

Senate Urban Affairs & Housing Committee
Public Hearing
Thursday, October 4, 2012

Student Housing & Municipal Ordinances

Testimony of Thomas J. Fountaine, II
Borough Manager
Borough of State College

House Judiciary Public Hearing
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Chairman Yaw, Minority Chair Brewster and members of the Committee, good morning and thank you for providing me with this opportunity to address the committee today.

My name is Tom Fountaine. I am the Manager of the Borough of State College and I am also here today on behalf of the Pennsylvania Municipal League to speak with you about issues related to municipal regulations related to student housing. I am also currently serving as the President of the International Town Gown Association.

As the host municipality to the main campus of the Pennsylvania State University (Penn State), State College has considerable experience with student housing and quality of life issues related in the edge neighborhoods near campus.

State College has a population of 42,499 and about 70% of the population is between the ages of 18 and 24. The population density in State College is about 9,500 people per square mile. The 2012 enrollment at Penn State University Park's campus is 45,000 students with about 70% of these students living off campus. Nearly 20% of all single family and two-family homes in State College are rental units, with a higher percentage of student rentals located in the neighborhoods near the Penn State Campus. Approximately 25% of the residents in the neighborhood immediately south of downtown State College are rented by students. No one has been able to identify when the tipping point occurs where the numbers of properties that are occupied by students are high enough to have forced non-student residents to relocate, which results in the further destabilization of these neighborhoods. In the literature on town gown issues related to the erosion of neighborhoods, the tipping point has been identified to be as low as 10% student rentals and as high as 25% student rental. This is a question currently being studied in State College.

Virtually all communities that host a college or university have faced increased “studentification” of the neighborhoods near campus. Studentification has been defined by British geographers as the dislocation of professionals, middle class and working class families by students. The character of neighborhoods has been transformed due to the out-migration of families and professionals in response to the growing student population. This results in the decline of the quality of life in the neighborhoods when measured by any number of variables. One variable is the ongoing conflict that exists between student and non-student neighbors as a result of differing lifestyles and behavior. This has certainly been the case in State College as significant population shifts have occurred over the past four decades.

Similar conflicts have also been documented in the United Kingdom (UK) and Canada where property prices have escalated, thereby contributing to cultural and retail transformations and the out-migration of established populations and local community resistance to students.

Zoning regulations provide an important tool that allows municipalities and communities address the issues related to the studentification of these edge neighborhoods. Best practices that we have studied over several decades include a variety of responses to these impacts. These range from enforcement, rental registration or permitting, increased law enforcement, code enforcement and environmental management strategies. However, regulations that limit occupancy and student rentals are important tools used in conjunction with these other practices to prevent neighborhoods from reaching the tipping point when out-migration and decline begin to adversely affect the character, safety and economic viability of these neighborhoods.

What are the impacts when these neighborhoods begin to tip? Over a 30 year span, between 1970 and 2003, the fiscal health of the State College Borough has significantly declined; from above average for the state in 1973 to among one of the Pennsylvania municipalities with the most negative fiscal health indicators in 2003. This is based on the Fiscal Health Index reported by the Pennsylvania

Economy League in its report, *Structuring Healthy Communities Part 1: Revenue Generation and Fiscal Health*.¹

Between 1970 and 2000, State College Borough was the only municipality in the Centre Region² (the Centre Region includes State College and the five surrounding townships) that saw a decline in the number of families. In fact, in State College, the number of families declined from nearly 4,500 families in 1970 to about 3,250 families in 2000. In 2000, there were about 25% fewer families residing in State College than there were in 1970.

As expected from the decline in families in the Borough and the increase in students, the per capita income for the Borough of State College has not kept pace with per capita income in the neighboring Townships. Although the entire Centre Region has shown growth in per capita income over the past 30 years, the Borough has fallen substantially behind the suburban communities in the rate of growth. In 1970, the per capita income for the municipalities in the Centre Region was virtually identical, ranging between about \$2,000 and \$3,000 per capita. Beginning in 1980, the Borough began to fall behind the suburban communities, with the amount of disparity in per capita income becoming significantly more pronounced in 1990 and 2000. Per Capita income in the Borough has grown from about \$2,000 per capita in 1970 to around \$12,000 in 2000. This compares to the suburban communities where income has risen to between \$23,000 and \$32,000 per capita in 2000.

