



LEO S. LUTZ
Mayor

EVAN M. GABEL
Solicitor

HEATHER ZINK
Borough Council President

MARK E. STIVERS
Borough Manager

COLUMBIA BOROUGH PLANNING COMMISSION

Paul W. Myers Council Chamber, 308 Locust Street, Columbia

September 19, 2023 – 7:00 p.m.

Final Agenda

This meeting will be uploaded to the Borough's YouTube Channel as a convenience and is not meant to replace in-person participation in the meeting.

- 1) Call to Order:
- 2) Moment of Silence:
- 3) Pledge of Allegiance:
- 4) Approval of Minutes:
 - a) Consider Approval of the Planning Commission Meeting Minutes from the August 15, 2023, Regular Meeting
- 5) Zoning Hearing(s) Consider Motion to Recommend to Zoning Hearing Board:
 - a) None
- 6) Engineer's Review(s) of SALDO Applications – Consider Motion:
 - a) None
- 7) Demolition Applications Consider Motion to Recommend to Borough Council:
 - a) None
- 8) Action Items:
 - a) 451 Mill St – Columbia Catholic Housing – SALDO – 90 Day Time Extension
- 9) Discussion Items:
 - a) Project Updates



- 10) Old Business (for discussion):
- 11) New Business (for discussion):
- 12) Public Comments and Questions:
Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, foul language, personal insults, threats, attacks, or any conduct that disrupts the flow of business is out of order.
- 13) Motion to Adjourn:

Next Meeting Scheduled for Tuesday, October 17, 2023

If you are person with a disability wishing to attend this meeting and require an accommodation to participate in the meeting, please contact the Columbia Borough Office at (717) 684-2467 at least 24 hours prior to the meeting.

MINUTES
COLUMBIA BOROUGH PLANNING COMMISSION
August 15, 2023

MEMBERS IN ATTENDANCE:

Mary Wickenheiser, Chairperson
Tiffani Lynn, Vice-Chairperson
Brad Lynn, Secretary
Marilyn Kress Hartman
Kelly Murphy
Nathan Roach

STAFF IN ATTENDANCE:

Heather Zink, Borough Council President
Eric Kauffman, Borough Council
Mark Stivers, Borough Manager
Derek Rinaldo, CS Davidson, Borough Engineer
Deb LaClair, Administrative Assistant

GUESTS IN ATTENDANCE:

Attorney Claudia Shank, McNeese, Wallace & Nurick LLC – 445 Linden Street
Devon Wagner, Oaktree Outdoor Advertising LP – 445 Linden Street
Don Murphy, Cimarron Construction – 445 Linden Street

CALL TO ORDER:

Chairperson Wickenheiser called this regular meeting of the Columbia Borough Planning Commission to order on Tuesday, August 15, 2023, at 7:00 p.m.

Justin Evans and Annette White were absent from this meeting.

There was a moment of silence and the pledge to the flag.

APPROVAL OF MINUTES:

Tiffani Lynn motioned to approve the Regular Planning Commission meeting minutes from July 18, 2023, and Marilyn Kress Hartman seconded. All favored this motion.

ZONING HEARING(S):

There were no zoning hearings for review.

ENGINEER'S REVIEW(S):

254 Blue Lane – Derek Rinaldo, Borough Engineer, stated the Borough submitted a minor sub-division plan for the 254 Blue Lane property. He explained this was reviewed by LCPC, there were no waivers requested and complies with the Zoning Ordinance. The acreage to be sub-divided was located to the east side of Blue Lane and would be put up for sale once the process was complete.

Kelly Murphy motioned to approve the minor sub-division plan for the Borough of Columbia located at 254 Blue Lane and Tiffani Lynn seconded. All favored this motion.

DEMOLITION APPLICATION(S):

There were no demolition items.

