

**Meeting Agenda  
State College Borough  
Historic Resources Commission  
April 19, 2016  
Room 241 / 7 p.m.**

**I. Call to Order**

**II. Roll Call**

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

**III. Approval of Minutes - *March 15, 2016***

**IV. Chair Report**

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

**VI. Land Development Plan**

**A. Preliminary Plan for Proposed Improvements, Additions and Renovations to 243 South Pugh Street, Project Design by Michael C. Haluga, Inc., Registered Architect, Dean and Linda Spanos, Owners.**

This home is a 3-story frame and is permitted as a home. This structure at the corner of Orchard Alley and South Pugh Street is a rental property. The property is approximately .18 acres in the Commercial District. This property is a contributing building to the Holmes Foster/Highlands Historic District. The existing main structure is believed to have been built around 1925.

The project proposes to add to the front of the building to create a total of 4 dwelling units. The parking lot configuration illustrates that 15 parking stalls exist and the proposal requires 9 parking stalls.

Attached to the agenda is an aerial view, a street view and the plan submission on **pages 5-10**.

Historic Resources Commission Action: Review the plan and offer any design suggestions deemed appropriate. The ordinance requires an advisory review of the projects since the front porch is proposed to be removed.

**VII. Work Program**

A. Historical Architecture Review Board

Continue discussion of the *Model Historic District Ordinance for Local Governments In Pennsylvania* (2005 version). Attached to the agenda on **pages 11-35** is the 2005 model ordinance.

Commission Action: Review and discuss.

**VIII. Official Reports and Correspondence**

A. Planning Commission

B. Borough Council

C. Design Review Board

**IX. Adjournment**

**Meeting Minutes  
State College Borough  
Historic Resources Commission  
March 15, 2016**

The State College Borough Historic Resources Commission (HRC) met on Tuesday, March 15, 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, Gary Patterson and Eric White

**Others Present**

Anne Messner, Planner/Zoning Officer and Denise Rhoads, Staff Assistant

**Approval of Minutes**

A motion to approve the February 29, 2016 minutes as submitted was made by Ms. Bardo and seconded by Mr. Patterson. The vote was unanimously in favor.

**Chair Report**

Chairman Boeldt reported that Council approved the Work Plan. He noted that the Borough Manager discussed the proposal of a HARB for this Commission. Mr. Fountaine stated there are not funds in the budget to approve an additional staff person for 2016.

**Public Hour**

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

**Work Program**

2016 Work Program

Chairman Boeldt stated he presented the Work Program to Council on February 8, 2016.

Chairman Boeldt asked each member what they thought of both HARB's that are being used for examples.

Dr. White stated the membership of the HARB was a five person board and he noted that number seemed small. Mr. Patterson and Ms. Bardo agreed that the number should be larger as well. Dr. White also noted, as a whole, this Commission should stay as close as possible to what the state is using.

Chairman Boeldt stated he agreed with Dr. White. It was also agreed that the three required members should remain the same.

Mr. Patterson asked if the PA model is too ambitious to the size of State College. Chairman Boeldt stated it would not make a difference.

Ms. Bardo stated moving forward the Commission needs to make sure the document is very well executed.

Ms. Bardo asked what the thought was for adding continuing education for this document. Ms. Messner stated it was for members who were interested in learning more about the process and the document itself.

Chairman Boeldt stated this document would have to be part of the zoning plan.

Ms. Messner discussed detached garages and that they are not considered a contributing building. Chairman Boeldt stated this was a good idea. He did ask if detached garages should be included in the HARB. The general consensus was yes.

Chairman Boeldt asked what requires a building permit. Ms. Messner stated change in use, additions, bay windows, etc. are required to have a building permit.

Dr. White stated the Commission should think about how much they want to be the arbiters of the residents.

The general consensus was to use the PA model as a starting place for the Borough HARB.

Chairman Boeldt asked Ms. Messner where the Commission goes from here. Ms. Messner stated the Commission should have one more meeting to really assess the PA model and make comments. Once this assessment is done, a memorandum should be put together to go before Borough Council stating that it should also go to the Planning Commission.