The relative decline in per capita income is also reflected in tax collections. There has been virtually no growth in the real estate or earned income taxes, in the Borough, over the past ten years. In constant dollars, these taxes are actually down.

¹ The Pennsylvania Economy League, Inc., *Structuring Health Communities Part 1: Revenue Generation and Fiscal Health*.

² The Centre Region is comprised of the Borough of State College, College, Halfmoon, Harris, Ferguson and Patton Townships.

This shifting in demographics, per capita income and tax revenues coincides with a period of increased student residents in State College. Other Pennsylvania university host communities have experienced similar issues. In 2005, a Pennsylvania Economy League study showed that municipalities that host universities consistently collect less revenue per capita from all forms of taxes than municipalities that do not host a college or university. The study also found that these host municipalities also have higher per capita taxes than other municipalities.

In addition to the demographic and fiscal issues associated with student housing, State College also experiences significant conflict between student and non-student residents living in these neighborhoods. Examples of these conflicts include:

- A couple was awakened in the early morning hours when a student, on his way home from a nearby party, picked up a hammer and tossed it through the bedroom window.
- Families find used condoms in their yards, including in and on play equipment for children.
- The pre-teen girl confronted with a naked student walking down the hall in a family home because the student was intoxicated and believed that he was in his own home.
- Vandalism to property.
- Loud noise and voices throughout the night into the early morning hours.
- A family going to church on Sunday morning finds a student passed out in their car or on their porch.
- A resident walking their dog in the morning discovers someone has defecated and/or vomited on their driveway or sidewalk.

These are but a few examples of what are routine occurrences in these neighborhoods. Noise, vandalism, assaults, public drunkenness and other

property crimes fuels the conflicts between student and non-students in these neighborhoods.

In the 1960's, the enrollment at Penn State began to increase, causing the start of the erosion of single family neighborhoods and the shifting demographic and fiscal issues. The migration of students into State College neighborhoods began in 1968, when more and more private sector homes were being occupied by students. This trend has continued throughout the decades as Penn State enrollment has continued to grow from around 15,000 students in the 1960's to 45,000 today, in spite of Penn State requiring freshmen to live on campus. As more students continued to migrate off campus and into the neighborhoods, town gown tensions have increased. As a response to this increased tension, the State College community adopted a rental housing permit and a property maintenance code in the 1970's. In 1978, as the Borough continued to see increases in the conversion of single family homes to student rentals, neighborhood leaders and the Borough explored additional measures to preserve the neighborhoods near the campus. In 1979, the Borough adopted a zoning regulation to limit the density in a single-family home to three unrelated persons in residential zoning districts.

Occupancy limits are a common regulation in college towns across the country. As reported by Blake Gumprecht, a 1989 survey reported that 76% of college towns with populations less than 100,000 had occupancy limits.³ These occupancy limits are most often established to limit the economic viability of student rentals and to reduce the number of students living in a neighborhood.

While these occupancy limits have had some impact, they have not completely stopped the conversion of single family homes into student rentals. Beginning in 1990, the State College Coalition of Neighborhoods put forth a proposal to enact a regulation that would limit the number of student homes that could be located in residential zoning districts. After several years of discussion, and with strong

³ Gumprecht, Blake, *The American College Town*. Page 316. University of Massachusetts Press, 2008

support from neighborhood groups, a second zoning regulation was adopted by the Borough in 1997 to define a "Student Home" and to regulate the distance between student homes that are allowed in residential zoning districts. This ordinance amendment was modeled after an ordinance in Merion Township which was affirmed by the 3rd Circuit in 1993. These types of student home ordinances have since been enacted by other municipalities in Pennsylvania and in other states. The student home restrictions only apply to one and two-family homes in residential zoning districts. Apartment buildings, rooming houses and other multi-family units are not subject to the student home regulations. In 1997, 259 student homes were registered and all of these became legal non-conforming uses that may continue to be permitted as student homes unless the owner abandons the use. In State College, the student home restrictions have resulted in a slowing of conversions to student homes, with only 45 new student homes have been permitted since 1997. There are currently 304 student homes.