ACTION ITEMS:

445 Linden Street – Mary Wickenheiser stated there has been a zoning amendment request received to place an off-premises sign on the property located at 445 Linden Street. Attorney Claudia Shank, McNees Wallace & Nurick LLC, handed out exhibits to the Commission and stated she was representing Oaktree Outdoor Advertising LP, to place a billboard on the site located at 445 Linden Street. She stated the billboard sign area would be 672 square feet and 4 foot tall. There was discussion with the Borough regarding this billboard as a gateway entrance sign but there were some limitations per the Zoning Ordinance, which was why there was a request for an amendment. Attorney Shank clarified that the amendment would only affect Route 30 and the current requirements would remain for Lancaster Avenue. She added the billboard could be used for public service messages. Mary Wickenheiser clarified the property owner and discussed existing billboards along the Route 30 corridor in Columbia. Devon Wagner, Oaktree Outdoor Advertising LP, gave a brief background on the company and stated this site was chosen because Route 30 was the gateway through Lancaster County. He informed the Commission that not only would this be advertising for businesses but would also be used for public announcements and emergency management services. Devon showed a rendering of the area and the placement of the billboard, which would have a changing message every 7-8 seconds. Mary Wickenheiser expressed her concerns with driver distraction in a tight merge area driving east on Route 30. Devon stated PennDot regulations allow changing billboards to be placed in the proximity to off/on ramps and there have been studies done that show digital billboards do not cause accidents. Mark Stivers, Borough Manager, pointed out where the driver would catch sight of the billboard. Devon added there was approximately 300-500 feet for message reading.

Don Murphy talked about the existing sign located on the parcel that would be removed and the fact that the new sign would be smaller and would provide public service messages.

Mary added the comprehensive plan addresses the gateway entrances to Columbia. Brad Lynn stated the discussion hit all his bullet points and he had no problem with this amendment as long as all regulations were met. Nathan Roach also had concerns with where the driver would see the billboard and the traffic merge area. Mary explained the amendment to the Zoning Ordinance would prevent the applicant from appearing before the Zoning Hearing Board. Attorney Shank stated that was correct. Mary asked about the potential for additional signs. Devon stated there were no plans for additional signs. Derek Rinaldo stated there are requirements to stay away from the PennDot right of way including encroachments and overhangs. Devon stated that was correct. Tiffani Lynn asked how much local information would be used on the billboard messages. Devon explained the pricing. Don Murphy added placing a message was very affordable. Devon also added there was a tremendous amount of non-profits that use this type of messaging. Kelly Murphy asked if local events could be added as well. Don stated the Merchants Association would act as the go between to get local events on the billboard. Marilyn Kress Hartman stated she liked the idea but also had concerns with the sign being seen after exiting the underpass. Mary asked what would happen next if this amendment was approved. Attorney Shank stated the use would be by-right and only a permit would be required. Derek stated the size and

frequency with which the sign would change messages was already permissible. Nathan asked why the change in location from the other sign. Devon stated to address the setback requirements. Mary Wickenheiser expressed concerns that no changes be made to the Zoning Ordinance until the comprehensive plan was adopted. She also wanted to wait to see the LCPC comments on this amendment. Councilperson Kauffman asked why there was a recommendation to change the ordinance and not go to the Zoning Hearing Board. Mark stated the applicant was given a choice. Attorney Shank explained why they chose not to go before the Zoning Hearing Board. Mary asked that this issue be tabled until the October 17th Planning Commission meeting.

Tiffani Lynn motioned to table the Zoning Ordinance amendment with regards to 445 Linden Street until the October 17th Planning Commission meeting. Motion failed due to a lack of a second.

Brad Lynn stated he was not against fast tracking this amendment.

There was further discussion about the potential to install additional signs and the timeline for Zoning Ordinance changes. The Borough Solicitor previously reviewed this application.

Tiffani Lynn motioned to table the Zoning Ordinance amendment with regards to 445 Linden Street until the October 17th Planning Commission meeting and Kelly Murphy seconded. All favored this motion except Brad Lynn who voted no. Motion carried.

