General Meeting Information
College Township offers both in-person and virtual meeting attendance for all public meetings. To attend in-person, meetings will be held at 1481 E. College Avenue, State College PA, 16801, 2nd floor meeting room. To attend virtually, please see the information below.

To Attend the LIVE Meeting Via Zoom on Computer or Smart Phone:
- Click here to REGISTER for the meeting via Zoom. Once registered, you will receive a confirmation email containing information about joining the meeting.

To Attend the LIVE Meeting Via Phone:
- Dial: 1 (646) 558-8656  ● Meeting ID: 898 5457 6475  ● Passcode: 283219

*Click Here for detailed instructions on how to participate via zoom.

VIRTUAL PUBLIC COMMENTS: Please use the raised hand feature to participate. The moderator will recognize those with their hands raised (either by name or phone number).

WRITTEN PUBLIC COMMENTS: For specific Planning Commission agenda items and for items not on the agenda, written public comments may be submitted in advance by emailing smeyers@collegetownship.org by noon the day of the meeting.

CALL TO ORDER:

ZOOM MEETING PROTOCOL:

OPEN DISCUSSION (items NOT on the agenda):

CONSENT AGENDA: CA-1 March 21, 2023 Meeting Minutes (Approval)

PLANS:

OLD BUSINESS: OB-1 Official Map (Discuss/Action)
OB-2 Burkentine Rezoning Update/Zoning Amendment Consideration (Discuss/Action)

NEW BUSINESS:

REPORTS:

STAFF INFORMATIVES: SI-1 Zoning Bulletin

OTHER MATTERS:

ANNOUNCEMENTS: Next meeting will be Tuesday, April 18, 2023 at 7:00pm

ADJOURNMENT:
CALL TO ORDER: Mr. Forziat called the meeting to order at 7:00 p.m.

ZOOM MEETING PROTOCOL: Mr. Forziat verified there were people present via Zoom and Ms. Meyers reviewed Zoom protocol.

ROLL CALL: Mr. Forziat confirmed Mr. Sharp was excused from the meeting.

OPEN DISCUSSION: None presented.
CONSENT AGENDA:
Mr. Darrah moved to approve the March 7, 2023 meeting minutes as written. Mr. Fenton seconded. Motion carried unanimously.

PLANS:
P-1 Mount Nittany Medical Center Bed Tower Project
Ms. Schoch introduced the plan with a brief powerpoint presentation then introduced Mr. Routh whose presentation included renderings both at a distance and close-up. The renderings showed use of a similar facade to tie into the existing structure and lots of windows to utilize views and natural light.

The Planning Commission discussed the parking situation at the hospital and questioned the reduction in parking being proposed. Mr. Hoffman asked that signage scale and graphics be considered to help visitors and patients navigate the campus and various entrances. Mr. Darrah questioned the temporary parking during construction. Mr. Siekirk stated the temporary parking will be eliminated post construction and will be reseeded to the previous pasture land. The medical center also intends to provide a valet service during construction for ease for patients and visitors. Mr. Fenton asked if there will be designated parking for patients and visitors. Mr. Siekirk confirmed the new parking deck will be patient and visitor parking only.

There was some discussion about the consideration of a connector of the bike path to the sidewalk along Hospital Drive. Mr. Franson stated the project would need a highway occupancy permit from PennDOT as Park Avenue is a state owned road. Mr. Saville further explained the sidewalk and bike path connector.

Mr. Hoffman moved to recommend that Council approve the Preliminary/Final Land Development Plan for Mount Nittany Medical Center Bed Tower Project dated February 20, 2023 and last revised March 12, 2023 subject to the following conditions:

1. Within ninety (90) days from the date of approval by Council, all conditions must be satisfied, final signatures must be obtained and the plan must be recorded with the Centre County Recorder of Deeds Office. Failure to meet the ninety (90) day recordation deadline will render the plan null and void.
2. Pay all outstanding review fees.
3. Address, to the satisfaction of the Township Engineer, any outstanding plan review comments from staff.
4. Fully comply with College Township Code Section 180-12.
5. Post surety as approved by the Township Engineer prior to recordation.
6. Provide an Intent to Serve Letter from the University Area Joint Authority.
7. Provide NPDES approval.
8. Provide proof of Traffic Impact Study (TIS) approval.
9. Work with College Township Zoning Officer to establish formal addressing. Applicant shall have new addressing in place prior to occupancy of all new structures.
10. Provide an area to be designated for future parking as reduction in parking is proposed. Reserved area shall meet the total parking area requirement and shall be included in stormwater calculations.
11. Parking to be satisfied by the Township Engineer and Township Consulting Traffic Engineer.
12. Provide proof of Penn State approval of use of lands during construction.
13. All conditions must be accepted in writing within seven (7) days from the date of the conditional approval letter from the Township Engineer.

Mr. Darrah seconded. Motion carried unanimously.
P-2 State College Area Food Bank

Ms. Schoch introduced the plan with a brief powerpoint presentation then introduced Mr. Pratt, the project engineer. Mr. Pratt stated that he has returned with the preliminary/final plan for the food bank which had been brought to the College Township Planning Commission as a sketch plan in February. Mr. Pratt discussed the truck traffic in the area and that it would increase minimally due to the occupancy of the food bank. He also talked about the considerations taken from the Planning Commission’s recommendations of the sketch plan.

Mr. Toumayants questioned the increase in truck traffic and how it would affect the traffic daily in the area around the proposed food bank. Mr. Pratt stated that the traffic impact would be minimal with an increase of box trucks and delivery vans of maybe nine per month and an increase of up to one or two semi-trucks per month. Mr. Fenton asked that the developer consider signage to encourage larger truck traffic take a certain route. Overall the Planning Commission had no objections to the semi-truck accessibility to and around the building.

The Planning Commission discussed the request for a fee-in-lieu of a portion of the proposed pedestrian facility. There was a consensus to recommend Council approve the request due to the monetary hardship created by the topography of the land.

Ms. Simpson questioned accessibility for all clients, particularly for people without access to a car. Ms. Beck, a representative from the food bank, stated there are transportation issues at the current location and one reason they chose this location was the proximately to a bus stop. She continued with many clients use the CATA Go service as well as the County Van services, and it is very rare that a client rides a bike to and from the food bank.

Mr. Darrah moved to recommend that Council approve the State College Area Food Bank Building Addition Preliminary/Final Land Development Plan dated March 1, 2023 and last revised March 7, 2023 subject to the following conditions:

1. Within ninety (90) days from the date of approval by Council, all conditions must be satisfied, final signatures must be obtained and the plan must be recorded with the Centre County Recorder of Deeds Office. Failure to meet the ninety (90) day recordation deadline will render the plan null and void.
2. Pay all outstanding review fees.
3. Address, to the satisfaction of the Township Engineer, any outstanding plan review comments from staff.
4. Fully comply with College Township Code Section 180-12.
5. Post surety as approved by the Township Engineer prior to recordation.
6. Approve request for fee-in-lieu of the forty-seven (47) square yards of pedestrian facilities along Commercial Boulevard.
7. Provide approved College Township Highway Occupancy Permit prior to occupancy.
8. Provide proof of NPDES approval.
9. Work with College Township Zoning Officer to establish formal address.
10. Provide intent to serve letter from University Area Joint Authority.
11. Provide intent to serve letter from College Township Water Authority.
12. All conditions must be accepted in writing within seven (7) days from the date of the conditional approval letter from the Township Engineer.

Mr. Hoffman seconded. Motion carried unanimously.
OLD BUSINESS: OB-1  Draft Official Map

Ms. Schoch stated the goals for the meeting as well as the next steps in the process. Mr. Bloom clarified that the intent is not eminent domain but to define infrastructure and facilities which would be beneficial to College Township and its residents. After a lengthy discussion of what an official map is there was a consensus that the Planning Commission would like to request a backdrop to the map showing areas of interest not owned by College Township. Mr. Hoffman also suggested the addition of wording to the map legend to include “required transfer of ownership/design”.

The Commission also discussed the timing when receiving a new set of maps and comments, and felt they did not have enough review time prior to the meeting. Mr. Bloom stated he understands their concerns and is aiming to have a recommendation from the Planning Commission for Council’s April 20th meeting. Mr. Forziat stated the comments are confusing and need clarification from the Parks and Recreation Committee, then asked Mr. Spoonamore to stand at the podium and clarify some points.

Mr. Spoonamore introduced himself and stated the Parks and Recreation Committee had three things in mind when reviewing and making comments on the Official Map:

1. Watershed protection
2. Expand current park facilities
3. Making non-car connectivity

After some discussion of navigable waters and Spring Creek, Ms. Schoch stated that the Official Map is not exact and should be thought of as aspirational.

The Planning Commission asked the Parks and Recreation representative to clarify some comments which had been presented. Mr. Spoonamore clarified some comments. It was decided staff would reach out to the Parks and Recreation Committee, provide them with the maps PC received at this meeting, and request any additional comments, and clarification/intent of all comments.

Mr. Hoffman started a motion when Mr. Simpson interjected to discuss some past maps and the history of the rail/trail system in Central Pennsylvania.

Mr. Darrah moved to table the College Township Draft Official Map and corresponding Ordinance discussion for further clarification, to return to Planning Commission on April 4, 2023. Mr. Hoffman seconded. Motion passed unanimously.

OB-2  Burkentine Rezoning Update

Ms. Schoch gave a very brief update and stated a plan will be coming as the developer has been in contact with the Township Consulting Firm DPZ. There was some discussion about the wellhead protection overlay and shielding requirements for lighting in the proposed area for rezoning.

NEW BUSINESS: None presented

REPORTS:

R-1  March 16th Council Meeting

Ms. Khoury provided the Planning Commission with a short report and gave a brief description of the business conducted at the March 16th College Township Council meeting.

