unless the business or organization has been assigned multiple addresses, in which case it** shall be considered a single premises. Residential structures with more than one dwelling unit shall be considered a single premises, **and the multi-family residential portion of any mixed-use building is also considered a single premises.**

**PRIVATE DRIVE SIGN:** A sign indicating a driveway that is privately owned and maintained.

**PROJECTING SIGN:** A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as a BLADE SIGN.)

**REFLECTIVE SIGN:** A sign containing any material or device which has the effect of intensifying reflected light.

**ROOF SIGN:** A sign erected upon, against, or over the roof of a building.

**SANDWICH BOARD SIGN:** A portable, temporary sign consisting of two faces connected and hinged at the top. (Also known as an A-FRAME SIGN)

**SCOREBOARD:** A structure contained within an athletic venue that is typically used to display information pertaining to athletic contests or other events held within the venue. Scoreboards must contain scorekeeping elements, however signage may be affixed to or integrated within the surface of the scoreboard that faces inward toward the venue. In addition, scoreboards may integrate continuously moving or changing video or graphic displays to show gameplay and/or commercial or noncommercial messages during an event held within the venue.

**SIGN:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, letters, or any combination thereof to communicate a message. Signs do not include MURALS.

**SIGN AREA:** The total dimensions of a sign face, or portion thereof, used to display information, messages, advertising, logos, or symbols as measured using the standards specified in §15-106(D). Sign area does not include supporting framework or trim, provided these elements do not contain lettering, designs, logos, or symbols.

**SIGN FACE:** The part of the sign that is used to display the message.

**SIGN HEIGHT:** The distance from the ground to the top of a sign as measured using the standards specified in §15-106(E).

**SNIFE SIGN:** A sign attached to a tree, pole, stake, or other object without the permission of the property owner.

**STOREFRONT:** The exterior facade of a building accessible to the public and containing the primary entrance to the premises.

**STREAMER:** A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, typically designed to move in the wind.

**STREET POLE BANNER:** A banner suspended above a public sidewalk and attached to a single street pole.

**SUPPORTING STRUCTURE:** Poles, posts, frames, brackets, or other supports holding one or more signs in place.

**TEMPORARY SIGN:** A non-permanent sign that can be displayed for no more than 30 consecutive days at one time.

**TRI-VISION BOARD:** An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

**TUBE LIGHTING SIGN:** An internally-illuminated sign comprised of a tube that uses neon, LED, or other visible light-emanating technology, and which is bent to form letters, symbols, or other graphics.

**UPPER-LEVEL IDENTIFICATION SIGN:** An exterior building-mounted sign, or an externally-visible sign located within the window of any premises, which is located above the ground floor level to identify a tenant located above the ground floor of any building.

**VENDING MACHINE SIGN:** A sign displayed on a vending machine that includes the name, logo, or images of the products being sold.

**WALL SIGN:** A building-mounted sign that is attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. CHANNEL LETTER SIGNS are a type of wall sign.



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**WARNING SIGN:** A sign regulating the use of the premises where it is located, including but not limited to trespassing, hunting, or solicitation.

**WINDOW SIGN:** A sign that is affixed to a window or placed inside a premises within three (3) feet of a window, and which is easily seen from the outside. Customary window displays of merchandise sold on the premises are not considered signs.

**§ 15-104: Prohibited Signs**

The following sign types are prohibited in all zoning districts:

- A. Abandoned signs.
- B. Snipe signs.
- C. Mechanical movement signs, including Tri-Vision Boards.
- D. Animated signs, ~~flashing signs, or signs that scroll or flash text or graphics,~~ except **continuous message center signs and** digital displays, where permitted.
- E. Pennants and streamers.
- F. Inflatable or balloon signs, except for balloons used in temporary, non-commercial situations.
- G. Reflective signs or signs containing mirrors.
- H. Interactive signs.
- I. Signs incorporating beacon or festoon lighting.
- J. Banners suspended across a public roadway or private driveway without the permission of the property owner(s), or the public entity with jurisdiction over the roadway.
- K. Roof signs.
- L. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects.
- M. Any sign that promotes illegal activity.
- N. Any signs that resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- O. Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to another part.
- P. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.

### § 15-105: Signs Exempt from Permit Requirements

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed by this Chapter.

- A. Government/regulatory signs.
- B. Holiday decorations.
- C. Personal expression signs up to three (3) square feet in area per side.
- D. Flags without commercial advertising.
  - 1. Height. Flags and flagpoles shall have a maximum height of 35 ft as calculated per § 15-106(E).
  - 2. Number. No more than two (2) flags are allowed per lot in residential districts, and no more than three (3) flags per lot in all other districts.
  - 3. Size. Maximum flag size is 24 square feet in residential districts, 35 square feet in all other districts.
  - 4. Flags up to three (3) sq.ft.in area that contain noncommercial messages are considered personal expression signs.
- E. Signs or emblems of religious, civil, philanthropic, historical, or educational organizations that do not to exceed fifteen (15) square feet in area per side.
- F. Address signs; ~~Up to two (2) signs stating the address, number and/or name of occupants of the premises.~~ **per premises.**
  - ~~1. Residential districts. Up to three (3) square feet in area per side.~~
  - ~~2. Non-residential districts. Up to five (5) square feet in area per side.~~
- G. Private drive signs. One (1) sign per driveway entrance, not to exceed two (2) square feet in area per side.
- H. Warning signs posted in accordance with Pennsylvania Title 18, § 3503.
- I. Vending machine signs.
- J. Message center signs for the display of fuel prices at commercial fueling stations, not to exceed fifteen (15) square feet in area per side.
- K. Memorial signs up to three (3) square feet in area.

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- L. Incidental signs.
- M. Incidental window signs up to a combined total of three (3) square feet in area per premises.
- N. Directional signs, up to four (4) square feet in area and containing no commercial messaging.
- O. Temporary signs.
- P. Signs that are not clearly visible from a public street, sidewalk, or other public right-of-way.  
~~This includes message centers and digital displays.~~

### § 15-106: General Regulations

The following regulations apply to all signs, regardless of zoning district. ~~Additional Standards by Zoning District are provided in Table 1. In cases of conflict between the general regulations of this Section and Table 1, the stricter standards shall govern. Note: Table 1 is provided at the end of this Chapter.~~

- A. **In addition to the General Regulations provided herein, Additional Standards by Zoning District are provided in Table 1. In cases of conflict between this Section and Table 1, the stricter standards shall govern. Note: Table 1 is provided at the end of this Chapter.**

#### B. Sign Location

1. No sign shall be placed in a manner that may endanger pedestrians, bicyclists, or motorists by obscuring the view or interfering with official street signs or signals.
2. No sign may occupy a safe sight triangle, as defined by the Pennsylvania Department of Transportation and the Federal Highway Administration.
3. Signs and supporting structures shall not interfere with surface and underground utility and communications lines or equipment.