170 South Fifth Street – Mary Wickenheiser stated the blighted property application was in the planning meeting packets and would go before the vacant property board. Council President Zink gave background information on this property.

Tiffani Lynn motioned to begin the blighting process for the property located at 170 South Fifth Street and Kelly Murphy seconded. All favored this motion.

313 North Second Street - Mary Wickenheiser stated the blighted property application was in the planning meeting packets and would go before the vacant property board. Council President Zink gave background information on this property.

Tiffani Lynn motioned to begin the blighting process for the property located at 313 North Second Street and Kelly Murphy seconded. All favored this motion.

DISCUSSION ITEMS:

Curb and Sidewalk Ordinance - Mary Wickenheiser asked Derek Rinaldo to explain this ordinance. Derek stated this ordinance addresses curb and sidewalk and the responsibility for payment. There was an update to the curb and sidewalk map as well. There was discussion regarding trees planted during street projects and now the trees were destroying the sidewalks. Derek explained the Shade Tree Commission was working on a tree inventory. Nathan Roach asked that any charges to citizens be made clear. Derek stated they would explore multiple avenues for pricing. Derek talked about the timeline for adoption of this ordinance.

OLD BUSINESS:

There were no items under old business.

NEW BUSINESS:

Mary Wickenheiser stated the comprehensive plan would be coming before the LCPC on September 11th.

Mary stated the next meeting of the Planning Commission would be held on September 19th.

PUBLIC COMMENTS AND QUESTIONS:

There were no public comments.

ADJOURNMENT:

Kelly Murphy motioned to adjourn this meeting of the Columbia Borough Planning Commission at 9:02 p.m. and Tiffani Lynn seconded. All favored this motion.

Respectfully submitted,

Brad Lynn, Secretary



ARRO Consulting, Inc.
Corporate Headquarters
108 West Airport Road
Lititz, PA 17543
P: (717) 569-7021

September 8, 2023

Via Electronic Mail

Ms. Mary Wickenheiser, Chair
Columbia Borough Planning Commission
308 Locust Street
Columbia, PA 17512

RE: Columbia Catholic Housing for the Elderly
Time Extension Request
ARRO #11259.00

Dear Chairwoman Wickenheiser:

On behalf of our client, Columbia Catholic Housing for the Elderly, ARRO Consulting is requesting a 90-day time extension for the Trinity House Parking Lot Project, in accordance with §190-13.D of the Columbia Borough Subdivision and Land Development Ordinance.

The Borough received a complete submittal package on June 27, 2023, and comments from C.S. Davidson were issued on July 27, 2023.

Through the comments received from C.S. Davidson, the Applicant needs to secure a zoning variance for an encroachment within the 25' rear yard setback. The decision of the Zoning Hearing Board could have an impact on the current layout that would result in a redesign of the parking lot, therefore additional time is needed due to the meeting dates of the Zoning Hearing Board.

The goal of the Applicant is to be placed on the agenda for the October, 2023 Zoning Hearing Board meeting and to resubmit revised plans to the Borough in November, 2023.

Your consideration of this request is appreciated. Please call me at 717.205.4581 if you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Van Arsdale", is written over a white background.

Edward J. Van Arsdale, III, PE
Project Manager II

EVA:sk

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www.arroconsulting.com

OUT-IN-FRONT. EVERY STEP OF THE WAY.