STAFF INFORMATIVES:

SI-1  Council Meeting Minutes No further discussion.

SI-2  EZP Report No further discussion.

OTHER MATTERS: None presented.
ANNOUNCEMENTS:
Mr. Forziat announced the next meeting will be Tuesday, April 4, 2023 at 7:00 p.m.

ADJOURNMENT: Mr. Hoffman moved to adjourn. Mr. Forziat adjourned the meeting.

Meeting adjourned at 9:21 p.m.

** Draft **

Sharon E. Meyers
Senior Support Specialist – Engineering/Planning
MEMORANDUM

To: College Township Planning Commission

Thru: Mike Bloom, Assistant Township Manager

From: Lindsay Schoch, AICP, Principal Planner

Re: OB-1: Official Map

Date: March 30, 2023

Background:

As part of the implementation of *Walkable College Township – A Pedestrian Facilities Master Plan*, it was recommended that College Township’s Official Map be updated to include the Primary and Secondary Investment Corridors, along with Greenway alignments, identified in the adopted plan.

College Township Council reviewed and provided revisions to the initial map, as proposed by staff, at their meeting on February 2, 2023. Council further directed Township Manager Adam Brumbaugh to issue a remand letter requesting that the College Township Planning Commission undertake the following tasks related to update of the Township’s Official Map:

- Ensure that all required elements are contained within the ordinance and included graphically on corresponding map.
- Incorporate or otherwise denote any comments from Parks and Recreation Committee into the Planning Commission’s recommendation on the DRAFT Official Map.
- Return a final recommendation to Council for consideration at their meeting on April 6, 2023. *This initial date was subsequently extended.*

The DRAFT Official Map has been discussed by the Parks and Recreation Committee at their meetings on February 13th and March 13th and by the Planning Commission at their meetings on February 7th, February 21st, March 7th and March 21st. At the March 21st meeting, Planning Commission was provided with the latest version of mapping along with the corresponding spreadsheets that encapsulated the alignments, parcels and comments received to date from Council, the Parks and Recreation Committee and Planning Commission.

Planning Commission acknowledged concerns related to the proposed alignments and land reservations on private property and the degree of difficulty associated with acquisition of necessary property and/or the future construction of some of recommended features being shown; further asking staff for an appropriate indication of such. Planning Commission also sought additional clarification on some of the comments shared by the Parks and Recreation Committee.
Next Steps in Official Map Development Process:

1. Planning Commission makes a recommendation on the DRAFT Official Map (map and ordinance) to Council.

2. Council undertakes a detailed review of the DRAFT Official Map (map and ordinance).

3. Following review and importation of revisions to the DRAFT Official Map (map and ordinance), Council will set a Public Hearing and authorize staff to commence the required 45-day Public Review period on the DRAFT Official Map.

4. As part of the 45-day review, the DRAFT Official Map will be shared with the Centre Regional Planning Agency, the Centre Region Planning Commission, and any adjacent municipality in which any newly proposed streets, paths or other public land intersects or intends to lead.

5. Council conducts the Public Hearing and considers action on the DRAFT Official Map.

6. Upon Council approval, the Township has 60-days to record the Official Map with the Recorder of Deeds.

April 4, 2023 - Meeting Resources:

For your next meeting, Planning Commission is being provided the following DRAFT Official Map documents, as updated with further context from the Parks and Recreation Committee for your review:

- **PC & P&R Comments Map** – a map showing all the input captured from the Parks and Recreation Committee and Planning Commission.

- **Official Map Comments** – a spreadsheet listing the individual point comments received.

- **Official Map Recommendations** – a spreadsheet listing the individual line/route recommendations received.

- **Official Map Future Land Interest** – a spreadsheet listing the parcels identified for potential existing park expansions or new neighborhood scale parks received.

- **DRAFT Official Map** – a draft map condensing the comments received to date into categories consistent with those outlined within the draft ordinance.

The following online resources are also provided for your review:


- **Draft Story Map**: [https://storymaps.arcgis.com/stories/14a2c78fa36e464fbabfd59cf31b42d9](https://storymaps.arcgis.com/stories/14a2c78fa36e464fbabfd59cf31b42d9)

April 4, 2023 – Meeting Tasks:

Following review of the resources denoted above and consistent with the tasks outlined in the Council remand letter, it is requested that the Planning Commission undertake the following:

1. Provide any final corridor alignments or land reservations that Planning Commission believes will benefit the community in the future.

2. Acknowledge and incorporate the corridor alignments or land reservations provided by the Parks and Recreation Committee into a Planning Commission’s recommendation on the mapping portion of the DRAFT Official Map.

3. Review and provide feedback/revisions on the ordinance portion of the DRAFT Official Map.
April 4, 2023 – Requested Recommendations(s):

In order to efficiently advance to the next steps in the Official Map Development Process, staff is requesting that Planning Commission make the following recommendations(s) at the April 4, 2023 meeting:

- **Recommend that Council begin review of the DRAFT Official Map as prepared by the Planning Commission and Parks and Recreation Committee.**
  - Please note that this recommendation can be truncated to include only the mapping portion of the DRAFT Official Map, should substantive revisions or additional review time be needed for the ordinance language.

If a complete DRAFT Official Map package (map and ordinance) is forwarded to Council, Planning Commission should also incorporate the following:

- **Recommend that Council, upon completion of their review, set a Public Hearing and authorize staff to commence the required 45-day Public Review period on the DRAFT Official Map.**
College Township recently adopted *Walkable College Township – A Pedestrian Facilities Master Plan*. This new planning document identifies a number of Primary and Secondary Investment Corridors, along with Greenway alignments that College Township is seeking to advance to further enhance the community pedestrian and bicycle network. Within the Pedestrian Facilities Master Plan was a recommendation to add these newly identified corridors to College Township’s Official Map, which was last updated in November 2015.

At their meeting on February 2nd, College Township Council reviewed the proposed revisions to the Official Map and ordinance language as prepared by staff. In addition to supporting the addition of the newly identified corridors from the Pedestrian Facilities Master Plan, Council offered a number of comments, ranging from editorial to substantive. These will be further explained in the staff memo that accompanies the upcoming Planning Commission agenda item.

Council has remanded the draft Official Map to the College Township Planning Commission for a 45-day review period as prescribed by the Municipalities Planning Code. Barring any extension, this review period, which commenced on February 3rd, will provide the Planning Commission up to 3 regularly scheduled meetings to continue refinements to the Official Map prior to returning it to Council for further consideration.

During this same review period, the Official Map will be provided to the College Township Parks and Recreation Committee for their respective review and comment.

Council requests that Planning Commission undertake the following tasks during its review period:

- Ensure that all required elements are contained within the ordinance and included graphically on corresponding map.

- Incorporate or otherwise denote the Parks and Recreation Committee comments into the Planning Commission’s recommendation on the Official Map.

- Return a final recommendation to Council for consideration at their meeting on April 6, 2023.

