

**Meeting Agenda  
State College Borough  
Historic Resources Commission  
March 15, 2016  
Room 241 / 7 p.m.**

**I. Call to Order**

**II. Roll Call**

Eric Boeldt, Chairman  
Mary Ann Schreck, Vice-Chairman  
Susan Bardo  
Guido Cervone  
Katsuhiko Muramoto  
Gary Patterson  
Eric White

**III. Approval of Minutes – February 29, 2016**

**IV. Chair Report**

**V. Public Hour - Hearing of Citizens**

**VI. Work Program**

A. 2016 Work Program

The Chairman presented the Work Program developed by the Commission to Council on February 8, 2016. It is anticipated that the program will be approved on March 14, 2016.

The Chairman has drafted a new memo in anticipation of the Work Program approval for the Historical Architecture Review Board (HARB). This memo and the 2002 vetoed ordinance are attached to the agenda on **pages 5-26**.

Commission Action: Receive memorandum, review and discuss.

**VII. Official Reports and Correspondence**

A. Planning Commission

B. Borough Council

C. Design Review Board

**VIII. Adjournment**

**Meeting Minutes  
State College Borough  
Historic Resources Commission  
Rescheduled February 29, 2016**

The State College Borough Historic Resources Commission (HRC) met on Monday, February 29, 2016 in the State College Borough Municipal Building, 243 South Allen Street in Room 241. Chairman Boeldt called the meeting to order at 7:00 p.m.

**Members Present**

Eric Boeldt, Chairman; Susan Bardo, Katsuhiko Muramoto, Gary Patterson and Eric White

**Others Present**

Anne Messner, Planner/Zoning Officer; David Breon, Contractor and Denise Rhoads, Staff Assistant

**Approval of Minutes**

A motion to approve the January 19, 2016 minutes as submitted was made by Dr. White and seconded by Chairman Boeldt. The vote was unanimously in favor.

**Chair Report**

Chairman Boeldt stated he presented the Work Program to Council on February 8. He stated that Council had not seen the memorandum that had been distributed so the discussion was tabled until the Council meeting on March 14.

Chairman Boeldt noted a home at 531 W. Fairmount Avenue had requested a plaque and the home just sold for one million dollars.

**Public Hour**

No one was in the audience who wished to discuss matters not on the agenda.

**Historic Resources Commission Partial Demolition**

Partial Demolition to a Contributing Building in the Holmes-Foster/Highlands Historic District, 200 East Beaver Avenue, Dave Breon, Contractor

Mr. Breon, Contractor for this proposal, gave a brief overview of his proposal. He distributed a memorandum that included some additional pictures of the work that will be done.

His comments included:

- This property is owned by Sigma Alpha Epsilon.
- This removal is proposed due to deficiencies with the chimney that is no longer in use.
- All windows will be replaced on the third floor
- They will need to run power to the third floor.
- They will need to make sure it is ADA accessible by installing one handicapped parking space and replacing a set of doors.
- They will be fixing an existing stone wall along the streetscape and make some improvements as well.

Dr. White asked if the wall on Pugh Street would be fixed. Mr. Breon stated, at this time, it will not be repaired.

Mr. Muramoto asked if there will be an ADA ramp and Mr. Breon stated yes, there will be one.

Dr. White asked if they will be adding rooms to the third floor. Mr. Breon stated yes and they will also be adding a restroom.

#### **Commissioners' comments included:**

Chairman Boeldt stated he would rather the chimney did not come down.

#### **Work Program**

##### 2016 Work Program

Ms. Messner noted the Chairman had also drafted a memorandum in anticipation of the Work Program approval for the Historical Architecture Review Board (HARB).

Chairman Boeldt stated he did some research of surrounding communities that already have a HARB in place such as Mechanicsburg, Lancaster, York, Reading and Allentown.

Commissioners' comments included:

- Mr. Muramoto had a question about the membership portion of a HARB. He noted that if State College cannot find three professionals to be on the Board it would be a moot point in forming one. Ms. Messner stated it could be risky in trying to enact one if we could not find three professionals.

Chairman Boeldt asked the members to take a look at the HARB for both the Pennsylvania ordinance and the State College ordinance that was vetoed then bring comments back to the next meeting.

Ms. Messner stated the members could email her their comments as well and she would draft something for the next meeting.

### **Official Reports and Correspondence**

Planning Commission (PC): Ms. Messner reported the PC has discussed 3 ordinances in the last three months: 1) fence ordinance, 2) removing Ph.D. candidates from the Student Home List; and 3) proposed construction and where to place affordable units for the Rise Building. All of the above will be on Council's March 14 meeting agenda.