Columbia Borough

Address	Approved for acquisition	Acquired/plan development	Sold to developer	Developed in house	Acquisition funding source	Rehab funding source completed	Sold to homeowner	Comments
304 Cherry Street 	X	X		X	Local	LOC	X	
511 Cherry Street 	X	X	X		Local	Private	X	
208-210 Locust Street 	X	X	X		Local	Private	X	
839 Blunston Street 	X	X	X		CDBG	Private	X	
551 Avenue H 	X	X	X		Local		X	
494 Manor Street 	X	X	X		CDBG	Private	X	
237-239 S. Fifth Street 	X	X	X		PHARE	PHARE		Sold to Habitat for Humanity. Construction started on 5/1. In monitoring phase.
233 S. Fifth Street 	X	X			PHARE	PHARE		Holding for later phase of Fifth Street project
149 S 5th Street 	X	X	X		PHARE	PHARE	X	
324 Union Street 	X	X	X		CDBG	Private	X	
921 Spruce Street 	X	X	X		PHARE	Private		Waiting for lead test results to return. Will then seek occupancy certificate.
243 + 245 S. 5th Street 	X	X	X		PHARE	PHARE		Sold to Habitat for Humanity. Construction started on 5/1. In monitoring phase.
154 S. Fifth Street + 461 Avenue K 	X	X			PHARE			Demolition completed. Bids received for architectural services, to be tabulated week of 8/14
156 S. Fifth Street 	X	X			PHARE			Demolition completed. Bids received for architectural services, to be tabulated week of 8/14
149-151 Stump Ave 	X							After some communication with the homeowner, have not heard from her or her attorney in several months.
318 Poplar Street 	X	X			CDBG			Construction in progress. To be completed at the start of 2024.
612 Franklin Street 	X	X			CDBG			Minor interior renovation started. To seek permits soon for any exterior or major interior rehab.
170 S. Fifth Street 								Submitted for VPRB consideration.
313 N. Second Street 								Submitted for VPRB consideration.

County Commissioners

Ray D'Agostino, Chairman
Joshua G. Parson, Vice Chairman
John B. Trescot, Commissioner

Executive Director

Scott W. Standish

MEMORANDUM

23LU

To: Mark E. Stivers, Manager
Columbia Borough

From: Alex W. Rohrbaugh, AICP
Senior Planner



Date: September 13, 2023

Re: CPF #: 11-84, *Columbia2040* Comprehensive Plan
Columbia Borough
LCPC Meeting of September 11, 2023

The Lancaster County Planning Department (LCPD) staff has reviewed the above-referenced draft **comprehensive plan** and recommends **approval**. The plan is consistent with the “Big Idea” policy goals for municipalities being promoted by LCPC, as described below in the ‘Commentary’ section.

PROPOSAL

Columbia Borough is proposing to adopt a new comprehensive plan, *Columbia2040*, to replace its 1995 Comprehensive Plan.

Columbia2040 contains two documents: the ‘Compendium’ and the ‘Implementation Guide’. Providing benchmarks to gauge future success, the ‘Compendium’ offers a detailed analysis of existing conditions at the time of plan development. The ‘Implementation Guide’ provides a detailed working document meant to identify actionable strategies for *Columbia2040*’s five (5) Bold Ideas:

- More Feet in the Street;
- A Place to Call Home;
- A Skilled and Educated Community;
- Telling Our Story; and
- Growing and Sustaining a Complete Community.

BACKGROUND

In 2020, the Borough hired C.S. Davidson as its consultant for *Columbia2040*. Lancaster County Planning staff then worked closely with C.S. Davidson staff to achieve consistency with *places2040* and the 2019 Lancaster Active Transportation Plan. As a result of this effort, Columbia’s new comprehensive plan notes how *places2040*’s catalytic tools relate to *Columbia2040*’s bold ideas. In addition, its ‘Compendium’ describes how the proposed Future Land Use Map is consistent with *places2040*’s character zones.

COMMENTARY

Pages 10 through 12 of the ‘Implementation Guide’ note how *Columbia2040* relates to *places2040*’s Big Ideas, policies, and catalytic tools. Here are some highlights from the Plan’s ‘Implementation Guide’:

Creating Great Places

Make our downtowns more vibrant, safe, and attractive. The Plan recommends that the Downtown and Riverfront zoning districts be reviewed to ensure mixed uses, pedestrian scale development, expanded housing options, and commercial storefronts (Page 32).