#### C. Sign Materials & Construction

1. Signs shall be constructed of durable materials, use non-corrosive fasteners or adhesives, and shall be maintained in safe condition and good repair at all times.
2. Temporary signs and banners must be securely fastened to the structure or the ground to prevent a safety hazard, made of durable materials and shall be well-maintained. Temporary signs that create a safety hazard or are frayed, torn, broken, or no longer legible will be deemed unmaintained and required to be removed.

#### D. Number of Signs

1. Overall Limit on Number. A maximum of five (5) signs may be erected or maintained

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on any premise at any one time, except when a premise is located on a corner lot and has public entrances on two or more public ways, or where a building has both a front and rear public entrance, one (1) additional sign may be erected.

~~2. Additional Standards by Zoning District are provided in Table 1. In cases of conflict between the overall limit and Table 1, the stricter standards shall govern. Note: Table 1 is provided at the end of this Chapter.~~

~~3.2.~~A double-sided sign shall count as one (1) sign.

E. Sign Area

1. Overall Limit on Sign Area. Each premises is allowed a maximum of 2 square feet of sign area per linear foot of the longest frontage per premises, limited to a maximum of 200 square feet for any individual premises.

~~2. Additional Standards by Zoning District are provided in Table 1. In cases of conflict between the overall limit and Table 1, the stricter standards shall govern. Note: Table 1 is provided at the end of this Chapter.~~

~~3.2.~~Sign area includes all lettering, designs, logos, and symbols on the sign face(s), but does not include supporting framework or trim, provided these elements do not contain lettering, designs, logos, or symbols.

~~4.3.~~Sign area shall be measured by the smallest rectangle, square, circle, or oval that encompasses the letters, designs, logos and/or symbols on the sign face(s).

- a. Irregular-shaped sign area may be calculated using a combination of encompassing shapes, provided the calculations are clearly illustrated in the sign drawings.
- b. All visible faces of a double-sided sign shall be counted in the sign area calculation.
- c. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

F. Sign Height

1. Overall Limit on Height. Maximum of 35 feet.

~~2. Additional Standards by Zoning District are provided in Table 1. In cases of conflict between the overall limit and Table 1, the stricter standards shall govern. Note: Table 1 is provided at the end of this Chapter.~~

~~3.2.~~Sign height shall be measured as the distance from the mean surface of the grade below, or from the mean surface elevation of the adjacent public street or sidewalk to the

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highest portion of the sign or any part thereof including any framework or other structural elements.

- 4.3. Vertical clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between the surface below and the lowest point of the sign, including any framework or other structural elements.

#### G. Sign Spacing

1. The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

#### H. Sign Illumination

1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
  - a. Location. Table 1: Sign Standards by District identifies the types of illumination permitted in each zoning district. *Note: Table 1 is included at the end of this Chapter.*
  - b. Light Trespass. To limit light trespass onto adjacent properties or public rights-of-way, all illuminated signs must follow the Borough's standards for maximum maintained illuminance at the property line as provided in § 19-2713: Outdoor Area Lighting Standards of Chapter XIX: Zoning.
  - c. Brightness. All illuminated signs must comply with § 2706g Outdoor Sign Lighting Requirements of Chapter XIX: Zoning.
  - d. All illuminated signs must be static in intensity and color, except digital displays.
  - e. All signs that include internal illumination, message centers, and digital displays are subject to the additional permitting requirements specified in § 15-117: Permits for Signs.
2. Message center signs and digital displays, where permitted, are regulated as follows:
  - a. Sign Type. Message center and digital display signs are permitted in the form of freestanding, ground, and wall signs.
  - b. Message Duration and Display.
    - i. Message Centers and Periodic Digital Displays.
      - 1) The minimum length of time each message may be displayed is eight (8) seconds.

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- 2) No device may emit content which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
  - 3) The content must transition by changing instantly (e.g., no fade-out or fade-in).
  - 4) The device shall contain a default message or image which shall freeze in one position if a malfunction should occur.
- ii. Continuous Digital Displays.
    - 1) There is no minimum duration for continuous digital displays.
- c. Height. Message center and digital display signs shall have the same height limits as other permitted signs of the same type in the same zoning district.
  - d. Area. As provided in this Section and Table 1. *Note: Table 1 is provided at the end of this Chapter.*
  - e. Maximum Number
    - i. Message Centers and Periodic Digital Displays. Where permitted, one (1) message center sign or one (1) periodic digital display is permitted per frontage. On corner premises, a maximum of two (2) signs may be installed. This may consist of two (2) message centers, two (2) periodic digital displays, or one (1) of each type. These signs are counted toward the permitted total for the premises.
    - ii. Continuous Digital Displays. Where permitted, a maximum of two (2) continuous digital displays are permitted in a single athletic venue. When the device(s) are not visible from outside the venue, there is no limit.
  - f. Conversion of a nonconforming sign, or portion thereof, to a digital display or message center sign is prohibited.

**§ 15-107: Regulations by Sign Type: On-Premises Signs**

**A. Wall Signs**

1. No wall sign may extend laterally beyond the edges of the premises it identifies.
2. No portion of a wall sign shall be mounted less than eight (8) feet above the surface below (vertical clearance), or extend out more than twelve (12) inches from the surface it is affixed to. The height minimum does not apply if the sign projects less than three (3) inches from the surface it is affixed to.

## B. Projecting Signs

1. No portion of a projecting sign may extend more than four (4) feet from the face or corner of the building it is mounted to, and the outermost portion of the sign shall be no closer than two (2) feet from a curb line or shoulder of a public street.
2. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the surface below.

## C. Freestanding and Ground Signs

1. Sign Placement.
  - a. Signs shall be set back a minimum of five (5) feet from the property line.
  - b. No sign may occupy an area designated for parking, loading, walkways, driveways, fire lanes, easements, public rights-of-way, or other areas required to remain unobstructed by other deed restrictions or zoning requirements.

## D. Awnings, Canopies, and Marquees

1. Awning, canopy, and marquee signs are subject to additional permitting requirements as specified in § 15-117: Permits for Signs.
2. No awning, canopy, or marquee may extend laterally beyond the edges of the premises it identifies.
3. Height. The lowest part of any canopy, awning, or marquee shall be a minimum of eight (8) feet above the surface below.
4. Projection. When overhanging a public sidewalk, awnings, canopies, and marquees shall not project from the building wall more than two-thirds ( $2/3$ ) the width of the sidewalk as measured from the building. Stanchions or columns that support canopies shall be located no less than two (2) feet inward from the curb line of the public street.
5. Multi-Tenant Buildings. Awning or canopy signs shall be similar in terms of height, projection, and style for all tenants of the building.

