

**HOME RULE BOROUGH OF EDINBORO ORDINANCE  
NO. 621**

**AN ORDINANCE AMENDING CHAPTER 27 OF THE EDINBORO BOROUGH CODE, PERTAINING TO ZONING, ELIMINATING CERTAIN REQUIREMENTS REGARDING STUDENT HOUSING REGULATIONS AND TO PROVIDE FOR CERTAIN NECESSARY CLARIFICATIONS TO EFFECTUATE THE ELIMINATION OF STUDENT HOUSING REGULATIONS; AMENDING CHAPTER 5, PART 2, OF THE EDINBORO BOROUGH CODE, TO AMEND THE DEFINITION OF AND REQUIREMENTS FOR THE TERM BEDROOM, TO AMEND REGULATED RENTAL UNIT OWNER'S DUTIES PERTAINING TO THE APPLICATION FOR RESIDENTIAL PROPERTY HOUSING LICENSE/REGULATED RENTAL LICENSE, AND PROVIDING FOR NOTIFICATION OF PARKING AVAILABILITY AND AMENDING REQUIREMENTS PERTAINING TO RENTAL LICENSES AND INSPECTIONS; PROVIDING FOR SEVERABILITY, A REPEALER, DIRECTIONS TO THE BOROUGH MANAGER AND AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Edinboro Borough Ordinance No. 585, adopted on or about September 12, 2011, the Borough of Edinboro codified its Ordinances, including Ordinance No. 457, adopted on or about January 31, 1994, known as the Zoning Ordinance of the Borough of Edinboro (the "Zoning Ordinance"); and

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

**WHEREAS**, the Edinboro Borough Council has determined that it would be in the best interests of the residents and citizens of the Borough of Edinboro to amend the Zoning Ordinance to remove certain requirements pertaining to student housing restrictions, and to clarify certain other matters; and

**WHEREAS**, to effectuate the amendments to the Zoning Ordinance, and to address parking concerns, the Borough Council finds that certain amendments to the Regulated Rental portion of the Property Maintenance Code, found at Chapter 5, Part 2 of the Edinboro Borough Code, are also necessary.

**NOW THEREFORE**, the Edinboro Borough Council hereby ordains and enacts the following:

**Section 1.** Chapter 27 of the Edinboro Borough Code, which contains the Zoning Ordinance of the Borough of Edinboro, is hereby amended, with deletions shown by ~~strike through~~ and additions shown by underline as indicated below:

(a) Chapter 27, Part 1, §202 entitled Specific Terms is hereby amended by inserting a new definition in the proper alphabetical order as follows:

**BEDROOM**

A room in a Dwelling Unit used primarily for sleeping purposes in either a dwelling unit or sleeping unit, and that meets the requirements for bedrooms

contained in the Borough's International Property Maintenance Code at Chapter 5, Part 2, Subpart D, Section 227, Subsection 4, as may be amended.

### **FAMILY**

A family is:

~~A single person occupying a dwelling unit and maintaining a household, including individual(s) who are "students" as defined and referenced in this chapter who also maintain dependents as part of a household.~~

~~Two or more relatives (as defined and referenced in this chapter) occupying a dwelling unit, living together and maintaining a common household, including not more than two boarders or roomers, including situations where one or more relatives are also "students," as defined and referenced in this chapter.~~

~~Two or more unrelated persons (see definition of "related") occupying a dwell unit, living together, and maintaining a common household.~~

Permanent group homes for the disabled or family-like living arrangements for disabled persons. Any number of disabled persons may be treated as a "family" if they are defined as handicapped or disabled under the Fair Housing Act Amendments to the Federal Civil Rights Act. Please note: Handicapped or disabled persons shall be those who are so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act of 1968.