Borough Council (BC): Ms. Messner reported Council will be reviewing the Work Programs.

Design Review Board (DRB): Ms. Messner reported the DRB is going to review a revised East Halls which includes renovations for Findlay Dining Halls. The Ag Engineering building has a new building proposed. They are also looking at the annual Holtzman Award.

Dr. White asked what can be done about the stone walls within the Borough that need to be fixed. Ms. Messner stated the zoning ordinance does not have anything pertaining to maintaining these types of problems. She noted it would be the Centre Region Code Administration that could possibly do something about this matter.

### **Adjournment**

With no further business to discuss, a motion to adjourn the meeting at 7:52 p.m. was made by Ms. Bardo and seconded by Dr. White.

Respectfully submitted by:  
Denise L. Rhoads, Staff Assistant

# Memo

From: Eric Boeldt  
 To: Historic Resources Commission and staff members  
 Subject: Comparison of State College vetoed ordinance and Pennsylvania model ordinance.

The more I looked at the two ordinances, the more convinced I became that we should start with the PA model ordinance and edit that one as necessary. The PA model is better organized and is easier to defend. Also, I found nothing significantly inappropriate in the ordinance.

¶ = Paragraph number    Vetoed = State College vetoed ordinance    PA = Pennsylvania model ordinance

Pa Model Section		Comment
Article I	Legal authority and purpose	
	The PA and the SC versions match.	
Article II	Definitions	
200 ¶ A	Alteration – “Any act or process <i>requiring a building permit</i> and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object, or any part of a structure which is visible from the public way.”	What requires a building permit in State College? The borough web site is not clear as to what work requires a building permit.  Interior work is included in these definitions. Change to “Any exterior change ...” here or in some other place.
200 L	A definition of “Sign” is not needed in our ordinance because our district is only residential, but leave in for reference.	
	In-Kind Replacement in the Vetoed ordinance: “Items that will approximate the dimensions and detailing of the original architectural features of a building, using original or alternative materials.”	The term is used only twice in the PA version. If used in the new SC ordinance, we will need to carefully review this definition.
Article III	Delineation of district	
	This will match the historic district borders.	

Article IV	HARB membership and duties	
400	Membership of HARB is as required by Act of 1961. However, more members may be included.	Three professionals and at least two others. Quorum is 50%, vote by majority of those present.
401 C	Removal of members	Removal of members for non-attendance should be specifically stated as a reason for replacement.
401 D	An annual report is not required by the Act, but is a good idea.	We could require reports every two or three years but suggest annual. ?
401 F	Should meet monthly as needed.	We may have an application free month.
401 G	The annual training requirement should be removed or changed to a recommendation. It is hard to find useful and cheap training.	Removing this requirement will save money.
402	Other duties of HARB	All of these are good to include.
	Note that section 400 of the vetoed ordinance does not exist in the PA model. Section 401 of vetoed can be found in section 600 of the PA version.	
Article V		
Section 500	Design guidelines	
500 H	Saving architectural features is not mandated.	Since there is no room for storage, we can suggest transport to Restore in Bellefonte or delete this section.
Section 501	Signs	We should delete this whole section because we have no commercial area in district and that is covered by zoning and Design Review Board.
Article VI	Application review procedure	
		What requires a building permit in State College? The borough web site is not clear as to what work requires a building permit. At least the web site needs more FAQs to help with this determination
Article VII	Economic Hardship	
	This area can be a sore point. Most people hate to tell their financial business.	
Article VII	Demolition by Neglect	
		Is a wall along the sidewalk a structure?
Article IX	Administration, enforcement, violations	
903	Repealer "All ordinances or parts of ordinances inconsistent herewith are hereby repealed."	So does this repeal stuff in the zoning ordinance or in this ordinance? Or is this just lawyer talk for something?

**ORDINANCE NO. 1707**

**Local Historic District Ordinance**

An Ordinance of State College Borough creating a historic district, defining its limits, providing for the appointment of a Historical Architectural Review Board (HARB) to give recommendations to the Borough Council regarding the issuance of Certificates of Appropriateness in connection with the granting or refusal of permits for the erection, alteration, restoration, reconstruction, demolition or razing of any contributing and non-contributing building (as defined in this Ordinance) within the district and for appeals from such refusals and providing for the notification to the Pennsylvania Historical and Museum Commission (PHMC) of the adoption of this Ordinance and obtaining from the Commission a certificate as to the historical significance of the district.