In 2011, State College amended the student home zoning regulations to increase the distance between student homes. This amendment prevents the further expansion of student homes into lower impacted neighborhoods that have not seen an increase of new student rentals.

In addition to these zoning regulations, the Borough of State College engages in a number of other programs to build community by engaging students and non-students in stabilizing these predominantly student neighborhoods. The Borough has initiated a number of homebuyer programs that address affordable housing concerns and also prevent properties from converting to student homes. State College is currently considering a program to buy homes in targeted neighborhoods that are currently licensed as student homes. This program would return these properties to non-student status and allow the Borough to purchase additional properties that are at risk of becoming student homes to prevent the conversions. Similar to neighborhood investment programs being used in East Lansing, Michigan and Iowa City, Iowa.

In closing, I want to be very clear on one point, Penn State University and the students that attend Penn State are very important to the State College

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community. As the host of a major land grant and research institution, there are benefits that enhance the quality of life for local residents. Neighborhood preservation is the highest priority in the State College Strategic Plan. It is important to maintain neighborhoods in our community and ensure that these neighborhoods will be diverse and sustainable places with a high quality of life for students and non-students alike. Zoning regulations that address occupancy and student homes are important tools for State College and other Pennsylvania municipalities to help balance the impact of studentification of our neighborhoods. Thank you for allowing me the time to talk with you about these issues.

Borough of State College

interoffice

M E M O R A N D U M

to: Borough Council
from: Peter Marshall, Carl Hess, and Herman Slaybaugh
subject: Student housing ordinance and two companion ordinances
date: January 9, 1997

Proposal

Attached are three ordinances intended to be used together to regulate student housing. Two amend the zoning ordinance and one the property maintenance code. The first zoning amendment creates a student housing ordinance intended to control the number of one- and two-family homes that may be converted to student rentals. New conversions are allowed, but the number is limited by a separation requirement. Existing one- and two-family student rentals remain; they are "grand fathered" and, therefore, protected. The second proposes limiting the occupancy of townhomes to three unrelated persons. The property maintenance amendment requires screening of parking and trash storage areas at existing student homes. Following the background presentation, the key points of each ordinance are summarized. The actual ordinances are attached to the memorandum along with violation data.

Background

In 1988, Lower Merion Township established a new zoning use category called student home. The idea was to limit the growing number of single-family homes within the township that were being occupied by unrelated college students. Collectively, these homes created problems with respect to noise, property maintenance, parking, and life style conflicts that did not exist when they were occupied by traditional families. Regulation was achieved by applying standards that had to be met in order to change a single-family house to a student home. These standards included things such as the number of parking spaces required, the size of buildings and lots, and separation between student homes. If the minimum requirements were not met at a given property, that property could not be used as a student home. The separation requirement was the most important aspect in the ordinance because it effectively capped the number of homes that could be converted to student home.

Here in State College, the coalition of neighborhood presidents put forth a proposal in 1990 that State College adopt zoning legislation similar to Lower Merion's student home ordinance in order to curb the ever increasing number of one-family homes being converted to student rentals. But, Council opted not to adopt such legislation. One reason was because it was unclear at that time whether Lower Merion's law would withstand legal challenge. The prudent course was to wait and see what would happen. If Lower Merion's ordinance were upheld, then, a similar law could be looked at here.

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Lower Merion's ordinance has withstood challenge under both zoning and fair housing attacks. Unless, overturned by the Pennsylvania Supreme Court, which so far has opted not to review challenges to the ordinance, student housing as a land use category is legal and ordinances imposing reasonable standards to operate student homes, including separation requirements, are quite defensible.