Council appreciates Planning Commission lending both their experience and expertise to the refinement of the Official Map. Should any questions of Council arise during your review, please forward those back to Council through your Council liaisons or staff.
<table>
<thead>
<tr>
<th>MAP ID</th>
<th>Comment</th>
<th>Reason/Intent</th>
<th>Category</th>
<th>Input Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Park</td>
<td></td>
<td>Parkland</td>
<td>Parks and Rec.</td>
</tr>
<tr>
<td>4</td>
<td>While I don’t think it’s possible to use the old rail bed for a bike hike trail, the challenges of using Boalsburg Rd as an alternative still poses challenges. However, the many ownerships of the rail bed, the condition of rail bridges crossing the creek and the private driveway that has slashed the raised embankment of the old rail bed contribute to making a rail bed route unworkable. That’s not to say a bike path along Boalsburg Rd is easy or safe but just that it might be the best option.</td>
<td>Other</td>
<td>Parks and Rec.</td>
<td></td>
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<td>5</td>
<td>The stub for connection already exists at Innovation Park and the connection to the airport has been discussed for decades. University Park Airport serves more than Centre Region residents. A connection off I-99 makes sense for the future.</td>
<td>Other</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>There is already a Paved, Off-road path on the East side of Warner Blvd/Boalsburg Pike between Atherton Street and Oak Hall. It was constructed in 2016 as part of a PennDot project. It is also known as the Kulakowski Bikeway in honor of Bohdan T Kulakowski. This path would give travelers easier access to a airport than the next nearest airport in Williamsport.</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
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<td>7</td>
<td>Note: Linden Hall Road to Oak Hall and Warner Blvd are part of Pennsylvania Bicycle Route &quot;G&quot;.</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>The path on Brandywine Drive from Warner Blvd to Mt Nittany Middle School is already an Off-road, Paved path.</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>The path on Brandywine Drive from Mt Nittany Middle School to Scenery Drive is ON-Road, bikelane.</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Mt Nittany Middle School and Panorama Elementary is NOT part of Fieldstone park and is NOT parkland. It is SCASD property.</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>The Share-Shoulder on Fox Hollow will end up is a cyclist death-trap by design. The Bike Way should be moved to Orchard-Wiley and then along the dirt road in back of Metal Sheds. It is already used by some cyclists.</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>On ALL roads in the township, Please clean the road shoulders earlier in the spring. The accumulation of anti-skid, litter, and animal carcasses that accumulate over the winter force cyclists and pedestrians onto the travel lanes. This would be the single best “bang for the buck” that government could do.</td>
<td>Public Works</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Connection to get Cyclists off Fox Hollow into Village and Toftrees</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>This is already a heavily used bikeway for adults, kids, walkers to get to Slab Cabin. Coming off Shady creating 100’ or less improved shoulder would allow safe biking. Currently a short period has less than 1’ shoulders</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
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<tr>
<td>15</td>
<td>SAFE BIKEWAY - replace sidewalk + extend to link to old roadway</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>SAFE BIKEWAY - 3 Curb Cuts would allow bike passage</td>
<td>Transportation</td>
<td>Parks and Rec.</td>
<td></td>
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<tr>
<td>17</td>
<td>For any bike way on the rail bed or along Boalsburg Road, it should be remembered than when a road closure occurs along Mt Nittany Expressway, like at the “high cross winds curve” an official detour (or unofficial detour) can and will occur along Boalsburg Road. This can extend to Pike Street and Elmwood. An incident like this just occurred in the early AM hours of 3/16/23 with the banana truck accident.</td>
<td>Other</td>
<td>Parks and Rec.</td>
<td></td>
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<tr>
<td>MAP ID</td>
<td>Proposed Facility</td>
<td>Comment</td>
<td>Reason/Intent</td>
<td>Input Committee</td>
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<tr>
<td>1</td>
<td>Greenway</td>
<td></td>
<td></td>
<td>Parks and Rec</td>
</tr>
<tr>
<td>3</td>
<td>Remove Existing</td>
<td>Any traffic on this road would be a traffic night mare as it is only 120 on squirrel from college and ther is a tight hand turning lane</td>
<td>Parks and Rec</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Bike Lane</td>
<td>Walkway</td>
<td></td>
<td>Parks and Rec</td>
</tr>
<tr>
<td>23</td>
<td>Greenway</td>
<td></td>
<td>My comments on Boalsburg Road and a rail bed trail are map ID-4 and 23. I'm trying to express that Boalsburg Road is heavily traveled by quarry trucks and &quot;regular&quot; vehicles. Additionally, there are times when traffic is either directed by emergency responders or just by local knowledge to use Boalsburg Road if there are accidents that close either the east or westbound lanes (or both directions) of By Pass 322. Then Boalsburg Road becomes a temporary detour between the Oak Hall and East College entrances/exits. I feel that even with these challenges this state road needs to be on the official map in case of any future upgrades to Boalsburg Road are planned.</td>
<td>Parks and Rec</td>
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<tr>
<td>24</td>
<td>Other</td>
<td>Question: How does one indicate a UN-paved trail? (eg, mowed grass, or woodchip) ? Or would it be &quot;park&quot; instead of &quot;path&quot;?</td>
<td>Parks and Rec</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Other</td>
<td>Easement: Sample used by PA Dept of Fish&amp;Boat attached. (Laterally from the top of the stream bank to a point not less than 50 feet beyond the top of the bank and including between the banks, granting rights to fishing and access.</td>
<td>Parks and Rec</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Other</td>
<td>Easement, allowing fishing etc</td>
<td>Parks and Rec</td>
<td></td>
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<tr>
<td>27</td>
<td>Other</td>
<td>Easement, allowing fishing etc</td>
<td>Parks and Rec</td>
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<td>28</td>
<td>Other</td>
<td>Easement, allowing fishing etc</td>
<td>Parks and Rec</td>
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<tr>
<td>29</td>
<td>Other</td>
<td>Easement, allowing fishing etc</td>
<td>Parks and Rec</td>
<td></td>
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<tr>
<td>30</td>
<td>Other</td>
<td>Easement, allowing fishing etc</td>
<td>Parks and Rec</td>
<td></td>
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<tr>
<td>31</td>
<td>Other</td>
<td>Attached is the Cottonwood openspace easement &amp; access easement. Use the description in the easement, NOT location drawn by me.</td>
<td>Parks and Rec</td>
<td></td>
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<td>37</td>
<td>Shared Use Path</td>
<td></td>
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<td>Parks and Rec</td>
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<tr>
<td>42</td>
<td>Shared Use Path</td>
<td>Shady Lane Connector</td>
<td>Parks and Rec</td>
<td></td>
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<tr>
<td>50</td>
<td>Shared Use Path</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Bike Lane</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
<td></td>
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<tr>
<td>52</td>
<td>Bike Lane</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
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<td>53</td>
<td>Bike Lane</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
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<td>54</td>
<td>Bike Lane</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
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<td>55</td>
<td>Bike Lane</td>
<td>Reference old Ped Map</td>
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<td>56</td>
<td>Shared Use Path</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
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<tr>
<td>57</td>
<td>Bike Lane</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
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<tr>
<td>58</td>
<td>Bike Lane</td>
<td>Reference old Ped Map</td>
<td>Parks and Rec</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Shared Use Path</td>
<td>Oak Hill Quarry Rail Trail (2)</td>
<td>Much of the old Lemont-to-Lewisburg rail bed remains intact within the quarry property in forested areas which have not been disturbed for decades, when stone mining ceases, College Township will have the opportunity to preserve the natural areas along Spring City and create a year-round recreation area which could become a significant tourist attraction. This could be an important part of land restoration using a sustainable development plan to restore the ecosystem of Oak Hill. Developing the rail bed as a rail trail will help catalyze the transformation of this parcel into a College Township asset having social, economic, recreational, ecological, and transportation value.</td>
<td>Parks and Rec</td>
</tr>
<tr>
<td>60</td>
<td>Shared Use Path</td>
<td>Quarry/322 bypass bicycle/ped path (3)</td>
<td>Development of this bicycle/pedestrian path will help create an alternative transportation corridor connecting Lemont, Oak Hill Regional Park and Boalsburg on a fast, direct route from Old Boalsburg Road to the bicycle path along Warner Boulevard and into Boalsburg. This facility can eventually connect to the Slab Cabin Run Greenway and bicycle/pedestrian path to provide bicycle/pedestrian access from the east into College Township, downtown State College, and Penn State University. Using the 322 right of way makes this a path with gentle grades, which encourages walking and bicycling.</td>
<td>Parks and Rec</td>
</tr>
<tr>
<td>61</td>
<td>Shared Use Path</td>
<td>College Avenue bike/pedestrian Path (5)</td>
<td>Designated a high priority investment corridor in the College Township Pedestrian Facilities Master Plan, College Avenue should have a separated bicycle/pedestrian path from downtown State College to Bellefonte. College Township can initiate this effort by developing the first portion of path from Elmwood Drive to the west College Township line. The social, economic, health, transportation, tourism and recreation benefits will be significant.</td>
<td>Parks and Rec</td>
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<td>#</td>
<td>Type</td>
<td>Description</td>
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<tr>
<td>62</td>
<td>Bike Lane</td>
<td>Bikeway Extension to Easterly Parkway (4)</td>
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<td>Connecting the College Township Bikeway to Easterly Parkway will facilitate bicycling and walking from College Township to State College High School, downtown State College, and Penn State University. This facility will use an off-road path connecting to the College Township Bikeway at its intersection with East Branch Road. The path will proceed beside East Branch Road (potentially using a short segment of the Slab Cabin Run bicycle/pedestrian path) and then descend the Mitchell farm driveway to cross the creek on an existing bridge. It then uses park land and sewer easement along the creek before climbing up the hillside to Shamrock Park to use the park access corridor to exit onto Shamrock Avenue. On-road bike lanes take the route along Shamrock Avenue, Country Club Road, and Oak Ridge Drive to the access to Thompson Woods Preserve. A short section of bicycle/pedestrian path connects from Oak Ridge Drive to the path connecting Thompson’s Woods with Walnut Springs Lane. On-road bike lanes will be used on Walnut Springs Lane to connect to Easterly Parkway.</td>
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<tr>
<td>63</td>
<td>Shared Use Path</td>
<td>Slab Cabin Greenway and Bike/ped Path (1)</td>
<td></td>
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<td></td>
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<td>Slab Cabin Run is a recognized Pennsylvania high quality cold water stream. Land bordering this creek includes some of the most pristine riparian habitat in College Township, even though it lies within a heavily populated area. Elmwood Drive, East Branch Road and University Drive roughly follow the course of this important waterway. The College Township Pedestrian Facilities Master Plan identifies these roads as a high priority investment corridor for pedestrian connectivity. Designating this route a Greenway is appropriate in light of the importance of Slab Cabin Run, and will help bring public attention to the need to preserve this vital community asset. Development of a bicycle/pedestrian path adjacent to these roadways will allow College Township residents and others to experience and learn about Slab Cabin Run. Serving a highly populated area, the route will be an important alternative transportation corridor, providing a safe facility for people of all ages to walk and bicycle to destinations including schools, shopping, healthcare facilities, parks, and other recreation facilities.</td>
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<tr>
<td>64</td>
<td>Greenway</td>
<td>Slab Cabin Greenway and Bike/ped Path (1)</td>
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<td>Comment</td>
<td>Reason/Intent</td>
<td>Input Committee</td>
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<td>1</td>
<td>Parking</td>
<td>Parking area for Mt Nittany</td>
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<td>Parks and Rec</td>
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<td>Parkland</td>
<td>Greenway</td>
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<td>Parks and Rec</td>
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<td>3</td>
<td>Parkland</td>
<td>Extend Thompson Woods</td>
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<td>4</td>
<td>Preserved Land</td>
<td>Expand Millbrook Marsh Area</td>
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<td>Parks and Rec</td>
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<tr>
<td>5</td>
<td>Preserved Land</td>
<td>Expand Spring Creek Park and Preserve Spring Creek</td>
<td></td>
<td>Parks and Rec</td>
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<tr>
<td>6</td>
<td>Preserved Land</td>
<td>Proposed Natural/Preservation Area</td>
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<td>Parks and Rec</td>
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<td>7</td>
<td>Preserved Land</td>
<td>Proposed Natural/Preservation Area</td>
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<td>9</td>
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<td>Proposed Active Recreation</td>
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<td>11</td>
<td>Preserved Land</td>
<td>Proposed Natural/Preservation Site</td>
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</table>
AN ORDINANCE OF THE TOWNSHIP OF COLLEGE, CENTRE COUNTY PENNSYLVANIA,
AMENDING CHAPTER 133, OFFICIAL MAP IN VARIOUS LOCATIONS

GENERAL REFERENCES
Planning Commission — See Ch. 52.
Streets and sidewalks — See Ch. 177.
Subdivision of land — See Ch. 180.
Zoning — See Ch. 200.