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## **ARTICLE I**

### **Section 100. Legal Authorization**

Pursuant to authority contained in the Act of June 13, 1961, Public Law 282, No. 167, as amended, there is hereby created a historic district within the State College Borough.

This Ordinance shall be known and may be cited as the State College Borough Local Historic District Ordinance.

### **Section 101. Purpose**

This District is created for the following purposes:

1. Pursuant to Article I, Section 27 of the Pennsylvania Constitution which states that:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Now, therefore, it is the purpose and intent of the State College Borough to promote, protect, enhance, perpetuate, and preserve historic districts for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, structures, and areas of historic interest or importance within the Borough; to safeguard the heritage of the Borough by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the Borough's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the Borough's past; and, to preserve and protect the cultural, historical and architectural assets of the Borough which the Borough has determined to be of local, state or national, historical and/or architectural significance.

## **ARTICLE II**

### **Section 200. Delineation of Historic Districts**

The State College Borough Local Historic District shall be described in writing in this section and delineated on a map designated as the Historic District Map of the Borough.

The Historic District Map of the Borough shall be located in the office of the Planning Department and made available for public inspection.

The State College Borough Local Historic District is described as following the boundary lines of the Holmes-Foster/Highlands and College Heights National Register Historic Districts, as defined by the Borough's Official Local Historic District Map.

### **ARTICLE III**

#### **Section 300. Creation & Membership of the Historical Architectural Review Board**

- A. A Historical Architectural Review Board, hereafter referred to as HARB, is hereby established to be composed of five (5) members appointed by Borough Council. The majority of the HARB membership must be composed of Borough residents. All members should be persons with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation, or neighborhood conservation or revitalization practices. The membership of HARB shall be as follows:

One (1) member shall be a registered architect in the State of Pennsylvania

One (1) member shall be a licensed real estate broker

One (1) member shall be a building inspector

Two (2) members who have an interest in the preservation of the Local Historic Districts and are property owners who reside in the Borough.

- B. The initial terms of the first member shall be so fixed that no more than two (2) members shall be replaced or reappointed during any one calendar year. Vacancies on the HARB shall be filled within one hundred and twenty days (120). However, every member shall continue in office after expiration of the term until a successor has been appointed. Their successors shall serve for a term of five (5) years. The position of any member of HARB appointed in his capacity such as a registered architect, a licensed real estate broker, building inspector, etc., who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- C. It shall be the duty of each HARB member to remain conscious of, and sensitive to, any possible conflict of interest (including, but not limited to, financial considerations) that may arise by virtue of his or her membership on the Board. A member, upon determining that he or she has a conflict relative to any matter brought, shall disqualify himself or herself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter, including temporarily absenting himself or herself from the room in which the discussion is being held.

#### **Section 301. Powers and Duties of HARB**

- A. **Advisory Role.** The HARB shall give recommendations to Borough Council regarding the advisability of issuing any Certificate of Appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended, and by this ordinance.

- B. **Board Rule-Making Power.** HARB may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth, all provisions of this ordinance, and are approved by Borough Council.
- C. **Removal of Members.** Any board member may be removed for misconduct or wrongdoing, unlawful execution of this Act, or failure to perform his or her responsibilities pursuant to this Act, or for other just cause by a majority vote of Borough Council, but not before he or she has been given the opportunity of a hearing before Borough Council.
- D. **Annual Reports.** The HARB shall make an annual report to Borough Council that shall include:
  - 1. Any recommendations for changes in the ordinance.
  - 2. The number and types of cases reviewed.
  - 3. The number of cases for which a Certificate of Appropriateness was either approved or denied.
  - 4. Number of HARB meetings, which each member attended.
  - 5. Historic preservation-related training which each member attended.
  - 6. A narrative summary describing the state of preservation in the Borough's Local Historic District with recommendations in policy, goals, and objectives for Borough Council's consideration.
- E. **Compensation.** HARB may employ secretarial and professional assistance, and incur other necessary expenses with the approval of Borough Council.
- F. **Meetings.** HARB shall meet publicly at least once each month at regularly scheduled intervals. Further, HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this ordinance. Such meetings shall be open to the public. A majority of HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present. All meetings of the HARB are subject to laws of Pennsylvania concerning open meetings.
- G. **Training.** HARB members and HARB support staff shall attend, at the Borough's expense, a minimum of eight (8) hours annually of officially sponsored seminars, conferences or workshops related to historic preservation and HARB administration offered by the State of Pennsylvania.