## E. Window Signs

1. As permitted by Table 1: Sign Standards by District. Incidental window signs, as defined in this Chapter, shall be excluded from area calculations for window signs.  
*Note: Table 1 is provided at the end of this Chapter.*

## § 15-108: Regulations by Sign Type: Off-Premises Signs

### **A. Locations Permitted**

#### **1. Off-premises signs are permitted in the following zoning districts:**

**a. General Commercial (C); Commercial Incentive (CID); Planned Commercial 1 (CP1), 2 (CP2), and 3 (CP3); and Light Industrial (M)**

**A.B.** Review Requirements. The following requirements apply to all off-premises signs, except directional signs with no commercial advertising:

1. Application. Anyone wishing to install an off-premises sign shall submit a sign permit application to the Planning Department in accordance with the requirements of § 15-117: Permits for Signs.
2. Review. Upon receiving a complete sign permit application, the request will be placed on a Borough Council agenda for a referral to the Design Review Board (DRB) and Planning Commission (PC) for recommendations. The DRB and PC shall submit its recommendations to Council within 60 days of the referral. Upon receiving such recommendations, Council shall render a decision of approval or denial and communicate it to the applicant in writing.
3. Site Plan. The application shall include a site plan prepared by a registered professional that includes the following information:
  - a. The location of the proposed sign and the required distances in accordance with placement and horizontal clearance requirements of this Section.
  - b. Boundary lines and dimensions.
  - c. Property size, ownership, tax parcel identification number, and address.
  - d. Existing contours and any proposed contours, drawn at a minimum two (2) foot interval.
  - e. Natural and man-made features on or immediately adjacent to the site, including but not limited to structures, roadways, walkways, utilities, and waterbodies.
  - f. The location, diameter, and species of trees planned to be removed.
  - g. Illumination values as required by § 2709.a(8) to determine compliance with all relevant standards of Part K: Lighting.

### ~~**B.A.—Locations Permitted**~~

#### ~~**1.—Off-premises signs are permitted in the following zoning districts:**~~



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~~a. General Commercial (C); Commercial Incentive (CID); Planned Commercial 1 (CP1), 2 (CP2), and 3 (CP3); and Light Industrial (M)~~

C. Sign Area. Off-premises advertising signs are subject to the following size restrictions according to the posted speed limit of the road which the off-premises sign faces. If the sign faces multiple roadways, the more restrictive standard shall be used.

1. Speed Limit  $\leq$  35 miles per hour: 60 square feet
2. Speed Limit  $>$  35 miles per hour: 100 square feet

D. Height and Vertical Clearance

1. The lowest edge of an off-premises sign shall be at least eight (8) feet above the surface below.
2. Off-premises signs shall have a maximum height of 35 feet to the top of the sign.

E. Placement and Horizontal Clearance. Off-premises signs shall be:

1. Set back from the right-of-way of any public street a distance equal to the height of the off-premises sign or 15 feet, whichever is greater.
2. Located no closer than 15 feet from any property line.
3. Located no closer than 50 feet from any building, structure, or on-premises sign located on the same property.
4. Located no closer than 500 ft. from another off-premises sign on either side of the road measured linearly.
5. Not located within any utility easements.
6. Not located on a bridge.

F. Number of Signs per Lot. There shall be no more than one (1) off-premises sign per lot, except when the premises is located on a corner lot with public entrances on two or more public ways, one (1) additional off-premises sign may be erected.

G. Double-Sided Off-Premises Signs. Signs may be single or double-sided, as regulated by §15-106.

H. Construction and Maintenance

1. All plans for off-premises signs shall be certified by a registered professional.

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2. All off-premises advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
  3. The back side of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by the Borough.
- I. Identification of Sign Owner. Owners of off-premises signs shall display their name, company, address, and phone number on the sign or its supporting structure.

**§ 15-109: Regulations by Sign Type: Temporary Signs**

- A. Temporary signs that meet the requirements of this subsection shall not be included in the determination of the type, number, or area of permanent signs allowed on a property, and do not require permits.
1. This Section does not apply to portable signs, which are regulated by § 15-110.
- B. Duration. Temporary signs may be displayed up 30 consecutive days, two (2) times per calendar year. This does not include temporary signs for active construction sites that are likely to exceed 30 days in duration, however such signs must be removed immediately at the conclusion of construction, or the issuance of the certificate of occupancy; whichever occurs first.
- C. Permission. The party posting the temporary sign(s) is solely responsible for obtaining the permission of the property owner before posting the sign(s). Temporary signs installed without the consent of the property owner(s) shall be considered a violation of this Chapter.

**§ 15-110: Regulations by Sign Type: Portable Signs**

- A. Portable signs that meet the requirements of this subsection shall not be included in the determination of the type, number, or area of permanent signs allowed on a property, and do not require permits.
- B. Duration. There is no limit to the number of days that portable signs located within public sidewalks or rights-of-way can be utilized, however all portable signs must be removed and taken in each day at the close of business.
- C. Placement.
1. Portable signs shall be weighted, secured, or strategically placed to avoid being carried away by high winds.
  2. If a portable sign is located within a public sidewalk, plaza, or other public use area, it must be placed in a manner that does not cause a safety hazard or obstruct the use of

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the area by pedestrians. Failure to maintain the portable sign(s) in such a manner may constitute a violation.

D. Number, Area, and Height.

1. Number. One (1) portable sign is permitted per business or other nonresidential premises, except that corner premises or those with public entrances on two (2) or more streets. may have up to two (2) portable signs.
2. Area. Each sign shall have a maximum area of seven (7) square feet per sign face.
3. Height. Sandwich board signs shall have a maximum height of three and one-half (3.5) ft. All other portable signs have a maximum height limit of six (6) feet.

E. Illumination. Illumination of portable signs is prohibited.

**§ 15-111: Regulations by Sign Type: Street Pole Banners**

- A. Street Pole Banners are regulated by the State College Borough Public Works and Administrative departments.
1. Prior to installation of any street pole banners, the applicant shall provide drawings or renderings showing the design and dimensions of the banner(s), and a map showing the installation location(s) to the Borough Public Works Department for review.
  2. Proposals for street pole banners are reviewed on a case-by-case basis to prevent adverse impacts to the public health, safety, and welfare.

**§ 15-112: Signs in Residential Districts**

Signs in the R1, R2, R3, R3B, R3H, and R4 districts are regulated by this Section, and all other relevant provisions of this Chapter.

- A. Home Occupations. Operators of home occupations, or “no-impact home-based businesses” as defined and regulated by Chapter XIX: Zoning and the PA Municipalities Planning Code are permitted to install signage as follows:
1. Types. Wall, projecting, and freestanding signs are permitted in accordance with all limits specified herein.
    - a. Wall Signs. One (1) sign, up to two (2) square feet in area.
    - b. Projecting Signs. One (1) sign, up to two (2) square feet in area per sign face.
    - c. Freestanding Signs. One (1) sign, up to six (6) square feet in area per sign face.
  2. Height. All signs for home occupations shall have a maximum height equal to the eave

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line or the bottom of the second story window, whichever is lower.

B. All Other Uses. Sign requirements for all other permitted uses are specified in Table 1.

*Note: Table 1 is provided at the end of this Chapter.*

1. In no case shall signs be installed on the premises of single-family or duplex dwellings, except as provided herein for home occupations, or exempted by §104 of this Chapter.

