

BOROUGH OF EDINBORO  
Erie County, Pennsylvania  
Ordinance No. 619

**AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA AMENDING PART 2 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED DEFINITIONS, AMENDING AND PROVIDING FOR DEFINITIONS OF AWNINGS, PROFESSIONAL SERVICES, AND RETAIL BUSINESS; AMENDING PART 3 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED DISTRICT REGULATIONS, AMENDING AND PROVIDING FOR ACCESSORY BUILDINGS AS A PERMITTED USE IN A C-2 DISTRICT; AMENDING PART 5 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED ADMINISTRATION, ENFORCEMENT, AND APPEALS, PROVIDING FOR AN EXPIRATION FOR ZONING CERTIFICATES AND ZONING PERMITS; AND PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Home Rule Borough of Edinboro (the “Borough”) has previously codified enacted ordinances as the Borough Code (the “Code”); and

**WHEREAS**, the Borough desires to amend Chapter 27 of the Code, known as the Zoning Ordinance, specifically to amend Part 2 to include definitions of “awnings,” “professional services” and “retail business”; and

**WHEREAS**, the Borough desires to amend Chapter 27 of the Code, specifically to amend Part 3 to include “accessory buildings” as a permitted use in the C-2 Periphery Business District; and

**WHEREAS**, the Borough desires to amend Chapter 27 of the Code, specifically to amend Part 5 to include an expiration period for Zoning Permits and Zoning Certificates; and

**WHEREAS**, the Borough has the power and duty to enact ordinances to promote the health, safety, and general welfare of Borough residents and visitors; and

**WHEREAS**, the Home Rule Borough of Edinboro hereby ordains and enacts the following:

**Section 1.** That Section 202 of Part 2 of Chapter 27 of the Code be amended through the inclusion of the underlined terms as follows:

**§27-202 Specific Terms . . .**

**APPLICATION FOR DEVELOPMENT**

Every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development, including, but not limited, to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**AWNING**

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

**PROFESSIONAL OFFICE**

The office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation.

**PROFESSIONAL SERVICES**

Those services provided by a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation. . . .

**RESTAURANT, DRIVE THROUGH**

Restaurants specializing in fast food with drive-through facilities.

**RETAIL BUSINESS**

A business establishment or office engaged in selling goods or merchandise to the general public for personal or household consumption and rendering retail services incidental to the sale of such goods.

**Section 2.** That Section 306 of Part 3 of Chapter 27 of the Code be amended through the inclusion of underlined terms as follows:

**§27-306 Permitted Uses, Conditional Uses and Special Exceptions . . .**

**C-2 Periphery Business District**

**Permitted Uses**

- Retail Business
- Professional Services
- Eating and Drinking Places (Not Drive-Through)
- Theaters
- Accessory Uses
- Accessory Buildings
- Essential Services
- Home Occupations
- Banks and Financial Institutions

**Section 3.** That Section 503 of Part 5 of Chapter 27 of the Code be amended through the inclusion of the underlined terms as follows:

**§27-503 Permits and Certificates**

1. Zoning Permits. In order to be approved, an application for a zoning permit must show compliance with this and other appropriate Borough ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. A zoning permit shall be valid for two (2) years from the date of issuance after which time it shall become null and void. After the expiration of two (2) years, an application must be filed for another permit as though the permit had never been issued . . .
3. Zoning Certificate. The zoning certificate shall be issued upon request to confirm that the use of land or building with the Borough is in compliance with this chapter. The exact form of the certificate and fees charged shall be determined by the Borough. Individuals wishing to register legal nonconforming uses or nonconforming structures can do so by requesting a zoning certificate. The Zoning Officer shall issue same when he can clearly determine that such use or structure meets the criteria (see Part 2, "Definitions") set forth by this chapter. If such a request does not meet such criteria, or if the Zoning Office is unable to determine same, then he shall deny the request. A zoning certificate shall be valid for two (2) years from the date of issuance after which time it shall become null and void. After the expiration of two (2) years, an application must be filed for another certificate as through the certificate had never been issued . . .

**Section 4. Repealer**

Any ordinances, rules or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby repealed.

**Section 5. Severability**

The provisions of this Ordinance are severable. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutionality, illegality, or invalid sentence, clause, section or part thereof not been included herein.

**Section 6. Directions to Borough Manager**

The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book and take all such actions as are required by the Home Rule Charter of the Borough and to amend the Borough Code as may be necessary.

**Section 7. Effective Date.**

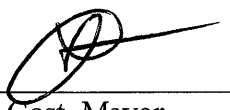
This Ordinance shall be effective on the tenth (10th) day following the enactment of this Ordinance, as indicated below.

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO on the date first indicated above.

ATTEST:

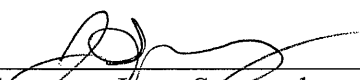
BOROUGH OF EDINBORO

  
\_\_\_\_\_  
Kevin Oppe, Borough Manager

  
\_\_\_\_\_  
Aaron Gast, Mayor

**CERTIFICATION**

I hereby certify that the above is a true copy of the Borough of Edinboro Ordinance No. 619 adopted by a roll call vote signifying the majority vote of the members present of the Borough Council of the Borough of Edinboro on January 6, 2020, the same being advertised in the Meadville Tribune and recorded in the Borough Ordinance Book.

  
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Secretary Jason Spangenberg

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