While awaiting to see how Lower Merion's student home ordinance would fair, the Borough's Planning Commission proceeded to develop its own ideas on how to curb student rentals. Many ideas emerged between 1991 and 1994, but most of these were rejected for one reason or another. By 1995, when it became clear that Lower Merion's ordinance had passed legal muster, two options were seriously considered by the Borough's Planning Commission. The first was to adopt a student housing ordinance similar to Lower Merion's ordinance. The second proposed a so called rooming house ordinance that would treat one-family homes occupied by three or more unrelated persons as being rooming houses. Under this approach, the number of unrelated persons allowed to live together in a one-family home would be reduced from three to two and the number of rooming houses permitted in a given zoning district would be limited through a separation requirement.

The Planning Commission favored the latter approach rejecting the idea of a student housing ordinance which the Commission believed openly discriminated against students. As a side note, it is important to realize that both approaches limit student housing opportunities in one- and two-family housing. It is just that the student home approach does so directly using the term "student." The rooming house approach is indirect in that it avoids the word "student," but its effect on students is the same. One is no more or less discriminatory than the other, and the whole question of whether either one is discriminatory is a philosophical question and not a legal one. The proven advantage of the student home approach is that it has passed legal muster. Other approaches are untested.

Nevertheless, for the above mentioned reason, the rooming house ordinance was forwarded to Council, which in turn rejected it because it lowered the number of unrelated persons allowed to live together in a one-family house. Council suggested it could support the rooming house idea if the Commission could adopt the approach without tampering with the three unrelated rule. However, that was impossible to do and, as a result, no further recommendations came forth. The student home idea was left by the wayside. Subsequently, the Borough Manager and Planning Staff developed a student housing ordinance for State College that uses the Lower Merion approach. That ordinance is presented here with two companion ordinances for Council's review.

Student Home - Zoning Ordinance

The proposed zoning amendment establishes the land use category student home by defining it

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and modifying the existing definition of a family to make it clear that unrelated students living together in a house cannot be construed to be a family. Under the definition, any one-family or two-family home occupied by two or more unrelated students would be a student home. A house occupied by a married couple where the wife or husband or both were students would not constitute a student home because they are related; rather, that use would be a one-family house. An owner occupied home offering an apartment or room for let to one student would not be a student home. A one-family house occupied by two or more unrelated students is a student home. There are four keys to the classification. The occupancy must be in a one- or two family house, occupants must be college students, the students must be unrelated to one another, and the number of students must exceed one.

Existing student homes are protected and remain. New student homes are allowed in all zoning districts where residential use is permitted provided specific standards pertaining to house size, parking, screening, trash container placement, and space separation between homes are met. Occupancy, unless "grand fathered," is limited to three unrelated persons. The number of new student homes that can be licensed is limited by the space separation requirement which is calculated on the basis of three times the minimum lot size applicable in the zoning district. In the R-2 zone that means that no new student home can occur within 225 feet of any existing student home. In the R-1 the separation is 240 feet and in the R-3 it is 150 feet.

This separation limits the number of new student homes that can be licensed. To illustrate staff plotted existing rental homes (presuming they are student rentals) and potential locations for new student homes in three sample areas using real estate registry maps. In one R-2 sample, the two blocks encompassed between Nimitz Avenue, Pugh Street, Williams Street, and Bradley Avenue, there are 45 properties. Of these, eight are currently rentals. Because of their locations with respect to nonrental properties, no new student rentals could be licensed. Thus, this area would be capped with 18% of the houses being student rental. In a portion of College Heights (Taylor Street, Glenn Circle, Mitchell Avenue, Atherton Street, and Allen), 81 properties are shown. Fifteen of these are rental. Only four more could be licensed as student homes thereby allowing 23% of all homes to be student homes. In a sample of Greentrees (Amelia Avenue, Grace Street, Crabapple Drive, Barley Way, and Bayberry Drive) there are 96 properties. Only one property is a rental so this is virgin territory. Twelve more properties could become student homes thereby capping student homes at 13%.