**§ 15-113: Signs in Neighborhood Commercial/Office Districts**

Signs in the UV, CP1, CP2, CP3, MP, RO, ROA, and PO districts are regulated by this Section, and all other relevant provisions of this Chapter. In cases of conflict, the stricter standards shall govern.

A. Athletic Venues.

1. Signs located on the interior of the site used to identify various use areas, facility boundaries, on-site traffic direction, trail use information, or hours and rules for the use of the grounds, etc. are exempt from sign permit requirements.
2. Signs visible from outside the venue.
  - a. Signs on any outside wall or fence of an athletic venue, or other locations that are clearly visible from any public right-of-way must comply with the provisions of this Chapter, including permits.
  - b. Scoreboards visible outside of the athletic venue may contain commercial signage up to a maximum area of 15% of the front face of the scoreboard. No signage is permitted on the rear face of any scoreboard.
  - c. Continuous digital displays utilized during an event held within an athletic venue are considered temporary and are considered part of the scoreboard structure.

B. Motor Vehicle Oriented Businesses (MVOB), as defined in Chapter XIX: Zoning, may have a maximum of two (2) menu signs advertising items for sale to users of the drive-through lane only, when one exists. This is in addition to the maximum number of signs permitted by §106: General Regulations.

1. Area: Each sign shall have a maximum area of 50 square feet plus an additional 10 square feet per business within the same premises, up to a maximum of 100 square feet
2. Height: Menu signs shall have a maximum height of 15 ft.

C. All Other Uses. Sign requirements for all other permitted uses are specified in Table 1. *Note: Table 1 is provided at the end of this Chapter.*

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**§ 15-114: Signs in Downtown Districts**

Signs in the C and CID districts are regulated by this Section, and all other relevant provisions of this Chapter. In cases of conflict, the stricter standards shall govern.

- A. Motor Vehicle Oriented Businesses (MVOB), as defined in Chapter XIX: Zoning, may have a maximum of two (2) menu signs advertising items for sale to users of the drive-through lane only, when one exists. This is in addition to the maximum number of signs permitted by §106: General Regulations.
  - 1. Area: Each sign shall have a maximum area of 50 square feet plus an additional 10 square feet per business within the same premises, up to a maximum of 100 square feet.
  - 2. Height: Menu signs shall have a maximum height of 15 ft.
- B. All Other Uses. Sign requirements for all other permitted uses are specified in Table 1. *Note: Table 1 is provided at the end of this Chapter.*

**§ 15-115: Signs in Public and Institutional Districts**

Signs in the P, PA, and PK districts are regulated by this Section, and all other relevant provisions of this Chapter. In cases of conflict, the stricter standards shall govern.

- A. These regulations do not apply to signs within the UPD zoning district. Signs in the UPD are regulated by § 19-1210 of Chapter XIX: Zoning.
- B. Parks and Open Space.
  - 1. Signs located on the interior of the site used to identify various use areas, facility boundaries, on-site traffic direction, trail use information, or hours and rules for the use of the grounds, etc. are exempt from permit requirements.
- D. Athletic Venues.
  - 1. Signs located on the interior of the site used to identify various use areas, facility boundaries, on-site traffic direction, trail use information, or hours and rules for the use of the grounds, etc. are exempt from sign permit requirements.
  - 2. Signs visible from outside the venue.
    - a. Signs on any outside wall or fence of an athletic venue, or other locations that are clearly visible from any public right-of-way must comply with the provisions of this Chapter, including permits.
    - b. Scoreboards visible outside of the athletic venue may contain commercial signage up to a maximum area of 15% of the front face of the scoreboard. No signage is permitted on the rear face of any scoreboard.

- c. Continuous digital displays utilized during an event held within an athletic venue are considered temporary and are considered part of the scoreboard structure.
- E. All Other Uses. Sign requirements for all other permitted uses are specified in Table 1. *Note: Table 1 is provided at the end of this Chapter.*

#### **§ 15-116: Removal of Unsafe, Unlawful, or Abandoned Signs**

##### **A. Unsafe or Unlawful Signs.**

1. Upon receipt of a complaint of an unsafe or unlawful sign, the Borough will investigate the complaint, and if determined valid, will notify the property owner. Any sign that is in danger of falling or collapsing, or one that is unlawfully installed must be removed, replaced, or fixed.
2. The Borough may remove or cause to be removed the sign at the expense of the owner in the event the owner has not complied with the notice(s) from the Borough. In the event of immediate danger, the Borough may remove the sign immediately upon notification of the owner, person, or firm maintaining the sign.

##### **B. Abandoned Signs.**

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove the sign, any supporting structures, structural trim, and any other related appurtenances within six (6) months of it becoming abandoned as defined in this Chapter.
2. If the owner fails to complete the removal within six (6) months, the Borough will provide notification and may remove such sign at the owner's expense. If the owner fails to pay the removal costs, the Borough may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

#### **§ 15-117: Permits for Signs**

- A. It shall be unlawful to erect, replace, or relocate any sign in the Borough without first obtaining a sign permit, unless exempted by §15-105: Signs Exempt from Permitting Requirements.
- B. To apply for a sign permit, the applicant must provide the following to the Borough:
  1. A completed sign permit application (available from the Planning Department).
  2. Plans, drawings, or photographs showing the design, dimensions, and location(s) of the sign(s) on the property. The Planning Department may request supplemental information if the application is deficient.
  3. A sign permit fee, to be established from time to time by Resolution of State College

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Borough. The applicant will be notified of the fee(s) upon initial review of the application. All fees are due prior to issuance of the permit(s).

4. If the proposal includes any type of internally-illuminated sign, or any awnings, canopies, or marquees, additional permitting is required. All applications for such signs, and additional review fees when required, must be submitted to the State College Borough Planning Department prior to submitting to Centre Region Code.

Permits Required	All Signs	Internally-Illuminated Signs	Awnings, Canopies, Marquees
Sign Permit	x	x	x
Zoning/Building Permit		x	x <sup>1</sup>
Awning Permit			x <sup>1</sup>
<sup>1</sup> For awnings, additional permitting is only required when replacing the awning structure. Installation of new fabric or other material that covers the structure only requires a sign permit.			

- 5.4. Applications for internally-illuminated signs must include a plan prepared by a design professional that shows the results of the lighting design to demonstrate compliance with the standards of § 2709.a(8).

- C. All approved signs must be installed within one (1) year of permit issuance, otherwise a new permit will be required.