Create a mix of uses in our communities and corridors. The Plan recommends zoning ordinance modifications to encourage mixed use development along Lancaster Avenue (Page 19).

Provide a greater supply and diversity of housing types to own and rent. The Plan recommends zoning ordinance modifications to encourage development of ‘missing middle’ housing within the Borough’s Manor and East End neighborhoods (Page 19).

Connecting People, Place & Opportunity

Create more places to hike, bike, play, and enjoy nature. The plan recommends that the Borough work with partners to connect the Northwest River Trail to the Enola Low Grade Trail (Page 75).

Make it easier for residents and visitors to get around without a car. The Plan recommends development of a Borough Active Transportation Plan (Page 25). It also recommends creating a primary mobility hub (per the Lancaster Active Transportation Plan) through partnership with local transit agencies (Page 49).

Connect housing, jobs, schools, transportation, and other destinations. The Plan encourages the Borough to work with South Central Transit Agency and Rabbittransit to connect residents with jobs through a microtransit option (Page 49).

Intentionally cultivate, retain, and expand industry. The Plan recommends developing a business retention and expansion strategy for connecting with existing businesses and responding to their needs. This may include the formation of a Business Retention & Expansion task force (Page 31).

Taking Care of What We Have

Improve water quality and work together on stormwater management. The Plan puts forth several action steps to improve water quality in the Borough, including requiring environmentally friendly landscaping, green infrastructure, and stormwater use for irrigation (Page 92).

Growing Responsibly

Prioritize redevelopment and infill in Urban Growth Areas. The Plan recommends working with the Lancaster County Redevelopment Authority to create redevelopment areas within the Borough to, among other things, target blight (Page 32).

Catalytic Tools

Practice Place-Based Planning and Analysis. The Plan incorporates place-based thinking through the creation of a comprehensive, placed-based neighborhood and economic development strategy for the Lancaster Avenue District (Page 19).

Utilize Official Maps. The Plan recommends updating the Borough’s Official Map to incorporate the Lancaster Active Transportation Plan’s proposed corridor improvements (Page 18).

Implement Complete Streets. The Plan recommends incorporating the Borough’s Complete Streets Policy into its Subdivision / Land Development Ordinance, adopting Complete Streets guidelines, and incorporating the principles of the policy into all aspects of transportation projects (Page 24).

Invest in Sufficient Infrastructure and Public Services. Broadband access is addressed (Page 50), and other infrastructure and utility investments related to transportation, recreation, public safety, and sustainability are also included (Chapter 12).

CONSISTENCY WITH COMPREHENSIVE PLANS

places2040 - Lancaster County Comprehensive Plan

The Plan is consistent with *places2040*.

LIMC Growing Together (2007)

The Plan is consistent with *Growing Together*.

* * *

JDH/AWR/mr



Planning Department

150 North Queen Street | Suite 320
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County Commissioners

Ray D'Agostino, Chairman
Joshua G. Parsons, Vice Chairman
John B. Trescot, Commissioner

Executive Director


Scott W. Standish

MEMORANDUM

23LU

To: Mark E. Stivers, Manager
Columbia Borough

From: Christine J. Le,
Senior Planner

Thru: Gwen E. Newell, AICP, RLA 
Senior Planner

Date: September 1, 2023

Re: CPO # 11-83, **Zoning Ordinance Text Amendment**
Columbia Borough

Due to the minor nature of the **Zoning Ordinance Amendment**, the final review has been delegated to Lancaster County Planning Department (LCPD) staff. LCPD has reviewed this **proposed zoning ordinance amendment** and recommends **approval**.

PROPOSAL

Off-premises signs (billboards) are only permitted in the Columbia Borough Highway Commercial (HC) District. The HC District is contiguous to Route 30 and Lancaster Avenue (Route 462), with Route 30 being the only Limited Access Highway affected by this amendment.