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code, Article IV, as
reenacted and amended, the Council of the Township of College adopted an Official Map Ordinance on
November 14, 1985 as Chapter 133 in Ordinance No. 83; amended in its entirety by Ordinance No. O-06-08; and

WHEREAS, the Council of the Township of College remanded to the Township Planning
Commission to review the existing Official Map, collect feedback from the Township Parks and
Recreation Committee on facilities desired within the Township, and prepared a proposed Official Map; and

WHEREAS, a new Official Map has been prepared by the Township that shows the locations
of desired bicycle and pedestrian facilities, streets, parks, pedestrian improvements, priority corridors, and
land reservations; and

WHEREAS, the Township has received recommendations of the College Township Planning
Commission, College Township Parks and Recreation Committee, Centre Region Planning Commission,
Centre County Planning Commission, as well as recommendations of adjacent municipalities that the
streets, parks, corridors, and other public facilities and improvements as designated on the Official Map
attachment hereto should be so located; and

WHEREAS, the Council of the Township of College has given due public notice of hearings of
the proposed Ordinance and has held such public meetings; and

WHEREAS, the Township desires to repeal the prior Official Map and adopt a new Official
Map for College Township.

Article I
General Provisions
§ 133-1 Title.
This chapter shall be known and may be cited as the "College Township Official Map Ordinance."

§ 133-2 Statutory authority.
This chapter is enacted and ordained under the grant of powers by the General Assembly of the
Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act of 1968, L.L.805,
§ 133-3 **Purpose.**
This chapter is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare;

- to facilitate adequate provision of public streets and facilities;
- to improve traffic circulation;
- to provide for the recreational and open space needs of the community;
- to protect and enhance water resources; and
- to facilitate the subdivision of land and the use of land and watercourses; and
- to provide, protect, and/or promote natural areas/nature preserves.

§ 133-4 **Severability.**
Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the chapter than the one so declared.

**Article II**

**Establishment of Controls**

§ 133-5 **Official Map provisions.**
A. The Official Map, as enacted by ordinance, and subsequently amended, shall identify the location of the lines or boundaries of:

1. Existing and proposed public streets, well sites, watercourses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings of same.
2. Existing public and proposed active recreation areas and natural/preservation areas.
3. Bicycle/pedestrian ways and easements.
4. Railroad and transit rights-of-way and easements.
5. Flood control basins, floodways and floodplains, stormwater management areas and drainage easements.
6. Support facilities, easements and other properties held by public bodies undertaking the elements described in Section 301 of the Pennsylvania Municipalities Planning Code.
7. Conservation easements and riparian buffers.
8. **Primary, secondary, and state investment corridors.**
9. **Greenways.**

B. At the time of enactment of this chapter, all existing property records, aerial photography, photogrammatic mapping or surveys designating the location of the lines of existing public streets, rights-of-way, watercourses and public grounds, including surveys prepared by government agencies or incorporated as part of a final recorded subdivision and land development plans duly approved by the College Township Council, shall, by reference, be deemed an attachment to the Official Map for the purpose of designating
For the acquisition of lands or easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor registered in the Commonwealth of Pennsylvania.

For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping, or other methods sufficient for the identification, description and publication of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor, registered in the Commonwealth of Pennsylvania.

The College Township Council, by amending ordinances, may make additions or modifications to the Official Map or part thereof by adopting surveys, property records, aerial photography, or photogrammatic mapping designating the location, the lines, or boundaries of public streets, watercourses or public grounds to be so added or modified and may also vacate any existing or proposed public street, watercourse or public ground contained in the Official Map or part thereof.

The Official Map, including all notations, references and other data shown thereon, is hereby incorporated by reference into this chapter as if it were fully described herein.

Certification of the Official Map.

(1) The Official Map shall be identified by the signatures of the College Township Council members, attested by the College Township Secretary, under the following words: "This is to certify that this is the Official Map of the Township of College adopted by Ordinance No. -- --- --- and referred to in Article II of Ordinance No. -- --- --- of the Township of College, Centre County, Pennsylvania," together with the date of enactment of this chapter. The Map shall be kept on file with the College Township Manager.

(2) The Official Map and Official Map Ordinance have been adopted pursuant to the provisions provided in Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official Map and the Official Map Ordinance of the Township of College, Centre County, Pennsylvania is recorded in the Centre County Recorder of Deeds Office.

Changes in the Official Map. If, in accordance with the provisions of this chapter, changes are made to the location of lines designating existing or proposed public streets, watercourses or public grounds, such changes shall be entered promptly on said Map. All changes, except those resulting from subdivision and land development plans as specified in § 133-11 below, shall be certified by initialing of the Map by the Chairman of Council, together with the amending ordinance number and date of enactment.

The adoption of an Official Map by Centre County shall not affect the Official Map of College Township, except that the Centre County Official Map shall govern as to county streets and public grounds of Centre County in accordance with the Pennsylvania Municipalities Planning Code.

If the Official Map or amendment thereto shows any street intended to lead into any adjacent municipality, a certified copy of the Official Map or amendment thereto shall be forwarded to such adjacent municipality.

For the purpose of preserving the integrity of the Official Map of College Township, no permit shall be
issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner.

§ 133-10 Special encroachment permit.

A. Application. When the property of which the reserved location forms a part that cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the College Township Council for the grant of a special encroachment permit to build on said property. Before granting any special encroachment permit authorized in this section, the College Township Council may submit the application for a special encroachment permit to the College Township Planning Commission and allow the Planning Commission 30 days for review and comment and shall give public notice and hold a public hearing at which all parties of interest shall have an opportunity to be heard.

B. Appeal. A refusal by the College Township Council to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the same time limitation as is provided in Article IX of the Pennsylvania Municipalities Planning Code in accordance with Article V of this chapter.

§ 133-11 Reservations.

College Township shall designate reservations as follows:

A. Size and location. The size and location of a reservation shall be determined as follows:

(1) Reservations shown on the Official Map which are shown as constituting an entire property shall be the same size and the same location as that of the property designated on the Official Map.

(2) Reservations shown on the Official Map which are shown as constituting only a portion of a property shall be sized and located based on the approximate size and location of the designation as shown on the Official Map.

(3) Reservations shown on the Map as corridors or rights-of-way, such as bicycle/pedestrian ways or streets, shall be of a sufficient width to allow for the designated purposes. Rights-of-way for streets shall be in conformance with Chapter 177, Streets and Sidewalks, and bicycle/pedestrian ways shall be at least five feet wide for pedestrian ways or 10 feet wide for off-street bicycle ways, plus a buffer on both sides of the path which would amount to a twenty-foot wide easement or right-of-way.

(4) At the Council's discretion, the size and/or location may deviate from the requirements listed above if it determines that the new size and/or location will allow sufficient size and access for the proposed public use and that new size and/or location will meet the intent of the reservation.

B. Public access. Public access shall be granted for all reservations shown on the Map except for those properties designated as "riparian buffers" on the Official Map. The Council may require public access as part of the acquisition of riparian buffers shown reserved on the Official Map if one of the following conditions is met:

(1) The tract of land in question is proposed to be subdivided, as defined in Chapter 180, Subdivision of Land, into four or more lots, or

(2) The tract of land in question is proposed for a land development as defined in Chapter 180, Subdivision of Land.

C. Bicycle/pedestrian ways. The Official Map shall designate bicycle/pedestrian ways to be located and
provided for as follows:

(1) Those bicycle/pedestrian ways designated as within the right-of-way or public utility easement shall be located within said right-of-way or easement. No land shall be acquired from individual property owners unless there are physical site constraints, in which case the acquisition of additional right-of-way for the bicycle/pedestrian way shall be necessary and permitted.

(2) Those bicycle/pedestrian ways designated as on private property shall require the acquisition of such land necessary from those properties reserved on the Official Map. The location of the acquired land shall be similar to that shown on the Official Map.

(3) Those bicycle/pedestrian ways designated as undetermined shall be located in a manner that limits the need for acquiring private property. Preference shall be given to routes that are within or directly adjacent to rights-of-way and shall be located as to limit the impact to private property as much as possible.

D. Exemptions. Any modifications to a single-family house involving actions listed in § 133-11A which constitute an addition of 25% or less area of the structure or impervious coverage shall be exempt from the provisions of this chapter. The percentage increase shall be measured from the area existing at the time of adoption of the College Township Official Map.

§ 133-12 Reservation period.
The College Township Council shall fix the time for which streets and public grounds shown on the Official Map shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds including riparian buffers shall lapse and become void after the owner of such property has submitted a written notice to the Council announcing his intentions to build, subdivide or otherwise develop the land covered by the reservation, or made formal application for an official permit to build a structure for private use unless the College Township Council shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the following reservation periods as measured from the date of the written notice or made formal application to the Township:

A. Single-family houses. The reservation period for any action which requires a driveway permit, building/zoning permit and/or a zoning change of use permit for a single-family house shall be 90 days unless exempt pursuant to § 133-11D.

B. Land development, subdivisions, conditional use permits. The reservation period for any action which requires land development and/or subdivision approval pursuant to Chapter 180 of the College Township Code or conditional use permit pursuant to Chapters 86, 87 and 88 of the College Township Code shall be one year.