## § 15-118: Variances

- A. Intent. The intent of this Section is to allow certain provisions of this ordinance to be modified by the Zoning Hearing Board (ZHB), however nothing in this Section is intended to permit the erection or maintenance of signs which are prohibited by § 15-104: Prohibited Signs.
- B. Variances. Requests for variances shall be heard by the ZHB in accordance with the PA Municipalities Planning Code, State College Borough Zoning Ordinance, and in accordance with the provisions of this Section.
- C. Hearing. If any party wishes to install or maintain a sign or signs other than as permitted by this Chapter, that party shall be entitled to a variance hearing before the ZHB, upon submission of the required forms and fees for a hearing.
- D. Design Review Board. Prior to the hearing, the variance request shall be reviewed by the Design Review Board (DRB). The DRB review is advisory in nature, and the authority to grant variances remains solely with the ZHB. Any comments and recommendations from the DRB will be submitted to the ZHB during the hearing.

### **§ 15-119: Nonconforming Signs**

- A. Signs legally in existence at the time of adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when any of the following occurs:
  - 1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimensions of the sign or a change in location on the property.
  - 2. If more than 50% of the sign area is damaged.
  - 3. Replacement or an alteration to the sign support(s).
  - 4. Conversion from a non-illuminated to an illuminated sign.
- C. Replacement of a nonconforming sign with a conforming sign requires a permit pursuant to § 15-117.
- D. Prior to the events listed above, nonconforming signs may be repainted, the copy may be changed, or face(s) may be replaced provided that these actions do not increase the dimensions of the existing sign or increase the extent of the nonconformity in any way.
- E. Nonconforming signs shall be exempt from the provisions of §15-119(B), under the following conditions:
  - 1. The nonconforming sign possesses documented historic or architectural value or unique design as recognized by the Pennsylvania Historical and Museum Commission, local historical commission, National Park Service, or other similar organizations.
  - 2. When a nonconforming sign is required to be moved because of public right of way improvements.
- F. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is changed or abandoned.

### **§ 15-120: Violations**

The installation or maintenance of a sign without an approved sign permit, as required by this Chapter constitutes a zoning violation. Enforcement will be conducted in accordance with Chapter XIX: Zoning and Land Development.



Table 1: Sign Standards by District

SIGN STANDARDS BY ZONING DISTRICT					
		<u>RESIDENTIAL DISTRICTS</u> <sup>1</sup> R1, R2, R3, R3B, R3H, R4	<u>NEIGHBORHOOD COMMERCIAL/OFFICE DISTRICTS</u> UV, CP1, CP2, CP3, MP, RO, ROA, PO	<u>DOWNTOWN DISTRICTS</u> C, CID	<u>PUBLIC AND INSTITUTIONAL DISTRICTS</u> <sup>2</sup> PK, P, PA
WALL SIGNS	Maximum Number	Single-Family and Duplexes: Not permitted  Other Residential: 1 per building	As specified in in §106 and §113	As specified in in §106 and §114	As specified in in §106: General Regulations
	Maximum Area	Single-Family and Duplexes: Not permitted  Other Residential: 32 square feet per building, up to a maximum of 200 square feet per lot	As specified in in §106 and §113	As specified in in §106 and §114	As specified in in §106 and §115
	Maximum Height	R1, R2, R3H: 10 ft  Other Districts: 35 ft	Urban Village: The eave line or the bottom of the second story window, whichever is lower.  Other Districts: As specified in in §106: General Regulations	As specified in in §106 and §114	As specified in in §106 and §115
PROJECTING SIGNS	Maximum Number	Not permitted	1 per premises + 1 additional sign on corner premises or those having public entrances on multiple frontages	1 per premises + 1 additional sign on corner premises or those having public entrances on multiple frontages	Not permitted
	Maximum Area	10 square feet per sign face with a maximum vertical dimension of 3 feet	12 square feet per sign face with a maximum vertical dimension of 5 feet	15 square feet per sign face with a maximum vertical dimension of 8 feet	Not permitted
	Maximum Height	The eave line or the bottom of the second story window, whichever is lower	The eave line or the bottom of the second story window, whichever is lower	As specified in in §106 and §114	Not permitted
WINDOW SIGNS	Maximum Area	Not permitted	25% of total window area facing the public street or right-of-way, or the onsite parking area where the signs are intended to be viewed	25% of total window area facing the public street or right-of-way, or the onsite parking area where the signs are intended to be viewed	25% of total window area facing the public street or right-of-way, or the onsite parking area where the signs are intended to be viewed
FREESTANDING SIGNS	Maximum Number	Single-Family and Duplexes: Not permitted  Other Residential: 1 per lot + 1 additional sign on corner premises or those having multiple driveway entrances	1 per lot + 1 additional sign on corner premises or those having multiple driveway entrances	1 per lot + 1 additional sign on corner premises or those having multiple driveway entrances	Athletic Venues: 1 per public entrance, up to 2 total + 2 freestanding scoreboards per athletic venue  All Other Uses: 1 per public entrance, up to 2 total

SIGN STANDARDS BY ZONING DISTRICT					
		<u>RESIDENTIAL DISTRICTS</u> <sup>1</sup> R1, R2, R3, R3B, R3H, R4	<u>NEIGHBORHOOD COMMERCIAL/OFFICE DISTRICTS</u> UV, CP1, CP2, CP3, MP, RO, ROA, PO	<u>DOWNTOWN DISTRICTS</u> C, CID	<u>PUBLIC AND INSTITUTIONAL DISTRICTS</u> <sup>2</sup> PK, P, PA
	Maximum Area	15 square feet per sign face	15 square feet plus 5 square feet per additional tenant, up to 30 square feet total (per side)	15 square feet plus 5 square feet per additional tenant, up to 30 square feet total (per side)	24 square feet per sign face, except scoreboards  <b>Scoreboards:</b> 200 square feet (single-sided only)
	Maximum Height	<b>R1, R2, R3H:</b> 6 ft  <b>Other Districts:</b> 10 feet	10 ft	35 ft	<b>Athletic Venues:</b> 10 ft for entrance signs  <b>Scoreboards:</b> 20 ft  <b>All Other Uses:</b> 6 ft
AWNING, CANOPY, AND MARQUEE SIGNS	Maximum Number	<b>Single-Family and Duplexes:</b> Not permitted  <b>Other Residential:</b> 1 per building entrance	Not permitted	1 per building	Not permitted
	Maximum Area	Not permitted	As specified in in §106: General Regulations	As specified in in §106: General Regulations	Not permitted
	Maximum Height	The eave line or the bottom of the second story window, whichever is lower	The eave line or the bottom of the second story window, whichever is lower	The eave line or the bottom of the second story window, whichever is lower	Not permitted
UPPER-LEVEL IDENTIFICATION SIGNS	Maximum Number	Not permitted	1 per premises located above the first floor, unless located on a corner lot or having public entrances on 2 or more public ways, in which case 1 additional sign is permitted	1 per premises located above the first floor, unless located on a corner lot or having public entrances on 2 or more public ways, in which case 1 additional sign is permitted	Not permitted
	Maximum Area	Not permitted	Not permitted	As specified in in §106 and §114	Not permitted