### **Section 302. Additional Powers and Duties of HARB**

In addition to the above, HARB shall have the following powers and duties:

- A. To conduct a survey of buildings, structures, objects and monuments for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; act in coordination with the Borough Planning Commission, Zoning Hearing Board, and other appropriate groups and to maintain and periodically revise the detailed listings

(resource inventories) of historic resources and data about them, appropriately classified with respect to national, state and local significance in accordance or consistent with the Pennsylvania Historical and Museum Commission's Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys.

- B. To propose, from time to time, as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- C. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings including proposals for the installation and care of such historic markers.
- D. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Borough's historical and/or architectural sites and buildings.
- E. To cooperate with and advise Borough agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimension regulations and minimum structural standards).
- F. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission, the Centre County Historical Society, and other agencies, public and private, from time to time, concerned with the preservation of historic sites and buildings.
- G. To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
- H. To promote public interest in the purpose of this Ordinance by carrying on educational and public relations programs.

## ARTICLE IV

### **Section 400. Certificate of Appropriateness**

- A. **Certificate of Appropriateness Required.** Except for activities exempted by Part B below, a Certificate of Appropriateness shall be required prior to commencing any of the following activities in the local historic district:
  - 1. Any building addition, erection, alteration, reconstruction, restoration, or demolition to any part of a contributing and non-contributing building.
  - 2. Any building addition greater than 400 s.f. of floor area or any modification that increases roof height or changes roof pitch or style.

3. Removal from a lot or demolition of a contributing and a non-contributing building.
4. Construction of new buildings (including detached garages) on lots containing contributing and non-contributing buildings.
5. Construction of new buildings on any vacant lot or lot where a contributing and non-contributing building was removed or demolished.

**B. Exemptions.** The following activities are exempted from the requirement of obtaining a Certificate of Appropriateness:

1. Any building addition, erection, alteration, reconstruction, repair, or restoration that does not increase the existing floor area of a contributing and a non-contributing building by more than 400 s.f.
2. Changing the color of any exterior elevation.
3. Installing siding on any exterior elevation.
4. In-kind replacement of windows, doors, porch railings, shutters, light fixtures, or other details of any elevation.
5. Replacement of roofing materials on all parts of any building.
6. Construction or erection of any accessory building with a building footprint of 150 s.f. or less and not greater than 15 feet in height.

**Section 401. Application Review Procedures**

**A. Borough Planning Staff Review Procedures**

Upon receipt of an application for a zoning permit or other information that work is proposed to be done in the local historic district, planning staff shall proceed as follows:

1. The planning staff shall determine whether the scope of work requires a Certificate of Appropriateness. If a Certificate of Appropriateness is required, staff shall forward copies of the completed application for a zoning permit, when applicable, together with copies of any plot plan, building plans, and written specifications filed by the applicant to the HARB for review at the HARB's next regularly scheduled meeting. If a Certificate of Appropriateness is not required, the zoning permit and work may be authorized as usual.
2. Whenever a Certificate of Appropriateness is required as provided for in Section 400, the planning staff shall not issue a zoning permit or otherwise authorize the work until such time that the Borough Council issues a Certificate of Appropriateness.

3. The Applicant for a Certificate of Appropriateness shall be required to submit additional information, within the bounds of reason, as needed by the HARB or Borough Council to evaluate the Applicant's request.
4. The planning staff shall maintain a record of all requests for a Certificate of Appropriateness and the final dispositions of the requests.

**B. HARB Review Procedures**

Except for activities exempt under Section 400, upon receipt of a completed zoning permit application or Certificate of Appropriateness application under the jurisdiction of this Ordinance, HARB shall consider such at its next regularly scheduled meeting or special meeting by the following procedures:

1. **Notification of Application of HARB Meeting.** The owner of record or his or her representative(s) applying for a Certificate of Appropriateness and/or a zoning permit shall be advised of the time and place of said meeting and be invited to appear to explain his or her reasons at least ten (10) days before the HARB meeting. HARB may invite such other persons as it desires to attend its meeting.
2. **Consideration of Design Criteria.** In determining both oral and written recommendations to be presented to Borough Council concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, and restoration, or demolition, or demolition by neglect of all or a part of any contributing and non-contributing building within the Local Historic District, HARB shall consider the Design Standards set forth in Sections 500, 501, 502, and 503, and such Design Guidelines developed by the HARB and approved by Borough Council pursuant to and congruent with the objectives of this Ordinance. Such Design Guidelines shall be printed and made available for the general public.
3. **Time Frame for Board Decision.** HARB shall render a decision and recommendation on any application for a zoning permit under its review as soon as possible and no later than 30 days after the hearing/meeting provided for in Section 301(F) of the Ordinance and shall submit, in writing to Borough Council, recommendations concerning the issuance of a Certificate of Appropriateness.
4. **Disapproval of Application by HARB.** If the HARB decides to advise against the granting of a Certificate of Appropriateness, it shall so indicate, in writing, to the applicant for a zoning permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. The HARB shall withhold its report for five (5) days to allow the applicant to decide whether or not to make the suggested changes in the plans and specifications. If the applicant determines that they will make the necessary changes, they shall so advise the HARB, which shall in turn advise the governing body accordingly.