### **STUDENT**

~~A student is an individual who is matriculating or about to matriculate in undergraduate or graduate programs offered by colleges or universities, or who are on semester break or summer break. The definition of "student" shall include individuals who are related, married, or who maintain depends as part of a household while simultaneously qualifying as a "student" under this Section.~~

### **STUDENT HOUSE**

~~A type of use which is a subgroup of a regulated rental unit. It is a living arrangement within a one or two family dwelling, a conversion dwelling or a townhouse by students matriculating or about to matriculate in undergraduate or graduate programs offered by colleges or universities, or who are on semester break, or summer break. The maximum number of occupants of a student house shall be limited to three persons whether related or unrelated and each students house must comply with the minimum area requirements established by the Property Maintenance Code.~~

(b) Chapter 27, Part 4, Section 401, Subsection C, entitled Nonconforming Uses and Structures, is amended as follows:

C. ~~Except as provided for in § 27-401, Subsection 1C(1) through (4) i~~In the event that any nonconforming use conducted in a structure, or otherwise, ceases, for whatever reasons, for a period of 1 year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this chapter.

(1) ~~For a period beginning on January 1, 2019 and terminating on January 1, 2022, the above § 27-401, Subsection 1C shall not apply to regulated rental unit(s), currently licensed as a "student house," located within the Edinboro Borough that currently maintain a nonconforming use status.~~

(2) ~~———— If a nonconforming use in a regulated rental unit ceases during the three (3) year period identified above, the regulated rental unit shall not lose its nonconforming use status.~~

(3) ~~———— No later than January 1, 2021, the Borough Manager of the Edinboro Borough shall notify all affected owners of regulated rental units whether the period referenced in § 27-401, Subsection 1C(1) shall be extended and if so, the term for which it shall be extended.~~

(4) ~~———— Unless the Borough Council acts to extend the period referenced in § 27-401, Subsection 1C(1) for an additional period of years, § 27-401, Subsection 1C(1) through (3) shall sunset as of January 1, 2022.~~

(c) Chapter 27, Part 4, Section 415, Subsection 2, entitled Regulated Rental Units is amended as follow:

2. Notwithstanding any other provision of this Chapter, Bedrooms within a Regulated Rental Unit shall not be utilized by more than two (2) unrelated adults as their primary sleeping quarters. Student House. In addition to the licensing requirements for regulated rental units, student houses are subject to the following supplemental regulations:

~~A. No single family home, townhouse, duplex, or conversion unit, used as a student house, shall be located on a lot, any portion of which is closer to another lot containing a student house than a distance determined by multiplying 15 times the minimum lot width required for a single family dwelling in the district in which the student house is located. [Amended by Ord. No. 613, 1/7/2019]~~

~~B. No more than one dwelling unit in a two-family dwelling may be used as a student house.~~

~~C. At least one dwelling unit in a conversion dwelling must be owner occupied.~~

~~D. No more than one structure on a lot may contain a student house.~~

~~E. For purposes of this section, the distance requirements as provided for in Subsection 2A shall be measured from the closest portion of the lot of an existing student house to the closest portion of the proposed student house lot.~~

**Section 2.** Part 2, of Chapter 5 of the Edinboro Borough Code, entitled the Property Maintenance Code, is hereby amended, with deletions shown by ~~strike through~~ and additions shown by underline as indicated below:

(a) Chapter 5, Part 2, Subpart B, entitled General, Section 214, entitled General Definitions, of the Borough Code, is hereby amended by amending the definition of Bedroom, as follows:

**BEDROOM** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit and that meets the requirements for bedrooms included in Section 227, Subsection 4 of Chapter 5, Part 2, Subpart D of this Code.

(b) Chapter 5, Part 2, Subpart D, entitled Minimum Conditions and Standards for Light, Ventilation and Space, Section 227, entitled Occupancy Limitations, Subsection 4, entitled Bedroom and Living Room Requirements, of the Borough Code, is amended through the inclusion of underlined terms and the deletion of terms struck out, as follows:

4. Bedroom and Living Room Requirements. Every bedroom and living room shall comply with the requirements of paragraphs A through E.