### **Official Reports and Correspondence**

Planning Commission (PC): Ms. Messner reported the PC will meet on Thursday and will be reviewing two land development plans: 1) 705 S. Atherton Street and 2) Easterly Parkway Townhouses.

Borough Council (BC): Ms. Messner reported Council discussed clustering of the Inclusionary Housing (IH) units from the IH Ordinance, discussed the fence ordinance, the PH.D addition to the student home definition was discussed.

Design Review Board (DRB): Ms. Messner reported the DRB met today to review the above two land development plans and made a recommendation for the Holtzman Award for 914 Robin Road.

### **Adjournment**

With no further business to discuss, a motion to adjourn the meeting at 7:51 p.m. was made by Ms. Bardo and seconded by Dr. White.

Respectfully submitted by:  
Denise L. Rhoads, Staff Assistant



Aerial View of 243 South Pugh Street



243 South Pugh Street (Source: Google Maps)



243 South Pugh Street (Rear) (Source: Google Maps)

# 243 SOUTH PUGH STREET ADDITION

State College Borough, Centre County, Pennsylvania

243 South Pugh Street

State College, PA 16801

## Land Development Plan

STATE COLLEGE BOROUGH – PRELIMINARY LAND DEVELOPMENT PLAN

March 7, 2015

### RECORDING CERTIFICATE

### CERTIFICATION OF OWNERSHIP

COMMONWEALTH OF PENNSYLVANIA  
 COUNTY OF CENTRE  
 ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BEFORE ME, THE  
 UNDERSIGNED OFFICER PERSONALLY APPEARED:

WHO, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT  
 THEY ARE THE OWNERS AND/OR EQUITABLE OWNERS OF THE PROPERTY  
 SHOWN ON THIS PLAN, AND THAT THEY ACKNOWLEDGE THE SAME TO BE  
 THEIR ACT AND PLAN, AND DESIRE THE SAME TO BE RECORDED AS  
 SUCH, ACCORDING TO LAW.

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

OWNER: \_\_\_\_\_

### DESIGN ENGINEER STORMWATER CERTIFICATION

I, \_\_\_\_\_ HEREBY CERTIFY  
 THAT THE STORMWATER MANAGEMENT PLAN MEETS ALL THE  
 DESIGN STANDARDS AND CRITERIA OF THE STATE COLLEGE BOROUGH AND  
 COLLEGE TOWNSHIP STORMWATER MANAGEMENT ORDINANCE.

### LANDOWNER STORMWATER CERTIFICATION

I, \_\_\_\_\_ ACKNOWLEDGE THAT THE  
 STORMWATER MANAGEMENT SYSTEM IS TO BE A PERMANENT FIXTURE  
 WHICH CAN ONLY BE ALTERED OR REMOVED AFTER APPROVAL OF  
 A REVISED PLAN BY THE STATE COLLEGE BOROUGH AND COLLEGE TOWNSHIP  
 COUNCIL. I SHALL BE RESPONSIBLE FOR MAINTENANCE OF SAID SYSTEM  
 ON MY PROPERTY.

### FIRE CHIEF CERTIFICATION

I HAVE REVIEWED AND HEREBY CERTIFY THAT THE LOCATION  
 OF FIRE LANES AND FIRE HYDRANTS SHOWN ON THIS PLAN  
 ARE ADEQUATE AND MEET MY APPROVAL.

FIRE CHIEF \_\_\_\_\_ DATE \_\_\_\_\_

### BOROUGH ENGINEER STORMWATER CERTIFICATION

I, \_\_\_\_\_ HAVE REVIEWED THIS  
 STORMWATER MANAGEMENT PLAN IN ACCORDANCE WITH THE DESIGN  
 STANDARDS AND CRITERIA OF THE STATE COLLEGE BOROUGH  
 STORMWATER MANAGEMENT ORDINANCE.