Townhouse Occupancy Rule - Zoning Ordinance

This amendment proposes to regulate occupancy in townhouses in the same way current rules regulate one- and two-family homes. The limit would be three unrelated persons. Currently, occupancy of townhouses is regulated by building code standards related to the size of the unit. Bedroom size is the prime determinant. Most two bedroom townhouses are large enough to accommodate five to six persons under building code; three bedroom units even more. This

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amendment would cap occupancy in any townhouse at three unrelated persons (existing townhouses where the occupancy exceeds three are "grand fathered"). The coalition of neighborhood presidents urged the Borough to adopt such a regulation as early as 1990 believing such a rule would curtail conversion of townhouses to student rentals.

Screening Requirements for Student Homes - Property Maintenance Code

This companion ordinance is an amendment to the property maintenance code. It requires modest improvements to parking areas and trash storage areas at existing student homes. Namely, off-street parking areas must be screened from view from adjacent properties with landscaping, fencing, or some combination therein; graveled driveways must be bordered and maintained; and trash containers must be stored out of neighbors' sight. These are the same standards proposed in the zoning amendment for new student homes. However, zoning cannot be used retroactively to upgrade existing nonconforming situations. We believe the property maintenance code can be used to cause upgrading to the new standard.

Data

There are approximately 2500 one-family homes and 700 two-family homes in the Borough. Of these the number rented remained fairly constant between 1986 and 1993 at about 11% for one-family and 60% for two-family. In 1993 the number of rental permits for one-family homes was 285 and 420 for two-family. While the number of two-family homes rented has remained about the same since 1993, there has been an increase in one-family rentals. In 1994 one-family homes rented increased by 31. A similar increase also occurred in 1995 (net increase of 30) bringing the total number of one-family homes licensed for rental to 346 units. So far in 1996, 32 new rental permits were issued and two rental homes were converted to owner occupied. Hence, a net gain of 30 more rentals occurred this year bringing the current number of one-family homes licensed to 376. That is a net gain of 91 units over the last three years increasing the percentage of one-family rentals from 11% to 15%.

While we do not know how many of these new or existing one-family rental homes are student occupied, we do know that one-family rental houses generate significantly more violations than do owner occupied homes. In 1994, 412 violations were attributed to 310 rental homes (1.33 per house) while only 124 violations were attributed to the approximately 2100 owner occupied one-family homes (.06 per house). Noise disorders at rental homes (70) significantly out number those at owner occupied homes (22) and were second only to fraternities (128). Two-family homes also ranked high in noise disorders (63), but there was no breakdown between rental and nonrental duplexes. (See the Manager's memorandum to Council entitled "Violations By Housing Type" dated April 12, 1995 for the complete breakdown).

ORDINANCE _____

AMENDING THE STATE COLLEGE ZONING ORDINANCE (CHAPTER XIX OF THE CODIFICATION OF ORDINANCES) TO DEFINE STUDENT HOME, ESTABLISH A MINIMUM DISTANCE BETWEEN STUDENT HOMES, AND ESTABLISH CRITERIA FOR THE APPROVAL OF STUDENT HOMES

Section 1. Amend the Codification of Ordinances, Chapter XIX, Section 201 by adding the following definition for student home and by amending the current definition, as shown, for family:

Student Home. A living arrangement within a one-family or two-family dwelling by persons unrelated by blood, marriage, or legal adoption, who are attending undergraduate or graduate programs offered by colleges or universities, or are on semester break or summer break from studies at colleges or universities, or any combination of such persons. The residents of a student home share living expenses and may live and cook as a single housekeeping unit. Student homes shall not include fraternities, sororities, rooming houses, multiple dwellings, or subordinate apartments or rooms offered for let in one-family dwellings.

Family. An unlimited number of persons related by blood (within and including the degree of first cousin), marriage or adoption (including foster children) living together in a dwelling unit, **but not including a living arrangement otherwise defined in this chapter as a student home**. Other persons not included in the foregoing definition are called unrelated persons.

Section 2. Amend the Codification of Ordinances, Chapter XIX, Section 501. by inserting subsection g. Student Home.

Section 3. Amend the Codification of Ordinances, Chapter XIX, Section 601. by relettering the current subsection c. to d. and inserting a new subsection c. Student Home.