A. Room Area. Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

(c) Chapter 5, Part 2, Subpart I, entitled Regulated Rental, Section 249, entitled Owner's Duties, of the Borough Code is hereby amended, in applicable part, as follows:

3. Application for Residential Property Housing License/Regulated Rental License. At the time of annual renewal for residential rental property licenses (formerly known as occupancy permits), which is set on or before December 31 of each year, the owner shall complete and sign the application form; prepared by or at the direction of the Code Enforcement Officer, and shall require the owner to provide:

A. The names and addresses of the owner and the responsible local agent, if applicable.

B. The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).

- C. A list of the names of all adult tenants or heads of family in each unit.
  - D. The actual number of tenants and the maximum number of tenants permitted per regular rental unit.
  - E. The number of smoke detectors per unit.
  - F. Fire extinguisher availability.
  - G. His/her signature attesting to the owner's compliance with the specified Borough Ordinances, including Subsection 4 of this section, that tenants have received the tenant information form.
  - H. ~~In the event that the residential rental property license is for property designated as a "student house," under the Borough Zoning Ordinance [Chapter 27], the owner shall provide an affirmative statement indicating the following:~~
    - ~~—(1)—The lease agreement between owner and tenant(s) includes a clause mandating that tenant(s) shall remain students for the entirety of the lease agreement's term.~~
    - ~~—(2)—The owner has received documentation (enrollment records, student identification, etc.) that verifies that each tenant is a student at the time of the execution of the lease agreement.~~
- ...

9. Notification of Parking Availability. The owner shall provide tenants with written notice of the amount of available parking spots on the property, alternative parking availability, and any on street parking restrictions for those streets upon which the property has frontage, including, but not limited to, seasonal parking restrictions as adopted by the Borough.

(d) Chapter 5, Part 2, Subpart I, entitled Regulated Rental, Section 251, entitled Rental Licenses and Inspection, is hereby amended, in applicable part, as follows:

(1) License Requirement.

...

B. The application for a license shall be made in writing in such form and manner, and in accordance with such instructions as may be determined by the Code Enforcement Officer, shall be signed by the owner and shall include at least the following information:

...

~~(8) In the event that the residential rental property license is for property designated as a "student house," under the Borough Zoning Ordinance [Chapter 27], the owner shall provide an affirmative statement indicating the following:~~

~~—(a) The lease agreement between owner and tenant(s) includes a clause mandating that tenant(s) shall remain students for the entirety of the lease agreement's term.~~

~~—(b) The owner has received documentation (enrollment records, student identification, etc.) that verifies that each tenant is a student at the time of the execution of the lease agreement.~~

## 2. Issuance of License, Annual License Term, and Fee

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~~D. Type of Regulated Rental License. There are two types of regulated rental license as defined and further regulated in Borough of Edinboro Zoning Ordinance, § 27-415 [Chapter 27]. They are:~~

~~—(1) Student house.~~

~~—(2) Non-student house (family) (see definition).~~

**Section 3.** **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 unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein..

**Section 4.** **Repealer.** Borough Council may repeal any part of this ordinance. Any part of this ordinance found to be inconsistent with law may be repealed without nullifying the entire ordinance.

**Section 5.** **Direction 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 to take all such actions as are required by the Home Rule Charter of the Home Rule Borough of Edinboro and to amend the Borough Code accordingly.

**Section 6.** **Effective Date.** This Ordinance shall be effective on the tenth day following the enactment of this Ordinance, as indicated below.

**ENACTED AND ORDAINED** THIS 9<sup>th</sup> DAY OF August, 2021 by the Council of the Borough of Edinboro.

ATTEST:

*Interim*  
\_\_\_\_\_  
Manager ~~Kevin Opplé~~  
*Jason Spangenberg*

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

I hereby certify that the above is a true copy of the Home Rule Borough of Edinboro No. 621 adopted by a roll call vote signifying the majority vote of the members present of the Borough Council of the Borough of Edinboro on August 9, 2021, the same being advertized in the Meadville Tribune and recorded in the Borough Ordinance Book.

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Jason Spangenberg, Secretary