5. **Contents of Written Report.** The written report to Borough Council concerning HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the findings of fact that shall include but not be limited to the following matters:
- a. The exact location of the area in which the work is to be done.
  - b. The exterior changes to be made or the exterior character of the structure to be erected.
  - c. A list and photographic record of the surrounding structures with their general exterior characteristics.
  - d. The effect of the proposed change upon the general historic and architectural nature of the district.
  - e. The appropriateness of exterior architectural features of the building. The general design, arrangement, texture, and material of the building and the relationship of such factors to similar features of buildings in the district.
  - f. The opinion of HARB, including any dissenting opinions stated in writing, as to the appropriateness of the work or the project proposed, so that it will preserve or destroy the historic character and nature of the district.
  - g. The specific recommendations of HARB based on findings of fact concerning the Borough's issuance or refusal to issue a Certificate of Appropriateness.

**C. Borough Council Review Procedures**

1. **Notification.** Borough Council shall notify the applicant of consideration of the application by Borough Council upon receipt of the written report from HARB, as provided for in Section 401B(5), at their next regular or special meeting. Such meeting is to take place as soon as possible but no later than 30 days after receipt of HARB's recommendation, and the determination of issuing to the planning staff a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall have the right to attend the meeting and be heard, and state reasons for filing said application and why the applicant believes a Certificate of Appropriateness should be issued.
2. **Consideration of Design Criteria.** In determining whether or not to certify to the appropriateness of the proposed erection, alteration, reconstruction, repair, restoration, or demolition of all or a part of any contributing and non-contributing building within the historic district, the Borough Council shall consider the same factors as HARB set forth in Sections 500, 501, 502 and 503 of this Ordinance and the report submitted by HARB.
3. **Approval by the Borough.** If Borough Council approves the application, it shall issue a Certificate of Appropriateness authorizing the planning staff to issue a zoning permit for the work covered.
4. **Disapproval by Borough Council.** If Borough Council disapproves an application, a written report shall be provided to the planning staff, the applicant, and to the Pennsylvania Historical and Museum Commission containing the facts found by Borough Council and the reasons, apart from HARB's, why those facts justify disapproval. The written report may

include what changes could be made to the plans and/or specifications that would meet the conditions for compliance with this ordinance.

Upon receipt of a written disapproval by Borough Council, the planning staff shall disapprove the application for a zoning permit and so advise the applicant. The applicant may appeal this disapproval to the County Court of Common Pleas within the time specified by law.

5. **Final Notification by Borough Council.** In either case of approval or disapproval, the Borough Council shall notify the applicant of its decision within five (5) days of its meeting at which the application was considered.

## ARTICLE V

### **Section 500. Criteria for HARB Certificate of Appropriateness**

In determining recommendations to be made to Borough Council concerning the issuance of a Certificate of Appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the contributing and non-contributing building, site, area, or district, certified to have historical significance, including the following:

- A. Broad historical values representing the cultural, political, economic, or social history of the Borough.
- B. The relationship of the building or structure to historic personages or events.
- C. Significant architectural types representative of a certain historical period and a method of construction.
- D. The effect of the proposed change upon the general historical and architectural nature of the District.
- E. The appropriateness of exterior architectural features of a building.
- F. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- G. In addition to the above, the Borough Zoning Ordinance shall be so amended as to be compatible with the purpose and objectives of this Local Historic District Ordinance.
- H. All other Borough laws and ordinances shall be complied with, including the zoning and subdivision ordinances.

- I. The review board shall consider the financial feasibility of its recommendations in response to a request for a Certificate of Appropriateness or zoning permit for the erection, reconstruction, alteration, and restoration of a contributing and non-contributing building. Financial feasibility shall be determined by HARB on the basis of an unreasonable cost for repair or in-kind replacement of whole or part of a contributing and non-contributing building.