§ 133-13 Effect of Official Map on mapped streets and other public grounds.
The adoption of any street or street lines as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes, nor shall it obligate College Township to improve or maintain any such street. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by College Township.

§ 133-14 Release of damage claims or compensation.
A. Any releases or agreements, when properly executed by the College Township Council and the owner and recorded, shall be binding upon any successor in title.

B. The College Township Council may designate any of its agencies or Township Solicitor to negotiate with the owner of land under the following circumstances:
Whereon reservations are made;  
Whereon releases of claims for damages or compensation for such reservations are required; or  
Whereon agreements indemnifying the College Township Council from claims by others may be required.

Article IV  
Adoption and Amendment

§ 133-15 Procedure.  
Prior to the adoption of any survey of existing or proposed public streets, watercourses or public grounds as the Official Map or part thereof, or any amendments to the Official Map, the College Township Council shall refer such surveys and amendments to the College Township Planning Commission, the Centre Regional Planning Commission and the Centre County Planning Commission for review. The Commissions shall report their recommendations on said proposed Official Map, part thereof or amendment thereto within 45 days unless an extension of time shall be agreed to by the College Township Council. If, however, the Planning Commission(s) fails to act within 45 days, College Township Council may proceed without its recommendations. Centre County and adjacent municipalities may offer comments and recommendations during said forty-five-day review period. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to College Township Council or Planning Commission if requested by same during the said forty-five-day review period. Before voting on the enactment of the proposed Official Map, part thereof or amendment thereto, the College Township Council shall hold a public hearing thereon after giving public notice of such hearing.

§ 133-16 Recording.  
Following adoption of the chapter and Official Map, or part thereof or amendment thereto, a copy of same, verified by the College Township Council, shall be submitted to the Recorder of Deeds of Centre County and shall be recorded within 30 days of the effective date. The fee for recording and indexing ordinances and amendments shall be paid by College Township and shall be in the amount prescribed by law for the recording of ordinances by the Recorder of Deeds.

§ 133-17 Amendment by subdivision plan.  
After adoption of the Official Map or part thereof, all streets, watercourses and public grounds on final recorded subdivision and land development plans which have been duly approved by the College Township Council shall be deemed amendments to the Official Map. Notwithstanding any other terms of this chapter, no public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plan which has been duly approved by the College Township Council.

Article V  
Violations, Penalties and Appeals

§ 133-18 Notice of violation.  
Whenever any person, partnership or corporation shall have violated the terms of this chapter, the College Township Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person responsible for the property or the violation, directing him to comply with all the terms of this chapter within seven days or such additional period, not to exceed 30 days, as the Manager shall deem reasonable, and further the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, College Township may correct the same and charge the landowner or other persons responsible the cost thereof plus penalties as specified herein for failure to comply. Such notice may be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail; or by personal service; or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.
§ 133-19 Violations and penalties.
Any person, partnership or corporation who fails to comply with this chapter within the period stated in the notice of the Manager shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a penalty as set forth by resolution by the College Township Council. Each and every day of continued violation shall constitute a separate violation.

A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this chapter within the time specified by the Manager, College Township may take any actions necessary to correct the violation. The costs for correction of the violation shall be in addition to any penalties for violations for failure to comply.

B. In addition to the fines for violations, costs and penalties provided for by this section, College Township may institute proceedings in courts of equity to prevent, restrain, correct or abate such building, structure or land or to prevent in or about such premises any act, conduct, business or use constituting a violation.

C. The cost for removal, fines and penalties hereinabove mentioned may be entered by College Township as a lien against such property in accordance with existing provisions of law or may be collected by action in assumpsit.

§ 133-20 Appeals.
Any appeal from a decision or action of the College Township Council or of any officer or agency of College Township in matters pertaining to this chapter shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

Article VI
Definitions

§ 133-21 Word usage.
For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.

B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

E. The words "used or occupied" include the words "intended, designed, maintained or arranged to be used or occupied."

§ 133-22 Terms defined.
Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

ACTIVE RECREATION AREAS
Public grounds which would be used for the purposes of providing for activities such as sports, walking, running, biking and play areas. For the purposes of the Official Map, active recreation areas would be
parks that are envisioned to be improved to build facilities such as playgrounds and sports fields/courts.

**BICYCLE/PEDESTRIAN WAYS**
A pathway used for the purposes of providing travel options for bicyclists and/or pedestrians. For the purposes of the Official Map, bicycle and pedestrian ways shall be implemented as easements or through fee simple ownership and typically will be 20 feet wide if not adjacent to an existing right-of-way such as a street.

**BUILDING**
A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

**CONSERVATION EASEMENT**
A nonpossessory interest in whole or part of real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property.

**PRIORITY CORRIDOR**
A passageway, route, and/or street where the municipality would like to see future developments in the pedestrian facilities network.

**Primary Investment** – passageway, route, and/or street identified and/or created based of their high potential for pedestrian traffic within the Township; aimed at closing gaps within the Core System to provide the basic level of connectivity needed.

**Secondary Investment** – passageway, route, and/or street identified as the path of least resistance to overcome an existing significant barrier such as, engineering barriers, policy barriers, and/or private property barriers; the alignment for the connection may not be direct, but represents a more feasible linkage.

**State Investment** - passageway, route, and/or street identified as being owned by the Commonwealth of Pennsylvania and recognized by the Township to be significant in providing connectivity throughout the pedestrian facilities network.

**EASEMENT**
A nonpossessory interest in whole or part of real property imposing limitations or affirmative obligations, the purposes of which stated in the easement in the form of a document recorded with the Recorder of Deeds of Centre County.

**GREENWAY**
A passive, less developed corridor that provides opportunities for both recreation and connectivity; likely to have limited maintenance and as such should not be considered commuter routes in the traditional sense.

**NATURAL/PRESERVATION AREAS**
Public grounds reserved on the Official Map for the purpose of preserving or protecting environmentally sensitive areas, scenic vistas or to provide open space. For the purposes of the Official Map, natural/preservation areas are envisioned to remain unimproved and provide for passive recreation activities such as hiking or mountain biking.

**PUBLIC**
Owned, operated or controlled by a government agency.
PUBLIC ACCESS
A means of physical approach to and through a property made available to the general public.

PUBLIC GROUNDS
A. Parks, playgrounds and other public areas.
B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE
Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor less than 14 days from the date of the hearing.

LAND RESERVATION
A tract of land or portion of which is demarcated for public benefit on the College Township Official Map and thus is considered reserved for the purposes of this chapter. Reservations on the College Township Official Map include active recreation areas, natural/preservation areas, riparian buffers, bicycle/pedestrian ways and roads.

RIGHT-OF-WAY
A corridor of land set aside for use, in whole or in part, by a street. The surface of and space above and below any real property in the Township of College in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, bike path, shared-use path or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes but excluding lands other than streets that are owned by the Township. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way.

RIPARIAN BUFFER
A portion of land adjacent to a body of water which is used to filter stormwater runoff, shade and cool streams, and stabilize stream banks or shorelines. Riparian buffers consist of natural elements, such as trees, shrubs and grasses, and can be used for the purposes of the Official Map as a conservation easement or to allow public access or both.

STREET
A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians. A strip of land or part thereof within the right-of-way, whether dedicated or not, that is intended or used for vehicular and pedestrian traffic. The phrase "in the (a) street(s)" means in, on, over, along, above and/or under the (a) street(s).

TOWNSHIP
The Township of College. County of Centre, Commonwealth of Pennsylvania.

WATERCOURSE
A stream of surface water, including river, stream, creek or run, whether or not intermittent.

Attachments:
Attachment 1 - Official Map
MEMORANDUM

To: College Township Planning Commission

Thru: Adam Brumbaugh, Township Manager

From: Lindsay K. Schoch, AICP | Principal Planner

Re: Zoning Amendment Consideration – Planned Research and Business Park District Properties

Date: March 30, 2023

As the Planning Commission is aware, the Township is in receipt of a rezoning request. At this point, we are refocusing our efforts and planning for the long-term development in Dale Summit.

The Planning Commission reviewed a rezoning request at their March 7, 2023 meeting and suggested staff work closely with DPZ CoDesign, Inc. the consulting firm hired to update the zoning code in Dale Summit. In response, staff reached out to DPZ for their input. Staff has been working with DPZ and is taking a new approach with the requested rezoning. Staff also attached correspondence from the Township Solicitor for his opinion regarding Spot Zoning.

Items to Consider:

The zoning changed in 2016 and there have been no development proposals in the area of the PRBD. What has happened are, zoning changes in the areas surrounding the PRBD to allow for more zoning that is residential.

Ensure the Dale Summit Area Plan Vision remains in the forefront of the discussions of any zoning change effort; understanding that significant changes to meet the spirit of the vision may be requested with any new development proposal between the current time and when the new zoning code is enacted.

Dale Summit Area Plan Vision:

*The overarching Vision of this Area Plan is to transform Dale Summit into The Gateway to College Township. Establishing Dale Summit as an attractive and instantly recognizable PLACE within the context of the larger Township, Region and County. The community envisions an activity hub that is vibrant, economically prosperous, socially equitable and environmentally sustainable. A place, which through proactive planning and well-tailored regulations, strikes a sound balance between encouraging business and industry expansion, while remaining respectful to important community livability factors such as improving housing affordability, providing sufficient public services, and lessening traffic congestion through improved connectivity for all transportation modes.*

A New Approach

As per the request of the Planning Commission and discussions among staff, DPZ is currently working with the PRD Ordinance and tracking any proposed changes with the hopes that these interim changes build momentum toward a form based code or hybrid zoning update in Dale Summit. Therefore, allowing a zoning text
amendment that would permit R3 in PRBD and as such, allow the use of the PRD would be in line with the interim changes DPZ is making to the PRD and should be considered by the Planning Commission.