Section 4. Amend the Codification of Ordinances, Chapter XIX, Section 701. by adding a new subsection g. Student Home.

Section 5. Amend the Codification of Ordinances, Chapter XIX, Section 901. by adding a new subsection h. Student Home.

Section 6. Amend the Codification of Ordinances, Chapter XIX, Section 1001. by adding a new subsection g. Student Home.

Section 7. Amend the Codification of Ordinances, Chapter XIX, Section 501.1. Exceptions, Additions and Modification to Use. by adding a new subsection (6) as follows:

(6) Student Home. Student Homes are permitted in designated zoning districts only when all of the following standards are met:

- a. Occupancy in a one-family or two-family dwelling used as a student home shall not exceed three unrelated persons as prescribed in Section 501.1.3.
- b. No student home shall be located on a lot any portion of which is closer to another lot used for a student home than a distance determined by multiplying 3 times the minimum lot width required for a one-family dwelling in the district in which the student home is located.
- c. No more than one dwelling unit in a two-family dwelling may be used as a student home.
- d. No more than one building on a lot may be used as a student home.
- e. A student home shall have a minimum of one thousand five hundred (1,500) square feet of floor area per dwelling unit, exclusive of floor areas contained in basements, garages, or accessory buildings.
- f. A minimum of ~~three~~ ^{two} parking spaces shall be provided per dwelling unit in driveways or off-street parking areas. The perimeter of all parking areas, except for driveways, shall be maintained with a view restrictive screen. The screen shall be a minimum of three feet high consisting of shrubs planted in such fashion and density so as to obscure the view of parked vehicles from adjacent property at ground level. Walls, earth mounds, fences, or any combination thereof, may be included with living plant material to produce the view restrictive screen. When driveways and off-street parking areas are surfaced with crushed stone, the stone shall be uniformly spread and maintained at a minimum depth of four inches and it shall be contained by a border such as landscape timbers or by metal or similar edger or by a curb. The surface of all parking areas and driveways shall be maintained in good condition free of pot holes. Stones or other surfacing material scattered beyond the driveways or off-street parking areas shall be immediately removed by the property owner or his or her agent or by the tenants.
- g. Trash and recycling containers shall be stored so as not to be visible from abutting properties or public right-of-ways.
- h. No student home shall be occupied or used as such until a zoning permit and rental housing permit have been issued. Plans showing the lot's layout, parking area, landscaping, and floor area are required.
- i. When weather prohibits timely installation of plantings and other required improvements, the applicant may post a bond or other form of surety acceptable to the Borough to cover

the cost of material and installation of such improvements, in-lieu of making the actual improvements. Once posted, the Borough shall issue a zoning permit and rental permit provided all other requirements are met. Thereafter, as soon as weather permits, actual improvements are required. Should the applicant fail to make required improvements in a timely fashion, the Borough may use the surety to effect required improvements.

- j. Plantings, berms, driveways and driveway borders, and all other required elements shall be maintained in good condition. Fences when used to screen off-street parking or trash storage areas shall be painted or stained to match the color scheme of the house and shall be maintained free of broken or deteriorated pickets and rails. Poor maintenance of any required element shall be a zoning violation and constitute noncompliance with the standards established herein to operate a student home.

Section 8. Amend the Codification of Ordinances, Chapter XIX, Section 2403.c. by adding immediately after 1- and 2-family dwellings the use category "Student Home" as follows:

Student Home.... 3 spaces per dwelling unit

Section 9. Amend the Codification of Ordinances, Chapter XIX, Section 2401.b. (4) Exemption, subsection (a) to read as follows:

(a) One- and two-family dwellings with fewer than 5 parking spaces per lot, **except those used as a student home**, and public parks are exempted from the design and maintenance standards specified in Section 2404.c-e, i-m. **Design and maintenance standards for student homes are contained in Section 501.1.6.**

Section 10. Amend the Codification of Ordinances, Chapter XIX, Section 2404. Design and Maintenance Standards for Off-Street Parking Areas, subsection a. by inserting the words "and student homes" after the word "fraternities."