The applicant shall submit a minimum of three (3) estimates from bona fide contractors and/or vendors substantiating his or her claim that the financial feasibility of in-kind replacement is unreasonable. The board shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the planning staff.

If modern exterior materials of wood or masonry are used or if modern materials are used that do not meet the specified criteria, then one should consider installation in such a manner that is reversible.

### **Section 501. Demolition Criteria**

Except as provided in Section 400, any act of demolition, whether it is in whole or in part, of a contributing and non-contributing building that is located within the local historic district shall be subject to the following criteria prior to any demolition activity. However, the criteria mentioned in this Section are supplemental to building code requirements for demolition.

- A. Demolition of any contributing and non-contributing building within the Local Historic District shall be prohibited unless such removal is approved by the procedures outlined in Section 401 of this ordinance and it is found by Borough Council and HARB that the demolition is justified for the reasons identified in Section 501.
- B. Where HARB recommends and Borough Council approves total demolition of a contributing and non-contributing building, a good faith effort shall be made by the Borough and the owner(s) to investigate moving said building to another site. If moving a building slated to be demolished is economically or practically infeasible, efforts shall be made by HARB to salvage architectural features of said building for use within the Borough.
- C. When application for demolition is presented, the HARB having considered facts stated in this Section, may recommend denial of demolition if it determines that the building is structurally safe and sound and does not pose a threat, in terms of safety, as defined by building code regulations.
- D. When HARB deems a proposed demolition undesirable, it may recommend that demolition be postponed for a period, not exceeding three (3) months, from the date of Borough Council's decision. During this period, so as to render demolition unnecessary, the HARB or members of its staff shall make all reasonable efforts to advise or assist the applicant in resolving problems that caused them to propose demolition. In the event that the HARB is

persuaded that the building cannot remain on its present site, then moving of the building shall be encouraged as an alternative to demolition.

- E. If the landowner claims that the building cannot be used for any purpose for which it is or may be reasonably adapted, or when the stated reason for demolition is based, in whole or in part, on financial hardship, the Board may require the landowner to submit, by affidavit, the following information, which must be kept confidential:
1. Amount paid for the property, date of purchase, and party from whom purchased, including description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
  2. Assessed value of the land and improvements thereon according to the most recent assessment.
  3. For income producing property, financial information for the previous two years, or the period of current ownership, that shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt services, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced.
  4. Appraisals obtained by the landowner in connection with the purchase or financing of the property that occurred during their ownership of the property.
  5. Listings of the property for sale or rent, price asked, and offers received, if any.
  6. Consideration by the landowner of future alternative uses for the property.
  7. Proof that renovation costs exceed more than 20% of the fair market value of a property for properties that have been used for residential purposes for five years or more.

Based on this information, the Board must consider an attempt by the landowner to demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return, and that other potential uses of the property are foreclosed. In rendering its decision at the end of the delay period, the HARB may recommend demolition if it finds that the building cannot be used for any purpose for which it is or may be reasonably adapted.

### **Section 502. Design Criteria for Existing Buildings**

- A. The general design, arrangement, proportion, and material(s) of a building and their relationship to other buildings in the Local Historic District should be a consideration when designing for any alteration, restoration, reconstruction, and addition to a contributing and a non-contributing building. Consideration shall also be given, but not limited to the following:

1. **Compatibility.** Any change made to a building should be well-matched with the architectural features of the original building, its size, location, and building materials.
2. **Façade.** Maintain and preserve an existing building's orientation of structural shapes, plan of openings (fenestration), and architectural details, as well as relationships between the width and height of all exterior walls.
3. **Openings.** Maintain the width to height proportions of windows and doors. If front doors and windows are being replaced, then replacement shall be done in the same style, size, and shape as the existing windows and doors, replicating existing horizontal lines to assure continuity and rhythm.
4. **Porches.** Any change made to a porch, including an enclosure, shall be consistent with the architectural style of the existing building through the use of similar materials and construction techniques.
5. **Materials.** Any changes made to a building should incorporate similar materials as found on the original building. In-kind replacement materials are acceptable. If modern exterior materials of wood or masonry are used, or if modern materials are used that do not meet the specified criteria, consider installation in such a manner that is reversible.
6. **Distinctive Architectural Details.** Maintain character-defining features that are unique to the style of the building by retaining existing materials or repairing with in-kind replacement materials. Distinctive architectural details include, but are not limited to: cornices; lintels; arches; gables; dormers and other roof features; door and window number(s), size, shape, arrangement, and trim; ornamental moldings; distinctive siding such as stone, stucco, brick, or patterned shingling; and distinctive roofing materials.
7. **Roof Shapes.** Preserve the style and shape of the existing roof by maintaining original elements such as dormers, gables, and cornice lines, as well as overall pitch and height.
8. **Stairtowers.** Stairtowers shall not be located on the front of any contributing and non-contributing building. The preferred location shall be at the rear of the building, and it is suggested they be enclosed and the roofing materials be similar to the existing building's roofing materials.
9. **Adaptive Uses.** The HARB may provide for additional flexibility in the application of the Design Criteria including, but not limited to changes in window and door openings, entrance changes, and additions and changes to accommodate barrier-free accessibility.