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SIGN STANDARDS BY ZONING DISTRICT					
		<u>RESIDENTIAL DISTRICTS</u> <sup>1</sup> R1, R2, R3, R3B, R3H, R4	<u>NEIGHBORHOOD COMMERCIAL/OFFICE DISTRICTS</u> UV, CP1, CP2, CP3, MP, RO, ROA, PO	<u>DOWNTOWN DISTRICTS</u> C, CID	<u>PUBLIC AND INSTITUTIONAL DISTRICTS</u> <sup>2</sup> PK, P, PA
	Maximum Height	Not permitted	Not permitted	The top of the building level where the premises is located, or 35 feet; whichever is lower	Not permitted
ILLUMINATED SIGNS, MESSAGE CENTERS, AND DIGITAL DISPLAYS	Types Permitted	External	Internal, External, Message Centers, Digital Displays <b>(Periodic)</b> <sup>3</sup> , <b>Digital Displays (Continuous)</b> <sup>4</sup>	Internal, External, Message Centers, Digital Displays (Periodic only)	Internal, External, Message Centers, Digital Displays <sup>3</sup>
	Maximum Number	1 per lot + 1 additional sign on corner premises or those having multiple driveway entrances	1 per lot + 1 additional sign on corner premises or those having multiple driveway entrances	1 per lot + 1 additional sign on corner premises or those having multiple driveway entrances	1 per lot + 1 additional sign on corner premises or those having multiple driveway entrances
	Maximum Area	<b>R1, R2, R3H:</b> 2 sq ft per sign face <b>Other Districts:</b> 15 square feet per sign face	<b>Digital Displays:</b> Maximum 30% of total sign area <sup>5</sup>  <b>Message Centers:</b> Maximum 50% of total sign area <sup>5</sup>  <b>Internal, External:</b> As specified in in §106: General Regulations	<b>Digital Displays (Periodic):</b> Maximum 30% of total sign area  <b>Message Centers:</b> Maximum 50% of total sign area  <b>Internal, External:</b> As specified in in §106: General Regulations	<b>Digital Displays:</b> Maximum 30% of total sign area  <b>Message Centers:</b> Maximum 50% of total sign area  <b>Internal, External:</b> As specified in in §106: General Regulations
	Maximum Height	<b>R1, R2, R3H:</b> 10 ft <b>Other Districts:</b> 35 ft	As specified in in §106 and §113	As specified in in §106 and §114	As specified in in §106 and §115
<sup>1</sup> Does not apply to Home Occupations. <sup>2</sup> Does not apply to signs in the UPD, which are regulated by § 19-1210. <sup>3</sup> <b>Digital displays (periodic) are permitted only in the CP1, CP2, and CP3 zoning districts, unless located within an athletic venue.</b> <sup>4</sup> Digital displays (continuous) are permitted only for scoreboards within athletic venues. <del>When not visible from the outside of an athletic venue, there is no limit on the percentage of the total sign area.</del> <sup>5</sup> <b>Digital displays and message centers not visible from outside of the athletic venue where they are located are not subject to the limits on maximum percentage of total sign area.</b>					

ARTICLE XVIII  
**CP-3 Planned Commercial District-3**

**§ 19-1510. Purpose. [Ord. 2013, 3/18/2013]**

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.

**§ 19-1511. Use. [Ord. 2013, 3/18/2013]**

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:
  - (1) Junkyards, which includes storage of vehicles and vehicle parts for more than 35 days.
  - (2) Adult Businesses and Theaters.
  - (3) Telecommunications facilities.
- b. Accessory land uses and buildings customarily incident to any of the permitted uses.
- c. Mixed Use, subject to the following requirements:
  - (1) Any new mixed-use development or redevelopment that does not contain residential uses is not subject to the mixed-use requirements but must adhere to the provisions in Sections 1511.c.2.(b) - 1511.c.2.(c), 1511.c.3, 1512-1518, and 1520.
  - (2) Any new mixed-use development or redevelopment of an existing site containing residential uses, on which 1) a new building or buildings are constructed (regardless of size of gross floor area); or 2) the footprint(s) of existing structure(s) is(are) altered, or additional stories are added to existing structure(s) in a manner which expands the gross floor area by at least 20,000 square feet, must adhere to the following provisions:
    - (a) Residential uses are prohibited on the ground floor of any structure.
    - (b) Individual retail commercial uses may not exceed 70,000 square feet.
    - (c) Individual non-retail commercial uses may not exceed 35,000 square feet.

- (d) No more than 70% of the gross floor area may be dedicated to residential uses.
  - (i) Private amenity areas that are restricted to residents and their guests must be counted as part of the residential floor area when determining compliance with this subsection. Amenity areas that are open to the general public shall not be deemed a residential use and shall be counted as nonresidential GFA.
  - (e) For purposes of Mixed-Use developments, “residential uses” shall include only the total area of residential dwelling units and common areas and amenities only available to residents and their guests within the Mixed-Use building. Parking areas serving the Mixed-Use development shall not be considered part of the residential use area.
- (3) Any new development or renovation of an existing site within this district must adhere to the following regulations:
  - (a) Nonconforming lots. Mixed-use requirements are not applicable for lots smaller than 14,000 square feet that were platted prior to the current minimum lot size. These lots may be developed according to Section 502.f.
  - (b) Parking is not permitted within a building within the first 50 feet of a building’s exterior wall as measured perpendicularly to any adjacent public street.
  - (c) Hotels and Motels are permitted in this district if the ground floor of any structure containing guest rooms is used for guest check-in, retail and other commercial uses. No guest rooms shall be located on the ground floor.
  - (d) Additional permitted uses. The following additional uses are permitted in this district:
    - (i) Automobile Sales, provided they have frontage on a State Highway.

**§ 19-1512. Lot Area, Width and Yards. [Ord. 2013, 3/18/2013]**

Each lot in this district must comply with the following requirements except as otherwise noted.

a. Lot area.

Minimum lot area for all uses (including multiple-family dwellings): 14,000 square feet.

Minimum lot area for multiple-family dwelling units (per dwelling unit):

Two bedrooms or less: 1,750 square feet

Three or more bedrooms: 3,500 square feet.

Lots held under common ownership, and which 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 under common ownership. Such adjacent lots shall be consolidated

into a single lot prior to recording of the plan or issuance of a zoning permit. 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 yard depth.

20 feet min. to 40 feet max.

(2) Side yard depth.

Any use abutting Residential Districts: 40 feet

Any use abutting All Other Districts: 10 feet

(3) Rear yard depth.

Any use abutting Residential Districts: 40 feet.

Any use abutting All Other Districts: 20 feet.

(4) Front Yard Screening. All required front yards must be improved with living plant material and hardscape components in accordance with 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) Side and Rear Yard Screening. For any nonresidential or mixed-use site, 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, or any alley.

The entire length of the perimeter lot line so described must contain a continuous, view-restrictive screen at least six feet in height designed to obscure the view of commercial buildings and parking areas from residentially-zoned districts. The entire length of the screen must be comprised of trees, shrubs, or a combination thereof. A minimum of 50% of the screen's length shall be evergreen material. All living screening must be at least six 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.