Along Limited Access Highways, Oaktree Outdoor Advertising, L.P. proposes to incorporate a separate set of less restrictive requirements for off-premises sign regulations which include:

- Reduce sign setbacks from 25' to 5' feet at all lot lines and street rights-of-way;
- Increase the maximum sign area from 300 sq. ft. to 672 sq. ft.;
- Reduce the minimum spacing between off-premises signs from 1,200' to 500';
- Increase the maximum sign height from 25' to 45' above the adjacent street's elevation;
- Reduce the minimum distance from an existing building to an off-premise sign from 200' to 100'; and
- Reduce the frequency of electronic sign messaging from once every 30 seconds to once every 7 seconds.

Oaktree Outdoor Advertising proposes to construct a billboard located on 0.5 acres at 445 Linden Street. It would be visible from Route 30.



PLACES2040 COMMENTARY

These amendments are not directly addressed in *places2040* Big Ideas, policies, and catalytic tools. *Places2040* does call for the protection of the natural, historic, and cultural qualities along our corridors that help define Lancaster County's sense of place, but Route 30 has not been defined as a priority corridor.

CONSISTENCY WITH OTHER COMPREHENSIVE PLANS***Columbia Borough Municipal Comprehensive Plan (2001)***

The proposed amendments are not addressed in this plan. The plan does call for some improvement of "visual attractiveness" to occur adjacent to some roadways (Route 462), but as this route is not a Limited Access Highway, and it is not impacted by this text amendment.

* * *

JDH/GEN/fkg /mr

Copy: Claudia N. Shank, McNees Wallace & Nurick, LLC

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BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 941 - 2023

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 186, STREETS AND SIDEWALKS BY ADDING A NEW ARTICLE VII, "SIDEWALK CAFÉ" TO PROVIDE THE REGULATION AND ENFORCEMENT OF SIDEWALK CAFES WITHIN THE PUBLIC RIGHT OF WAY FOR THE PURPOSE OF PROMOTING AND ENCOURAGING THE OPTION OF OUTDOOR DINING; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

WHEREAS, the Borough Council of the Borough of Columbia finds it periodically necessary to amend its Code of Ordinances in order to update regulations and procedures to implement municipal goals and objectives; and;

WHEREAS, Borough Council desires to govern sidewalk cafes that are located within the public right-of-way and public places within Columbia Borough for use as outdoor food and beverage consumption; and;

WHEREAS, Columbia Borough Council finds the adoption of this ordinance through its police powers will protect the public health, safety, and welfare of the residents of Columbia Borough; and;

NOW, therefore, be it hereby enacted and ordained by the Council of the Borough of Columbia, Lancaster County, Pennsylvania, and it is hereby enacted and ordained by authority of the same:

SECTION 1. Amend. Amending the Borough's Code of Ordinances, Chapter 186 – Streets and Sidewalks by adding Article VII, "Sidewalk Café" in accordance with **Attachment A.**

SECTION 2. Severability. The provisions of this Ordinance shall be severable and, if any of the provisions of this Ordinance are hereby repealed insofar as some affect this Ordinance.

SECTION 3. Repealer. All Ordinances or parts of the Ordinance conflicting with any of the provisions of this Ordinance are hereby repealed insofar as some affect this Ordinance.

SECTION 4. Effective Date. Upon the effective date of this ordinance, the proper officials of the Borough of Columbia are ordained that the provisions of this Ordinance shall become and be made a part of the Borough of Columbia's Code of Ordinances.

This Ordinance shall become effective immediately as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this _____ day of _____ 2023, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA,
LANCASTER COUNTY, PENNSYLVANIA

By: _____
Heather Zink,
President of Borough Council

ATTEST:

Mark E. Stivers, AICP
Borough Manager/Secretary

Examined and approved this _____ day of _____, 2023.