Synergy. Mentioned at a Planning Commission meeting, PRBD was considered to allow spin-offs from Innovation Park an area in close proximity to Innovation Park to allow for synergy between the uses. Allowing the R3 uses in the PRBD would not only allow the application of a PRD, which would retain the opportunity for a business park expansion but would open the area to residential development in Dale Summit.

A Path Forward:

With DPZ reviewing the PRD Ordinance, staff feels confident that their changes can get us through the interim time while the zoning code for Dale Summit is under development. The Planning Commission should strive to find a zoning district that will accommodate higher density residential development along with the opportunity for mixed uses and potentially, business park expansion.

Staff Recommendation:

The Planning Commission should consider the foregoing and discuss comments and recommendations with staff. The Planning Commission should then recommend to Council R3 uses be permitted in the PRBD Zoning District and request Council move forward with the zoning text amendment process.
March 29, 2023

Lindsay K. Schoch
Principal Planner
College Township
1481 East College Avenue
State College, PA 16801
lschoch@college township.org

Re: Dale Summit

Dear Lindsay:

It is my understanding the College Township Planning Commission is considering rezoning the Dale Summit area. I want to point out a request from a developer should not be the sole basis for rezoning. A request may point to a need for a different or more varied use, but not be the sole reason for the change.

Spot zoning must also be avoided. Rezoning one parcel proposed for development would likely be evidence of spot zoning. The new zone should fit into the broader scheme of zoning.

The Planning Commission should seek specific advice on these and related issues from Township Planning staff and the DPZ consulting staff.

Sincerely,

Louis T. Glantz

LTG:ksr
Procedural Due Process

Couple claims zoning officer and town denied them due process rights in denying requests for zoning, occupancy permits

Citation: Halchak v. Dorrance Township Board of Supervisors, 2022 WL 17742270 (M.D. Pa. 2022)

Anthony and Kelly Halchak (the Halchaks) asked the court to grant their request for judgment without a trial on claims the Dorrance (Pennsylvania) Township Board of Supervisors and code inspectors (the defendants) had violated their procedural due process rights.

DECISION: Defendants’ request for judgment granted.

There was no issue of material fact as to whether the town had violated the Halchaks’ procedural or substantive due process rights, so the defendants were entitled to judgment as a matter of law.

MORE ON THE FACTS

The case arose after the Halchaks bought two adjoining parcels of land in Dorrance Township in 2009. They intended to use the land for a used car lot and that the mailing address for the whole property was 686 South Mountain Boulevard when they purchased it, but that the two parcels acquired separate mailing addresses—686 and 688 South Mountain Boulevard.

The Halchaks alleged that the previous owners had placed cars on the property for sale. But in the 10 years prior to their purchase, there wasn’t any evidence to support the contention that an automotive sales business had operated there.

The town’s zoning ordinance stated “no building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall any land, structure or building be put to any use without first obtaining a zoning permit from the Zoning Officer.” And, a certificate of zoning compliance was also required “prior to the occupation for the use or change of use of any building, structure or land.” Further, “[c]hange of use” was defined as “[a]ny use which differs from the previous use of a building, structure, or land.”

TOWNSHIP’S SALDO APPLIES TO THE PARCEL

In 2006, the Dorrance Township Subdivision and Land Development Ordinance (SALDO) was enacted, which stated “[n]o subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main, gas, oil, or electric transmission line, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public
use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.”

In addition, the SALDO stated “[n]o lot in a proposed subdivision or land development may be sold, and no zoning and/or building permit to erect any building, structure or other improvements upon land in a subdivision or land development may be issued unless and until . . . [t]he plans and application have been granted final approval by the Township Board of Supervisors.”

SALDO also defined “land development” as “[t]he improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving . . . a single non-residential building on a lot or lots regardless of the number of occupants or tenure.”

In 2009, the Halchaks applied for the zoning permit and the board directed them to the zoning officer (ZO), who needed to see an approved land development plan for the site prior to issuing such a permit. The ZO informed them that they would need to submit an application for plan approval. They also learned that they would have to install a bathroom on the property to obtain an occupancy permit.

At a planning committee meeting, the Halchaks asserted they planned to open a used car dealership on the property with about 20 cars for sale. A day later, the ZO sent them an email reiterating that they would need to submit a land development application, but they didn’t follow through at that time.

The Pennsylvania Construction Code Act (PCCA) and the Uniform Construction Code (UCC) governed the “construction, alteration, repair and occupancy of all buildings,” and the Dorrance Board had adopted the PCCA by ordinance passed in 2004. Under the UCC, “‘[a] building, structure or facility may not be used or occupied without a certificate of occupancy issued by a building code official.’”

Prior to seeking to construct or enlarge a commercial building, an applicant had to apply for a required permit. “The application must be presented in the approved format, which, inter alia, requires construction documents prepared by a licensed architect or licensed professional engineer, showing the location, nature and extent of the work proposed and how the project conforms to the [UCC].” From there, a building code official could grant or deny the application in part or its entirety within 30 days of the filing date.

BACK TO THE COURT’S RULING

The Halchaks had a procedural path forward. They had to submit an application with the attachments required under the UCC, after which they would be owed a decision, and subsequently an appeal. “But absent a proper application in the first place, they could point to no deprivation of their rights,” so the defendants were entitled to judgment.

Case Note:

Under state law, a zoning hearing board had “jurisdiction to hear and render final adjudications in matters which include[d] a zoning officer’s ‘failure to act’ on an application for any permit.”

Special Permit

Town’s bylaw requiring special permit for large ground-mounted solar energy facilities challenged

Citation: PLH, LLC v. Town of Ware, 102 Mass. App. Ct. 1103, 200 N.E.3d 527 (2022)

PLH LLC (PLH) appealed a land court’s decision to grant the Town of Ware, Massachusetts judgment without a
trial in a case where it sought to invalidate the town's bylaw requiring a special permit for large ground-mounted solar energy facilities in certain zoning districts.

**DECISION: Affirmed.**

PLH unsuccessfully argued judgment in the town's favor had been improper because the special permit requirement violated Massachusetts General Law chapter 40A section three, which barred municipalities from unreasonably regulating solar installations.

**BACKGROUND ON THE CONTROVERSY**

PLH had sought approval of two large ground-mounted solar energy installations in Ware's rural-residential zoning district in 2018. The town's zoning bylaw required both a site plan review and a special permit for large solar facilities in a residential zone, and its planning board (PB) initially approved PLH's site plan but denied it a special permit.

PLH then filed two lawsuits in land court to appeal to the PB's special-permit decision and to invalidate the special permit requirement of the zoning bylaw.

In the administrative appeal, the judge remanded the special permit determination to the PB, which granted the permit. Then, it was dismissed as moot.

In the present case, the judge granted the town judgment finding that the special permit requirement was valid and that the town had applied it narrowly.

**BACK TO THE COURT'S RULING**

On appeal, PLH claimed the town's special permit requirement violated a specific paragraph of the state's general law (chapter 40A section three), which stated "'No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.' "

To determine the validity of the bylaw under section three, the court analyzed "'the interest that the ordinance or bylaw advances and the impact on the protected use.' "

Here, PLH claimed the special permit requirement wasn't reasonable under section three because it didn't address any "material or legitimate municipal interests beyond those the site plan review already addressed.""

The court disagreed. The paragraph in question gave municipalities more flexibility than other paragraphs in section three, it noted. For instance, "'[t]he paragraphs protecting land use for education, religion, and childcare allow[ed] regulation only of matters such as the bulk and height of structures' whereas the subject (nineth) paragraph allowed 'a broader scope of reasonable regulation, where [it was] necessary to protect the public health, safety or welfare.' " Section three also "specifically bar[red] special permit requirements for agricultural or childcare uses."

But the "nineth paragraph contain[ed] no such prohibition."

The bottom line, according to the court: If the "Legislature intended to prohibit special permits for solar installa-

tions, it would have indicated as such in the ninth paragraph." And, the court added, "PLH's claim that the special permit requirement served[d] no legitimate municipal interest [wa]s unconvincing."

**A CLOSER LOOK**

In rejecting PLH's position, the court explained that "[p]reservation of the character and environment of a zoning district [wa]s a legitimate municipal interest." The town only required "a special permit only for large solar installations in the 'Residential Business' and 'Rural' districts. Site plan review [wa]s the only requirement for large solar installations in the commercial and industrial districts," the court added. "There [wa]s some degree of overlap between the site plan review factors and the special permit criteria" but as the land court had noted, the site plan review was non-discretionary.

At the special-permit stage, the PB considered "a broader set of criteria and ha[d] discretion to grant the permit, deny it, or grant it with condition." When it reviewed PLH's special permit application, it had asked "for site plan revisions to address erosion, grading, drainage, and other issues. The special permit requirement therefore [gave] the town a second opportunity to ensure large solar installations are appropriate for their location," which was a legitimate municipal purpose.

**CASE NOTE**

The court stressed that the special permit requirement also didn't "unreasonably burden or restrict solar installations." It was undisputed that the town's "solar bylaw allow[ed] large solar installations on more than [72] percent of its land area, either with a special permit or after site plan review." "Solar installations that [we]re small, mounted on buildings, used for agriculture, or used for one- and two-family dwellings [we]re exempt from the bylaw."