(6) 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% of the length of the perimeter. The 50% 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.

#### **§ 19-1513. Height. [Ord. 2013, 3/18/2013]**

The maximum height permitted in this District shall be:

Buildings: 35 feet (not to exceed three stories), except as permitted through the use of incentives specified in § 19-1518. Incentives.

All other structures: 35 feet.

#### **§ 19-1514. Open Space. [Ord. 2013, 3/18/2013]**

The purpose of providing open space within this district is to 1) assist in stormwater management on developed sites; 2) assist in providing a buffer between onsite uses and adjacent properties; and 3) provide active social and recreational spaces for the site's users. Open space requirements for stormwater 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:

- a. Open space required: 30% of the lot.
- b. Required open space improvements:
  - (1) 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.
  - (2) 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.

- (3) Improved areas must be indicated on the land development plan, reviewed by the Design Review Board and Planning Commission, and approved by Planning Staff.

**§ 19-1515. Parking. [Ord. 2013, 3/18/2013]**

- a. On-Site Vehicular Parking. As prescribed by Part H of this chapter except for the following provisions:
  - (1) For mixed-use buildings exceeding 100,000 square feet, the first 30,000 square feet of commercial space is exempt from any parking requirements. Parking for the remainder is calculated at one space per 300 square feet of gross floor area that is devoted to commercial uses.
  - (2) For mixed-use buildings, parking requirements for residential units should be 1.5 spaces for 1-2 bedroom units, and two (2) spaces for three (3) or more bedroom units.
  - (3) Vehicular parking not to exceed minimum required by Part H of this chapter by more than 10%.
  - (4) Incentives for parking reduction per Section 1518.
- b. On-Site Bicycle Parking. For developed sites within CP-3 districts, the following provisions for minimum bicycle spaces shall apply:
  - (1) Multiple-family dwellings: one space per every three dwelling units.
  - (2) Mixed-Use sites.
    - (a) GFA <7,500 square feet: not required.
    - (b) GFA 7,501-20,000 square feet: two spaces.
    - (c) GFA >20,001 square feet: one space per 10,000 square feet.
  - (3) All bicycle parking should be installed on sites in conformance with the front yard requirements. All bicycle parking should be located such that it is easily accessible from building entrances, visible from bicycle access routes and well-lit for users' safety.

**§ 19-1516. Pedestrian-Oriented Design. [Ord. 2013, 3/18/2013]**

Pedestrian-oriented design shall be applied to all portions of a building's ground-floor street frontage(s). 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.

**§ 19-1517. Signs. [Ord. 2013, 3/18/2013]**

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.

**§ 19-1518. Incentives. [Ord. 2013, 3/18/2013]**

- 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.

<b>Table 1: Incentives/Bonus Schedule</b> <b>(Each Incentive shall be eligible to Earn One or More Bonuses)</b>			
<b>Incentives (Building)</b>	<b>Bonus - Increase in Building Height</b>	<b>Bonus - Increase in Density for Residential Uses</b>	<b>Bonus - Reduction in Required Parking</b>
Green Roof	None	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 structured 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 inches to four inches 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) **Structured Parking.** Parking at street level reduces opportunities to utilize this valuable space for activities that increase street life. Locating parking in parking structures expands the total land available for development. To qualify for the Increase in Building Height and Reduction in Parking bonuses, a minimum of 75% of the parking spaces must be provided in an onsite parking structure.
  - (3) **Owner-Occupied Residential.** Owner-Occupied residential refers to dwelling units that are the primary and exclusive residence of the legal or beneficial owner at least 240 days per year. 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 homeowners 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 homeowners 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 homeowners 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 story is permitted, regardless of the combination of incentives achieved.

Maximum total residential density bonus: 30%

Maximum total reduction in required parking: 30%

**§ 19-1519. Covenants with the Borough for Bonuses. [Ord. 2013, 3/18/2013]**

- 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.
- a. 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 by the Borough Solicitor and be recorded with Centre County Recorder of Deeds and referenced on the recorded land 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.

ARTICLE XVIII  
CP-3 Planned Commercial District-3

§ 19-1510. Purpose. [Ord. 2013, 3/18/2013]

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.

§ 19-1511. Use. [Ord. 2013, 3/18/2013]

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~~**Chapter**, except for the following:
  - (1) Junkyards, which includes storage of vehicles and vehicle parts for more than 35 days.
  - (2) Adult Businesses and Theaters.
  - (3) Telecommunications facilities.
- b. Accessory land uses and buildings customarily incident to any of the permitted uses.
- c. Mixed Use~~;~~ **, subject to the following requirements:**
  - (1) Any new **mixed-use** development or redevelopment ~~containing only commercial~~**that does not contain residential** uses ~~are~~**is** not subject to the mixed-use requirements, but must adhere to the provisions in Sections 1511.c.2-~~a~~**(b)** - 1511.~~c.2~~**(c)**, 1511.c.3, 1512-1518, and 1520.
  - (2) Any new **mixed-use** development or ~~renovation~~**redevelopment** of an existing site containing residential uses, on which **1) a new building or** buildings are constructed ~~or~~ **(regardless of size of gross floor area); or 2) the footprint(s) of the existing structures—structure(s) is(are) altered,** or additional stories are added **to existing structure(s)** 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)(a)~~ **(a)** ~~Only commercial~~**Residential** uses are ~~permitted~~**prohibited** on the ground

floor of any structure.

~~(ii)~~(b) Individual retail commercial uses may not exceed 70,000 square feet.

~~(iii)~~(c) 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)~~(d) No more than ~~60~~**70**% of the gross ~~building~~**floor** area may be dedicated to residential uses.

(i) **Private amenity areas that are restricted to residents and their guests must be counted as part of the residential floor area when determining compliance with this subsection. Amenity areas that are open to the general public shall not be deemed a residential use and shall be counted as nonresidential GFA.**

(e) **For purposes of Mixed-Use developments, “residential uses” shall include only the total area of residential dwelling units and common areas and amenities only available to residents and their guests within the Mixed-Use building. Parking areas serving the Mixed-Use development shall not be considered part of the residential use area.**

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

(a) **Nonconforming lots.** Mixed-use requirements are not applicable for lots smaller than 14,000 square feet; ~~these~~ **that were platted prior to the current minimum lot size. These** lots may be developed according to Section 502.f.

(b) Parking **is** not permitted within **a building within** the first ~~25~~**50** feet of ~~building depth on the ground floor of a building’s exterior wall as measured perpendicularly to any structure facing a adjacent~~ public street.

(c) Hotels and Motels are permitted in this district ~~only~~ if the ground floor of any structure containing guest rooms is ~~maintained~~**used** for **guest check-in, retail and other** commercial uses. **No guest rooms shall be located on the ground floor.**

(d) **Additional permitted uses. The following additional uses are permitted in this district:**

~~(e)~~(i) **Automobile Sales, provided they have frontage on a State Highway.**

#### **§ 19-1512. Lot Area, Width and Yards. [Ord. 2013, 3/18/2013]**

Each lot in this district must comply with the following requirements except as otherwise noted.

a. Lot area.