Leo S. Lutz, Mayor

Attachment A

A. Article VII - Sidewalk Café

(1) SECTION 1. Purpose. The purpose of this ordinance is to establish a process to allow for the option of establishing outdoor dining within the public right-of-way through the issuance of a Sidewalk Café permit; to establish other areas on public streets, rights-of-way, and public places within Columbia Borough for use as outdoor food and beverage consumption; and to assure that Sidewalk Cafés are used and operated in manners consistent with this ordinance and the rules and laws of the Borough of Columbia.

B. SECTION 2. Definitions.

(1) Areas Reserved for Consumption of Food and Beverage (“Public Dining Places”). Areas designated to them by this Section unless the context indicates a different meaning.

(2) Restaurant. Those food service establishments that are defined as restaurants in Section 220-19, “Definitions” of the Borough Code of Columbia Borough.

(3) Sidewalk Area. That portion of the Borough Street right-of-way is reserved for sidewalks, which areas are defined in the Borough Plan.

(4) Sidewalk Café. An outdoor dining area operated by a restaurant located on a sidewalk or other designated public place and containing removable tables, chairs, plants, and other related appurtenances, which is not located on or does not encroach upon the pedestrian walkway. It shall be open to the air, except that it may have a canopy. It may but is not required to abut its sponsoring restaurant. To ensure compliance with this Ordinance, obtaining a Sidewalk Café Permit is required.

(5) Street Right-of-Way. The entire right-of-way of a public highway, public alley, or public road, including the designated sidewalk areas.

(6) Sidewalk Cafe Permit. A permit issued hereunder for the use of a sidewalk area and/or street right-of-way for a sidewalk café.

C. SECTION 3. Permit application requirements. All Persons who desire to establish a Sidewalk Café within a right-of-way shall file a permit application with the Borough’s Zoning Officer. To be considered a complete application, such an application must include all of the following:

(1) A drawing with adequate detail to depict the location of the following:

~~(a)~~ The street right-of-way

~~(b)~~ The width and location of the sidewalk. A minimum 4-foot-wide ADA-accessible pathway on the sidewalk must be maintained at all times.

~~(c)~~ The location of the proposed sidewalk café

- ~~(d)~~ The number and positioning of chairs and tables
 - ~~(e)~~ The type and location of the proposed barrier
 - (2) A completed Hold Harmless Release Form
 - (3) Proof of PA Liquor Control Board application
 - (4) Commercial general liability insurance with limits of liability
 - (5) Insurance minimum in the amount of \$100,000 per individual and \$300,000 per occurrence naming Columbia Borough as the additional insured.
- D. **SECTION 4. Sidewalk café operation requirements.**
- (1) Table service of food or beverage of any kind shall only be provided in a Sidewalk Café in accordance with the applicable regulations of the Pennsylvania Liquor Control Board and laws of the Commonwealth of Pennsylvania and the Borough of Columbia.
 - (2) The sidewalk café area shall not increase the permitted seating capacity of the restaurant.
- E. **SECTION 5. Violations.**
- (1) The holder of a Permit is subject to penalty as hereinafter provided should that holder violate any term of this Ordinance.
 - (2) Any person utilizing a Sidewalk Café or Public Dining Areas contrary to or in violation of the Ordinance is guilty of a violation of this Ordinance and subject to the penalties set forth herein.
 - (3) Whoever violates any provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be fined not less than Fifty (\$50.00) Dollars and not more than One Thousand (\$1,000) Dollars for each offense, to be collected as other fines and costs are by law collectible or imprisoned for not more than ninety (90) days, or both. Each day during which a violation occurs shall constitute a separate offense.
 - (4) Any person holding a Permit who is convicted of a violation of any of the provisions of this Ordinance shall have his/her/its Permit revoked for one (1) full year.
 - (5) This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of Columbia Borough or any person to such equitable or other remedies as may be otherwise available with or without process of law. The Borough is authorized to seek injunctive relief to enforce any provisions of this Ordinance.
- F. **SECTION 6. Consideration of Application and Issuance of Permit.**
- (1) Within (10) business days of receiving an application, the Borough shall determine and notify the Applicant in writing whether the application is incomplete. If the application is incomplete, the Borough shall provide written notice to the Applicant specifically identifying the missing information. All deadlines contained in this section shall restart upon the submission of a complete application.