Section 11. Amend the Codification of Ordinances, Chapter XIX, Section 2404.f. Surfacing Materials, subsection (1) One and two-family by adding the words "and student home." after the word "family."

ORDINANCE _____

AMENDING THE STATE COLLEGE ZONING ORDINANCE (CHAPTER XIX OF THE CODIFICATION OF ORDINANCES) TO DEFINE TOWNHOUSE AND LIMIT OCCUPANCY IN TOWNHOUSES TO A FAMILY PLUS 2 UNRELATED PERSONS OR, IN LIEU OF A FAMILY, TO NO MORE THAN 3 UNRELATED PERSONS.

Section 1. Amend the Codification of Ordinances, Chapter XIX, Section 201 by adding the following new definition:

Townhouse. Multiple-family building comprised of single dwelling units that are attached to one another by party walls without doors or other provision for passage and where each unit has its own separate exterior entrances.

Section 2. Amend the Codification of Ordinances, Chapter XIX, Section 501.1(3) (a) to read as follows:

(a) 1- and 2-Family and Townhouse Dwellings. In all residential districts, for each dwelling unit... a family plus 2 unrelated persons: no more than 3 unrelated persons.

ORDINANCE _____

AMENDING THE PROPERTY MAINTENANCE CODE (PART F, CHAPTER IV OF THE CODIFICATION OF ORDINANCES) TO INCLUDE A DEFINITION FOR STUDENT HOME AND SCREENING REQUIREMENTS FOR OFF STREET PARKING AREAS AND TRASH AND RECYCLING CONTAINERS AT STUDENT HOMES.

Section 1. Amend the Codification of Ordinances, Chapter IV, Part F, Section 603, subsection aa. to include the following definition:

Student Home. A living arrangement within a one-family or two-family dwelling by persons unrelated by blood, marriage, or legal adoption, who are attending undergraduate or graduate programs offered by colleges or universities, or are on semester break or summer break from studies at colleges or universities, or any combination of such persons. The residents of a student home share living expenses and may live and cook as a single housekeeping unit. Student homes shall not include fraternities, sororities, rooming houses, multiple dwellings, or subordinate apartments or rooms offered for let in one-family dwellings.

Section 2. Amend the Codification of Ordinances, Chapter IV, Part F, Section 603, subsection bb. entitled "Sidewalks and driveways" by adding a second and third paragraph which read as follows:

At student homes, as defined herein, the perimeter of all parking areas, except for driveways, shall be screened from adjacent properties with a view restrictive screen. The screen shall be a minimum of three feet high consisting of shrubs planted in such fashion and density so as to obscure the view of parked vehicles from adjacent property at ground level. Walls, earth mounds, fences, or any combination thereof, may be included with living plant material to produce the view restrictive screen. When driveways and off-street parking areas are surfaced with crushed stone, the stone shall be uniformly spread and maintained at a minimum depth of four inches and it shall be contained by a border such as landscape timbers or by metal or similar edger or by a curb. The surface of all parking areas and driveways shall be maintained in good condition free of pot holes. Stones or other surfacing material scattered beyond driveways or off-street parking areas shall be immediately removed by the property owner or his or her agent or by the tenants. Existing student homes that do not meet these standards for parking areas shall be given one year after notification from the Borough or its agent to come into compliance.

Trash and recycling containers shall be stored so as not to be visible from abutting properties or public right-of-ways.

Plantings, berms, driveways and driveway borders, and all other required elements shall be maintained in good condition. Fences when used to screen off-street parking or trash

storage areas shall be painted or stained to match the color scheme of the house and shall be maintained free of broken or deteriorated pickets and rails.

Section 3. Amend the Codification of Ordinances, Chapter IV, Part F, Section 604. To read as follows:

Section 604. Health Officer and Zoning Officer. Any Health Officer or Zoning Officer of the Borough of State College may enforce all provisions of this chapter and The BOCA National Property Maintenance Code, as amended, adopted by this chapter.