~~Multiple~~**Minimum lot area for all uses (including multiple-family dwellings): 14,000 square feet.**

**Minimum lot area for multiple-family dwelling units (per dwelling unit):**

**Two bedrooms or less: 1,750 square feet**

**Three or more bedrooms: 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: **under common ownership. Such adjacent lots shall be consolidated into a single lot prior to recording of the plan or issuance of a zoning permit.** 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.~~

**(1) Multiple family dwellings: Front yard depth.**

20 feet min. to 40 feet max. ~~Commercial and nonresidential: 20 feet min. to 40 feet max. Commercial and nonresidential 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 nonresidential District: not required.~~

~~(3) Rear. Rear yards shall remain unobstructed with buildings and structures and shall be as follows:~~

**(2) Side yard depth.**

Any use abutting Residential ~~District~~ **Districts**: 40 feet.

Any use abutting nonresidential ~~District~~: 20 **All Other Districts: 10** feet.

**(3) Perimeter Planting. Within the CP-3 districts, all Rear yard depth.**

**Any use abutting Residential Districts: 40 feet.**

**Any use abutting All Other Districts: 20 feet.**

- (4) **Front Yard Screening.** 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~~ **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) **Side and Rear Yard Screening.** For any **nonresidential or** 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~~, **or any alley**.

The entire length of the perimeter lot line so described must contain a continuous, view-restrictive screen at least six feet in height designed to obscure the view of commercial buildings and parking areas from residentially-zoned districts. The ~~screen's entire~~ **length of the screen** must be comprised of trees, shrubs, or a combination thereof. A minimum of 50% of the screen's length shall be evergreen material. All living screening must be at least six 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.

- (6) 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% of the length of the perimeter. The 50% 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.
- ~~(6)~~(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.

**§ 19-1513. Height. [Ord. 2013, 3/18/2013]**

The maximum height permitted in this District shall be:

Buildings: 35 feet (not to exceed three stories~~-~~), **except as permitted through the use of incentives specified in § 19-1518. Incentives.**

All other structures: 35 feet, ~~except as provided for in Section 1516.~~

**§ 19-1514. Open Space. [Ord. 2013, 3/18/2013]**

The purpose of providing open space within this district is to 1) assist in stormwater management on developed sites; 2) assist in providing a buffer between onsite uses and adjacent properties; and 3) provide active social and recreational spaces for the site's users. Open space requirements for stormwater 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:

- a. Open space required: 30% ~~gross land area~~ of the lot.
- b. Required ~~Open Space Improvements~~ open space improvements:
  - (1) 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.
  - (2) 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.
  - (3) Improved areas must be indicated on the land development plan, reviewed by the Design Review Board and Planning Commission, and approved by Planning Staff.

**§ 19-1515. Parking. [Ord. 2013, 3/18/2013]**

- a. On-Site Vehicular Parking. As prescribed by Part H of this chapter except for the following provisions:
  - (1) For mixed-use buildings exceeding 100,000 square feet, the first 30,000 square feet of commercial space is exempt from any parking requirements. Parking for the remainder is calculated at one space per 300 square feet of gross floor area that is devoted to commercial uses.
  - (2) For mixed-use buildings, parking requirements for residential units should be 1.5 spaces for 1-2 bedroom units, and two (2) spaces for three (3) or more bedroom units.
  - (3) Vehicular parking not to exceed minimum required by Part H of this chapter by



more than 10%.

(4) Incentives for parking reduction per Section 1518.

b. On-Site Bicycle Parking. For developed sites within CP-3 districts, the following provisions for minimum bicycle spaces shall apply:

(1) ~~Multifamily sites~~ **Multiple-family dwellings**: one space per every three **dwelling** units.

(2) Mixed-Use sites.

(a) GFA <7,500 square feet: not required.

(b) GFA 7,501-20,000 square feet: two spaces.

(c) GFA >20,001 square feet: one space per 10,000 square feet.

(3) All bicycle parking should be installed on sites in conformance with the front yard requirements. All bicycle parking should be located such that it is easily accessible from building entrances, visible from bicycle access routes and well - lit for users' safety.

#### **§ 19-1516. Pedestrian-Oriented Design. [Ord. 2013, 3/18/2013]**

Pedestrian-oriented design shall be applied to all portions of a building's ground-floor **street** frontage(s). 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.

#### **§ 19-1517. Signs. [Ord. 2013, 3/18/2013]**

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.

#### **§ 19-1518. Incentives. [Ord. 2013, 3/18/2013]**

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.

<b>Table 1: Incentives/Bonus Schedule</b> <b>(Each Incentive shall be eligible to Earn One or More Bonuses)</b>			
<b>Incentives (Building)</b>	<b>Bonus - Increase in Building Height</b>	<b>Bonus - Increase in Density for Residential Uses</b>	<b>Bonus - Reduction in Required Parking</b>
Green Roof	<b>None</b>	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 structured 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 inches to four inches 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~~**Structured** 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~~**parking structures** expands the total ~~building volume~~**land** available for ~~commercial and residential~~ development. To qualify for the Increase in Building Height and Reduction in Parking bonuses, **a minimum of 75% of the parking spaces** must be provided in ~~subsurface or above ground facilities~~**an onsite parking structure**.

(3) Owner-Occupied Residential. Owner-Occupied residential refers to dwelling units that are the primary **and exclusive** residence of the legal or beneficial owner- **at least 240 days per year**. 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~~**homeowners** 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~~**homeowners** 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~~**homeowners** 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~~**story is** permitted, regardless of the combination of incentives achieved.

Maximum **total** residential density bonus: 30%

Maximum **total** reduction in required parking: 30%~~-%~~

#### **§ 19-1519. Covenants with the Borough for Bonuses. [Ord. 2013, 3/18/2013]**

- 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 ~~inform~~ by the Borough Solicitor and be recorded with Centre County Recorder of Deeds and referenced on the **recorded land** 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.

#### **~~§ 19-1520. Development Plan. [Ord. 2013, 3/18/2013]~~**

- ~~a. As prescribed by Section 305 of this chapter.~~

## Part B Definitions

Amend § 19-201: Definitions as follows:

**BUILDING AREA (GROSS)**  
**See “Floor Area (Gross)”.**

**FLOOR AREA (GROSS)**  
**(Also known as “GFA”)**

The total area of a structure obtained by multiplying the area of each **occupiable** floor as measured from the face of the exterior walls by the total number of floors contained in the structure. Parking areas may not be counted as part of the gross floor area for any purpose.

**The following common areas shall be excluded when calculating the gross floor area of any building:**

- (a) Mechanical areas**
- (b) Lobbies**
- (c) Foyers**
- (d) Common elevators, halls, and stairwells**