- (2) An application for a Sidewalk Café Permit shall be approved or denied by the Borough within (30) days of the receipt of a completed application.
- (3) The Applicant may cure the deficiencies and resubmit a revised application within (30) days.
- (4) The Borough shall review the revised application only to the extent that it addresses the deficiencies outlined in the denial previously issued by the Borough to the Applicant. The Borough will approve or deny the revised application within (30) days of resubmittal by the Applicant.
- (5) Any application resubmitted by an Applicant that addresses or changes other sections shall afford the Borough an additional ten (10) days to review the resubmittal.
- (6) If the application meets all requirements of this Article, the Borough's Zoning Officer shall issue a permit to authorize the issuance of a Sidewalk Café permit.

G. **SECTION 7. Design Standards for Sidewalk Café.**

- (1) A Sidewalk Café may be permanently located within the sidewalk area using a raised deck platform, fence, walls, or other structures.
- (2) The sidewalk café boundaries may be delineated by the use of temporary barriers such as balustrades, cordons, railings, and removable bollard sleeves.
- (3) Sidewalk cafes shall not create any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or otherwise inconvenience public use of the right-of-way. This shall include compliance with the ADA.
- (4) Barriers should be provided with sturdy, durable materials that can be removed with no negative effects on the sidewalk.

H. **SECTION 8. Indemnification.**

- (1) Release Form Sidewalk Café. Applicants must indemnify and hold harmless the Borough of Columbia and its agents from and against any liability, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions, and causes of action arising from the Restaurant conducting its business at said property. The obligation exists whether injury or property damage occurs on the permitted premises.
- (2) The Following Release Form will be provided to and must be executed by all applicants.

I. **SECTION 9. Open Container Laws and Alcohol.**

- (1) This Ordinance shall not affect the requirements of all persons to comply with any open container laws of the Commonwealth of Pennsylvania.
- (2) The provisions of Chapter 77 – Alcoholic Beverages, Article 1 – Open Containers, of the Borough Code of Columbia Borough, shall not apply to the consumption of

alcohol in Sidewalk Cafés operating under a Sidewalk Café Permit or to the consumption of alcohol in Public Dining Areas.

- (3) By Pennsylvania law and the Sidewalk Café Ordinance, holders of Sidewalk Café Permits shall comply at all times with the requirements of the Pennsylvania Liquor Control Board related to the service of alcoholic beverages.

J. **SECTION 10. Enforcement.**

- (1) Police Officers and all Code Compliance Officials of Columbia Borough are authorized to enforce the provisions of this Ordinance.

K. **SECTION 11. Violations.**

- (1) The holder of a Permit is subject to penalty as hereinafter provided should that holder violate any term of this Ordinance.
- (2) Any person utilizing a Sidewalk Café or Public Dining Areas contrary to or in violation of the Ordinance is guilty of a violation of this Ordinance and subject to the penalties set forth herein.
- (3) Whoever violates any provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be fined not less than Fifty (\$50.00) Dollars and not more than One Thousand (\$1,000) Dollars for each offense, to be collected as other fines and costs are by law collectible or imprisoned for not more than ninety (90) days, or both. Each day during which a violation occurs shall constitute a separate offense.
- (4) Any person holding a Permit who is convicted of a violation of any of the provisions of this Ordinance shall have his/her/its Permit revoked for one (1) full year.
- (5) This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of Columbia Borough or any person to such equitable or other remedies as may be otherwise available with or without process of law. The Borough is authorized to seek injunctive relief to enforce any provisions of this Ordinance.

L. **SECTION 12. Severability.**

- (1) In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses, or parts of this Ordinance; it being the intent of Columbia Borough that the remainder of the Ordinance shall be and shall remain in full force and effect.