### **Section 503. Design Criteria for New Buildings**

- A. Efforts shall be made to contextually place new structures to complement older structures. New construction shall be judged on the basis of compatibility of scale, mass, and height. Consideration shall be given, but not limited to the following:
1. **Height.** Building height contributes to the overall pattern and rhythm of a streetscape. The height of any new building shall be within 20 percent of the average height of adjacent buildings. This average shall be calculated from the heights of the first two buildings along the street on each side of the new construction. This requirement shall also apply to any proposed modifications to existing buildings or structures.
  2. **Façade.** Maintain and preserve the appearance of existing, adjacent buildings by relating the new construction to their structural shapes, fenestration, and architectural details, as well as to the relationship between width and height of the existing exterior walls.
  3. **Streetscape.** Any new construction shall maintain the pattern of traditional building forms and shapes along the public street or way.
  4. **Materials.** All building materials shall be visually compatible with and similar to adjacent structures, and they shall not contrast conspicuously with them. Use of modern exterior materials is acceptable, as long as it conveys the visual appearance of the remaining parts or elements of the existing surrounding buildings.
  5. **Roof Shapes.** New roof construction shall be similar to that of roof construction for surrounding buildings that are located within the local historic district.
  6. **Setbacks.** Uniform building setbacks help to achieve balance and order within a neighborhood. All building setbacks shall be within 10% of the average setback established by adjacent buildings along the street. The average shall be calculated by using the existing setbacks of the first two buildings along the street on each side of the new construction.
  7. **Stairtowers.** Exterior stairtowers are prohibited in the local historic district.

## **ARTICLE VI**

### **Section 600. Unreasonable Economic Hardship**

When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the landowner of record must present evidence sufficient to prove that as a result of the HARB's action, they are unable to obtain a reasonable return or a reasonable beneficial use from a resource.

The landowner of record shall submit by affidavit to the HARB some or all of the information below at the discretion of the HARB that shall include but not be limited to the following:

- A. Date the property was acquired by its current owner.
- B. Price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and the seller of the property.
- C. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
- D. Current market value of the property.
- E. Equity in the property.
- F. Past and current income and expense statements for the past two (2) years.
- G. Past capital expenditures during ownership of current owner.
- H. Appraisals of the property obtained within the previous two years.
- I. Income and property tax factors affecting the property.
- J. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.
- K. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
- L. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the planning board for changes necessary for it to approve a certificate of appropriateness.
- M. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.

The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

Should the HARB determine that the landowner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The HARB may choose to recommend to the Borough Council that special economic incentives be

developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

The HARB may informally seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions that would relieve the landowner's economic hardship. If the HARB chooses to explore such options, the HARB may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

Should the applicant satisfy the HARB that they will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the HARB be unable to develop with the Borough or appropriate local, statewide and national preservation organizations a solution which can relieve the landowner's economic hardship, the HARB must recommend a Certificate of Appropriateness.

## **ARTICLE VII**

### **Section 700. Demolition by Neglect**

Contributing and non-contributing buildings within the Borough's Local Historic District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Upon identification of instances of demolition by neglect, the HARB may recommend to the property owner how to bring the property back into good condition. Examples of neglect include:

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration of crumbling of exterior stucco or mortar.
- E. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
- F. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that a demolition is necessary for the public safety.

## **ARTICLE VIII**

### **Section 800. Notice of Violation**

The Planning staff shall serve a notice of violation on the person in violation of this ordinance which would result in, but not be limited to: (1) failure to apply for a Certificate of Appropriateness or a zoning permit required for the erection, reconstruction, alteration, and restoration of any contributing and non-contributing building, or the demolition or razing of any contributing and non-contributing building (2) failure to comply with HARB approved work, and

(3) failure to comply with Section 700 of this Ordinance. Such notice shall direct the abatement of said violation.

**Section 801. Enforcement**

The planning staff or its designated representative shall have the power to institute any proceedings, at law or in equity, necessary for the enforcement of this Ordinance.