**PRACTICALLY SPEAKING**

In an unrelated case, the state's highest court had invalidated a bylaw that allowed solar energy installations in only one to two percent of the town's land area. Here, "Ware's solar bylaw [wa]s far less stringent. Nothing suggest[ed] the town ha[d] used the special permit requirement to prohibit solar installations or as a pretext for mere preferences regarding land use." While PLH may have incurred additional costs and experienced delays in the approval process, a special permit by its nature prolonged an approval process because the PB had to review both site plans and special permit applications, and applicants could file for both at the same time. "In this context, the ad-

ditional burden of the special permit application [wa]s reason-

able considering the municipal interests it serves. The special permit requirement therefore d[id] not violate the applicable section of state law and the judge properly granted summary judgment for the town."
RLUIPA

School challenges denial of permit request related to athletic field lighting

Citation: Edgewood High School of the Sacred Heart, Inc. v. City of Madison, 2022 WL 18024626 (W.D. Wis. 2022)

Edgewood High School of the Sacred Heart Inc. (Edgewood) claimed the City of Madison, Wisconsin violated the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Free Exercise Clause and other federal and state constitutional provisions and statutes in denying a permit for outdoor lighting at its athletic fields because Edgewood was a religious institution.

The city asked for judgment without a trial, claiming that it didn’t have religious motive for denying the permit and that the permit had been denied for three reasons:

- the surrounding residential neighborhood association’s continued resistance to Edgewood holding loud and bright football games at night;
- their concern over lowering of property values; and
- the impact granting it would have on the immediate neighbors.

The city also argued Edgewood wasn’t exempt from zoning criteria or resistance from neighborhood associations simply because it was a religious school, especially where the evidence of record established that its religious mission did not play any discernable role in the city or neighborhood’s opposition to the field lighting permit.

DECISION: City’s request for judgment granted.

Edgewood didn’t meet its burden of establishing a religious motive for the city’s action.

MORE ON THE FACTS

Edgewood, a private Catholic high school located in Madison, provided college-preparatory curriculum. It shared its campus with Edgewood College and a primary school.

In 2007, the city began rewriting sections of its zoning code. The process of obtaining a conditional use permit to authorize changes to an institution’s buildings or outdoor spaces consisted of city review, a public hearing, and a vote by the city’s planning commission.

Edgewood wanted the city to employ a more streamlined process, and a zoning code rewrite ensued to establish “Campus-Institutional (CI) Districts,” which took effect in 2013.

The CI Districts were created to: “Balance the ability of major institutions to change and the public benefits derived from change with the need to protect the livability and vitality of adjacent neighborhoods . . . [and] [c]encourage the preparation of Campus Master Plans that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures.”

Prior to the change, all of Edgewood’s campus was zoned “residential,” and once it was rezoned it submitted a proposed master plan, which was conditionally approved. The plan proposed close to two-dozen projects, including repaving the school’s parking lots. But none of the proposals involved improvements to a new athletic field.

The local Dudgeon-Monroe and Vilas Neighborhood Associations, which bordered Edgewood’s campus on three sides met with it about its proposed Master Plan because they were concerned about noise and lighting that could disrupt their neighborhoods, which had a lot of wooded space.

In 2015, Edgewood applied for permits to run conduits for lighting and communications underneath the athletic field, which was granted. Because the technology for the field lighting and communications were not yet available, however, the school did not request permission to install lighting at that time.

Following a 2015 track upgrade, Edgewood increased the number of games played on the field. A year later, it discussed adding lighting and seating to the field with the Neighborhood Liaison Committee. At that point, a group of residents opposed any additional expansion, raising concerns over traffic, lighting, and noise. This was nothing new either—since 1996 residents had opposed Edgewood athletic complex expansion for the same reasons.

Ultimately, the planning commission found that lights would have “a substantial negative impact on the uses, values, and enjoyment of surrounding properties” and that there wasn’t any evidence that Edgewood had submitted to indicate that there wouldn’t be any negative impacts as a result of the lighting. Further, it hadn’t proposed any measures to mitigate, such as by installing noise barriers or limiting the number of events to be held.

Edgewood appealed to the Common Council, which considered evidence including:

- two sound studies;
- testimony from homeowners on property values effects;
- videos of past Edgewood games; and
- neighbors’ testimony suggesting that Edgewood had been dishonest before and might not abide by its agreements.

The council upheld the planning commission’s findings, so Edgewood appealed.

BACK TO THE COURT’S RULING

RLUIPA barred “city ordinances or zoning rules from treating religious land uses worse than secular land uses.” Here, Edgewood claimed the city violated both the equal terms and substantial burden provisions of RLUIPA.

Equal terms—Under this RLUIPA provision, a government could not “impose or implement a land use regulation in a manner that treat[ed] a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.”

In a situation like this, where Edgewood alleged “
truly neutral’ zoning ordinance” had been “‘selectively enforced against religious, as opposed to nonreligious assemblies or institutions,’” it had to show that “the religious land use was treated differently from a secular land use ‘from the standpoint of an accepted zoning criterion.’”

Here, the comparators to which Edgewood pointed were sufficient to help it prove its case. One comparator, the University of Wisconsin-Madison (UW-Madison), had been subject to different zoning regulations, which “clearly prevent[ed] comparison ‘from the standpoint of an accepted zoning criterion’” and “the lighting of tennis courts at the UW-Madison was isolated to a part of campus surrounded by multiple athletic fields and UW education facilities, as well as away from any residential neighbors or neighborhoods.”

The other purported comparator—Vel Phillips Memorial High School—wasn’t relevant because it hadn’t created a master plan and was subject to the same zoning rules as Edgewood. “More importantly, Memorial was also simply replacing its light poles, resulting in them being considered maintenance, rather than a new capital improvement,” the court noted.

The bottom line: Edgewood failed to show that “either of its proposed comparators were actually treated better under the same approval process as Edgewood, as their lighting applications were submitted at different time, under entirely different rules and markedly different circumstances.”

Substantial burden—Edgewood claimed the city had substantially burdened its religious exercise, which RLUIPA barred. “The initial question [wa]s whether putting lights on an athletic field is a religious exercise for . . . Edgewood at all,” the court explained. “RLUIPA define[d] religious exercise as ‘any exercise of religion, whether or not compelled by, or central to, a system of religious belief,’” it added.

Here, Edgewood suggested athletic fields had long been a part of its institution, and “consistent with the Sisinewa Dominican tradition of educating the whole person.” But the case wasn’t about athletics generally, it was about the school’s ability to install lights so it could use the athletic field at night. “Whether or not athletics can be found important to Edgewood’s Catholic educational mission says little, if anything, about the need to use the field at night for this purpose. Indeed, use of the field at night has never been a part of Sisinewa’s Dominican strategy, which largely takes place during regular school hours,” the court concluded.

Further, even if the court was to assume that using the athletic fields at night was an important element of Edgewood’s religious exercise, there was “no evidence that it [wa]s substantially burdened by having to play night home games at a different field.”

Setbacks

Lawsuit comes after variance request to decrease required setback at the rear of residence to install a pool

Citation: Tejera v. Town of Miami Lakes, 2022 WL 18000075 (Fla. Cir. Ct. App. Div. 2022)

Lazaro and Reina Tejera appealed an order by the Town of Miami Lakes, Florida’s planning and zoning board (PZB) denying them a zoning variance. The court treated their appeal as a “writ of certiorari.”

DECISION: Denied.

The Tejeras didn’t address any of the elements pertaining to the court’s “narrow standard of review.”

THE FACTS SURROUNDING THE SETBACK REQUEST

The Tejeras applied for a variance to decrease the required setback at the rear of their residence to install a swimming pool and attached canopy. A staff analysis report, which was submitted to the PZB indicated that the request was due to the “fact they additionally plan[ed] on building an attached canopy in their backyard; in their view the additional room provided by the proposed variance [wa]s necessary for aesthetic reasons and to increase their utility and enjoyment of the planned improvements.”

The PZB scheduled a hearing on the variance request. At the hearing the Tejeras were allowed to make an additional request for a second variance to decrease the side setback to five feet from seven-and-a-half feet required by the zoning code. They claimed they needed this because Reina’s mother, who was disabled, visited their home on occasion and the decreased side setback would give enough space for her wheelchair to get through the doors to the outside patio.

The PZB approved the request for a variance to decrease the side setback but denied the request to decrease the rear setback. Specifically, the order provided in accordance with the town’s Land development Code (LDC), the PZB had considered the testimony and evidence in the record before concluding that the request didn’t comply with the variance criteria outlined in a specific section of the LDC.

BACK TO THE COURT’S RULING

The court applied a three-part standard of review to the PZB’s decision. It had to decide whether:

- procedural due process had been provided;
- the essential requirements of law had been observed; and
- the administrative findings and judgment were supported by competent substantial evidence.
Here, the Tejeras claimed—"without citation to a record appendix or transcript"—that they had been improperly denied a variance to their rear setback that was needed to accommodate the mother's disability. They did not, however, "address any of the elements constraining [the court's] narrow standard of review."

But the Tejeras hadn't been deprived due process. They were provided with notice of the hearing and had an opportunity to be heard. And they had the opportunity to "present evidence, cross-examine witnesses, and be informed of all the facts."

The bottom line: It was "apparent that [the Tejeras] were permitted to present arguments and make an additional variance request to adjust the side setback of their property, a request that was granted. And in contrast to their argument on appeal that the rear setback variance was needed to accommodate a disabled visitor, their written request for the rear variance was based on their desire to build a canopy and increase aesthetics and enjoyment of their property, so the[y] . . . were therefore afforded due process."

Finally, there was "[c]ompetent substantial evidence" to support the PZB's decision. The staff analysis report "constitute[d] competent substantial evidence to support a zoning decision," and in addition to that analysis, the Tejeras had the chance to testify and introduce evidence. "The plans for the pool and patio accoutrements were admitted as were letters from interested neighbors. Therefore, competent substantial evidence supported the [PZB's] decision," the court found.