**Section 802. Penalty**

Any person, property owner, occupant, firm or contractor failing to obtain a zoning permit or Certificate of Appropriateness pursuant to this Ordinance or for violation of Section 700 may be fined up to the sum of \$300.00 for each day the violation is unabated.

**Section 803. Repealer**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**Section 804. Severability Clause**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

**Section 805. Amendments**

The provisions of the Ordinance may be amended in the future by the governing body of the Borough after notice and hearing as provided by law.

**Section 806. Effective Date/Certification by Pennsylvania Historical & Museum Commission**

Immediately upon the adoption of this Ordinance, the Borough shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall not take effect until: (1) the said Commission has certified, by resolution, to the historical significance of the Borough's Local Historical District and, (2) it has been duly advertised once in the newspaper of general circulation in the Borough, as required by law.

**ARTICLE IX**

**Section 900. Definitions**

For the purpose of this ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise.

The word shall is mandatory. The word used includes designated, intended, built, or arranged to be used.

1. **Alteration.** Any change to a building or structure including the repair, replacement, reconstruction or demolition or relocation of any structure or object, or any part of a contributing and non-contributing structure.
2. **Building.** Any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.
3. **Certificate of Appropriateness.** The approval statement signed by Borough Council, which certifies the appropriateness of a particular non-exempt request for the erection, alteration, reconstruction, repair, and restoration of any contributing and non-contributing building located within a historic district.
4. **Completed Application.** A completed permit or Certificate of Appropriateness application is an application that conforms to the submittal criteria for specific historic preservation projects, as determined by the Historical Architectural Review Board (HARB).
5. **Contributing Building.** A building that is identified as contributing, as defined in the National Register of Historic Places designation for the Holmes-Foster\Highlands and College Heights Historic Districts.
6. **Demolition.** The dismantling or tearing down of a contributing and non-contributing building, or rendering the building uninhabitable, as defined by the Building Code regulations, including incidents of neglect.
7. **Demolition by Neglect.** The absence of routine maintenance and repair that can lead to a building's structural weakness, decay and deterioration resulting in its demolition.
8. **Erection.** The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.
9. **Façade.** The face or exterior surface wall of a building
10. **Historical Architectural Review Board (HARB).** The agency that advises the Borough and applicant applying for Certificates of Appropriateness on any requests that require review and authorization related to erecting, altering, reconstructing, repairing, restoring, or demolishing any contributing and non-contributing building within a historic district.
11. **In-Kind Replacement.** Items that will approximate the dimensions and detailing of the original architectural features of a building, using original or alternative materials.

12. **Landowner.** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in the land.
13. **Non-Contributing Building.** A building that is identified as non-contributing, as defined in the National Register of Historic Places designation for the Holmes-Foster\Highlands and College Heights Historic District.
14. **Planning Department.** A Borough department designated to enforce compliance of the Zoning Ordinance and issue permits for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any contributing and non-contributing building or structure, including those within a historic district.
15. **Public Street or Way.** A public or dedicated right-of-way 33 feet or more in width or a private right-of-way or easement or a proposed right-of-way widening or extension of an existing street or public way on any plan approval by the Planning Commission.
16. **Reconstruction.** The act or process of reproducing, by new construction, the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time, but not necessarily of original material.
17. **State College Borough Council.** The governing body of the Borough of State College.
18. **Structure.** Anything constructed or erected, having a permanent or semi-permanent location on another structure or in the ground, including without limitation buildings, sheds, manufactured homes, garages, fences, gazebos, freestanding signs, billboards, antennas, satellite sending or receiving dishes, vending machines, decks, and swimming pools.
19. **Zoning Permit.** An approval statement signed by the Zoning Officer as required by Section 304 of the Zoning Ordinance.
20. **Zoning Permit Application.** A request filed by any person, with the Planning Department, that seeks authorization to erect, alter, reconstruct, repair, restore, demolish or raze all or a part of any contributing and non-contributing building, including those within a historic district, that requires a Certificate of Appropriateness.

ENACTED AND ORDAINED as an Ordinance this 3<sup>rd</sup> day of September 2002.

BOROUGH OF STATE COLLEGE

Richard J. McCarl

President of Council

Attest:

Barbara J. Natalie  
Barbara J. Natalie  
Assistant Borough Secretary

Vetoed  
EXAMINED AND ~~APPROVED~~ as an Ordinance this 11<sup>th</sup> day of September 2002.

\_\_\_\_\_  
Bill Welch, Mayor