Practically Speaking:

"In denying the variance to the rear setback, the [PZB] did not depart from the essential requirements of law," the court found.

"Within the order, [it had] applied the [s]tate ordinances governing variances from the . . . [LDC]. The requirements of law were therefore abided," the court added.

Zoning News Around The Nation

California

Palmdale poised to update general plan and conduct environmental review in accordance with CEQA

The City of Palmdale, California is in the process of updating its General Plan. It is also conducting an environmental review in accordance with the California Environmental Quality Act (CEQA).

"With the help of the community, the City has reached Phase Five of the General Plan Update and has prepared the Draft General Plan document, which will be the City's 25-year guide for growth and development," the city's website stated.

Visit palmdale2045.org, where you can find the draft zoning map (static1.squarespace.com/static/5c7de93065a707492aca3e47t/634e0d3de89406df19dcbf3/167149852247/Palmdale_Zoning_Map_Public_Draft_122222_Large.pdf) and ordinance (static1.squarespace.com/static/5c7de93065a707492aca3e47t/634e0d3de89406df19dcbf3/167149852247/Palmdale_Zoning_Code_Public_Draft_122222_New.pdf).

Antelope Valley Press reported in December 2022 that residents are currently invited to give comments on the zoning map and ordinance proposals. The invitation came after the city council adopted the proposed general plan updates in the fall of 2022.

For more information including links to planning commission and site plan review documents, visit cityofpalmdale.org/176/Planning.

Sources: cityofpalmdale.org; avpress.com

Florida

FPZA awards Clay Town Center Master Planning of Land Areas award

The Clay Town Center (CTC) has received the Florida Planning and Zoning Association's (FPZA) Master Planning of Land Areas award, which "recognizes the collaborative effort of Paradigm Development Partners, Kimley-Horn and Associates, and local planning and zoning leaders to bring the Clay Town Center vision to life," a press release stated.

CTC, which is designed to be a mixed-use development, provides "a pedestrian-friendly community that blends residential, commercial and industrial elements, following the guidance of smart growth. The planning strategy fosters a community design by including a mix of retail, restaurants, hotels, professional offices, residential space, and self-storage," the press release added.

The CTC also features:

- internal roads; and
- sidewalks, both which provide "easy access for all users, with architectural elements that are aesthetically pleasing."

"This award confirms and validates the developer's vision to create an award-winning commercial mixed-use project in the Middleburg, Florida, market, all with a park type setting," explained Rick Friedman of Paradigm Development.

To learn more about the FPZA, which celebrates "exceptional land development" in the Sunshine State's private and public sectors, visit fpza.org. When being considered for FPZA recognition, development projects are evaluated on:

- compatibility;
- aesthetics and design;
- land planning innovations;
- protection and preservation of natural resources; and
- sustainability.

For more on CTC, visit claytowncenter.com.

Source: globenewswire.com
Massachusetts

BPDA designates close to 40% of more than 3,000 net housing units approved as income-restricted

The Boston Planning and Development Agency (BPDA) has approved development proposals for 3,247 net housing units, which resulted in a net increase of 9.3 million square feet of development worth $6.4 billion for 2022.

More than 1,100 units (36%) are income restricted, the BPDA explained. This represents the highest percentage of income-restricted units being approved in the last period, it added.

BPDA also provides information on neighborhood planning studies:
- Mattapan;
- Charlestown;
- downtown Boston;
- the city’s Newmarket section; and
- East Boston.

And it has launched the South Boston Transportation Action Plan and the Western Avenue Corridor Study and Rezoning, which it recently adopted.

For more information on the BPDA’s housing units, as well as links to these neighborhood and planning updates, visit bostonplans.org/news-calendar/news-updates/2022/12/30/bpda-approves-3247-net-units-of-housing-in-2022.

Source: bostonplans.org

Pennsylvania

Pittsburgh’s planning department announces city code reforms

The City of Pittsburgh’s Department of City Planning, along with the mayor’s office, is reforming the Art Commission and Percent for Art Program sections of the city code.

“These legislative changes provide us with an incredible opportunity to examine the right role of government in the public realm,” said Mayor Ed Gainey. “They aim to improve the form and function of the Art Commission and lay the groundwork for improved public art and civic design review processes,” the mayor added.

Among the proposed changes are to:
- separate the Art Commission into two committees that review public art and civic design for more focused expertise and “a more specific review criteria for projects appearing before each committee”; and
- expand locations and types of artworks eligible for Percent for Art funding “by creating a centralized budget line for the program rather than individual percent for art calculation within each project.”

“The City code governing Pittsburgh’s public art has not been comprehensively updated since 1977. We’re still using 20th century code to plan for a 21st century city. To create a more comprehensive vision for the public realm, we need to rationalize and modernize both the composition and scope of the Art Commission,” said Assistant Director of Public History, Art, and Design Sarah Minaert.

Additionally, the city will finalize a Public Art Trust Fund to collect contributions to its Public Art Performance Point program. “Established in the Zoning Code in 2018, the performance point system allows developers to increase their density by incorporating community priorities into their projects such as affordable housing, public art, and energy efficient design. The fund will also be able to receive private charitable donations, matching funds from charitable entities, and transfers from the general fund, as budgeted.”

To access a summary of the proposed changes, which have been submitted to the city council for review and will immediately go into effect if approved, visit pittsburghpa.gov/press-releases/press-releases/5940.

Source: pittsburghpa.gov

New Jersey

Morris Township considers approval of four single-family rather than 11 townhouse homes on nearly three acres of land

At a recent Morris Township, New Jersey public hearing, interested parties discussed a proposal to amend the zoning map so that 2.66 acres of land could be rezoned to “RA-15 zone.” In 2020, the Board of Adjustment had voted in favor of the application to develop 11 townhomes on the land, but given the nature of the application, a supermajority was required for approval, which was not met.

Since 2021, the township has been embroiled in litigation with the applicant concerning the right to develop the townhomes there. “Due to the potential of this matter to go to court, where a judge might remand the decision back to the Board of Adjustment for consideration of townhomes or overturn the BOA decision and approve the application, the Township Committee feels that zoning the property to allow 4 single family homes, with 3 acres of open space inventory is the best realistic alternative to limit over development of this property,” the township’s website noted. “[T]o prevent the construction of 11 townhomes, which the governing body feels is too large for the property, we have reached a settlement agreement to rezone the property so that it is consistent with zoning of neighboring properties. As a result, 4 single family homes would be permitted on this property while 3 acres of open space will be acquired by the Township for preservation.”

As of print time, the minutes from the December 2022 meeting had not yet been made available for download. Visit morristwp.com/AgendaCenter for updates.

Source: morristwp.com

South Carolina

St. Helena Island’s cultural protection overlay measure being challenged

In 1999, Beaufort County, South Carolina adopted a cultural protection overlay (CPO) measure blocking the emergence of large golf courses and gated communities that became the norm in nearby Hilton Head. Now, according to a news report by Post and Courier, a developer is challenging the measure with a plan to construct a gated community and 18-hole golf course.

The developer recently asked the county to set aside
nearly 500 acres of undeveloped land from the overlay, but
the plan has been met with criticism from community activ-
ists and conservationists, the news outlet reported.

You can download additional information about the
CPO at shorturl.at/opxFs.

Source: postandcourier.com

Virginia

Arlington public hearing discusses proposal to amend
county zoning ordinance

A December 2022 public hearing focused on a proposal
to amend the Arlington, Virginia’s County Zoning
Ordinance. The board also considered a resolution to
transfer development rights for residential units between
Haven Apartments and a Macy’s site in Ballston (at 685
and 701 N. Glebe Road) for the purpose of historic preser-
vation of, and conversion to committed affordable homes
within, the Haven Apartments. “The proposal also includes
a site plan amendment to redevelop the Ballston Macy’s
site with a 16-story, 553-unit residential building with
ground floor retail, including a grocery store, and modifications to the Zoning Ordinance,” Arlington’s website stated.

The agenda and staff reports (Nos. 33 A-D on the
agenda), visit arlington.granicus.com/ViewPublisher.php?
view id=2.

Source: arlingtonva.us

Washington, D.C.

New playbook recommends how to leverage federal EV
infrastructure investments at the county, city, and town
levels

A new report by the Electrification Coalition (EC)
recommends ways that county, city, and town governments
“can leverage federal investments in electric vehicle (EV)
infrastructure,” an EC press release stated. “It provides a
‘checklist’ of actions and strategies that local governments
can enact now and in the future, including best practices,
innovative policy approaches, and lessons from previous
charging deployments,” EC added.

With the signing of the Bipartisan Infrastructure Law
and Inflation Reduction Act into law, the federal govern-
ment “dedicate[d] funding to establish a nationwide
network of EV charging stations and incentivize EV
purchases. Local governments will play an instrumental
role in ensuring these funds are implemented efficiently,
effectively and equitably,” the EC stated.

The report covers issues like:

- near- and long-term policy recommendations;
- state and regional planning;
- stakeholder and community engagement; and
- site planning.

“Recent federal investments in EV deployment will
reduce pollution, create jobs, and strengthen U.S. energy
security,” said Chris Bast, director of EV infrastructure
investments at the Electrification Coalition. “Municipali-
ties stand to benefit significantly from transportation
electrification, but they must be prepared to leverage this
funding. We hope they utilize the Local Government
Playbook as a resource to maximize this historic op-
portunity,” Bast added.

To download the Local Government Playbook, which
also includes links to additional resources that local
government officials can use to support transportation
electrification projects, visit electrificationcoalition.org/wp-content/uploads/2022/12/Local-Government-Playbook-
Reader-file.pdf.

Source: electrificationcoalition.org