### ZONING OFFICER APPROVAL

STATE COLLEGE BOROUGH ZONING OFFICER APPROVED

ZONING OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

### BOROUGH ARBORIST APPROVAL

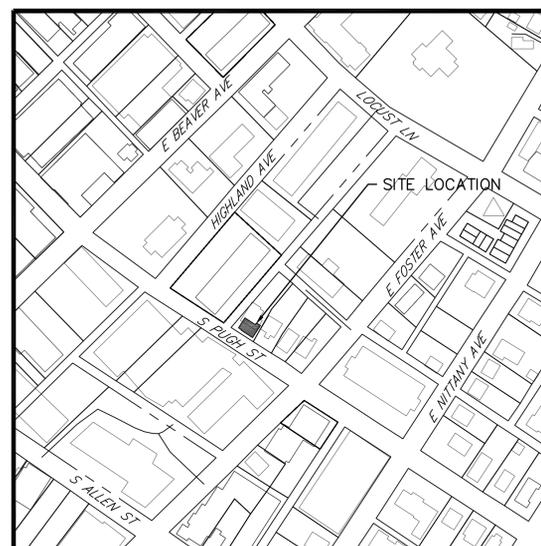
BY: \_\_\_\_\_ DATE: \_\_\_\_\_

### PROFESSIONAL LAND SURVEYOR CERTIFICATION

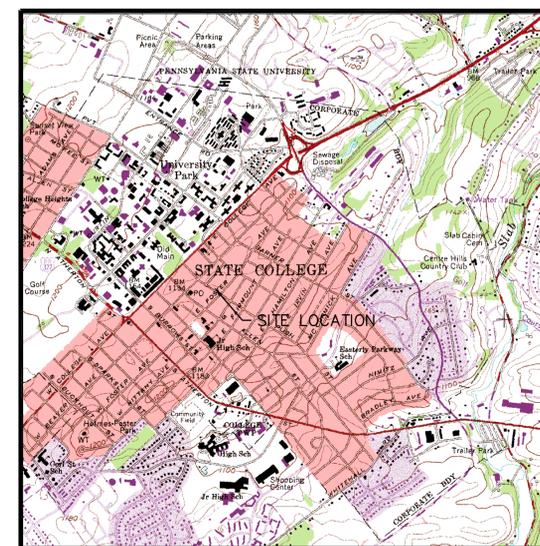
I, \_\_\_\_\_ A PROFESSIONAL LAND SURVEYOR  
 IN THE COMMONWEALTH OF PENNSYLVANIA DO HEREBY CERTIFY  
 THAT THE PLAN CORRECTLY REPRESENTS THE TRACT OF LAND SHOWN.

### GENERAL NOTES:

- OWNER OF RECORD:  
 DEAN & LINDA SPANOS  
 275 SMITH ROAD  
 PORT MATILDA, PA 16870  
 SOURCE OF TITLE: D.B. 1167, PG 279
- TAX PARCEL NUMBER:  
 36-13-190
- ZONING DISTRICT: COMMERCIAL C
- LOT AREA: 0.43 ACRES
- BUILDING SETBACKS:  
 FRONT: 15 FEET MEASURED FROM THE CURB  
 SIDE: 10 FEET (ABUTTING AN ALLEY)  
 REAR: 10 FEET (ABUTTING AN ALLEY)
- EXISTING USE: RESIDENTIAL GROUP DWELLING  
 PROPOSED USE: RESIDENTIAL GROUP DWELLING
- MAXIMUM BUILDING HEIGHT: 65'  
 PROPOSED BUILDING HEIGHT = 36' (AVERAGE HEIGHT ALONG PUGH STREET ELEVATION)
- BUILDING AREA:  
 FOOTPRINT: 1218 SQ. FT.  
 TOTAL: 2949 SQ. FT.
- NO FLOOD PLAIN OR WETLANDS EXIST ON OR NEAR THE SITE.
- SANITARY SEWER SERVICE PROVIDED BY UNIVERSITY AREA JOINT AUTHORITY. PUBLIC WATER SERVICE PROVIDED BY STATE COLLEGE BOROUGH WATER AUTHORITY.
- UNDERGROUND UTILITY LOCATIONS, AS SHOWN ON THIS PLAN, ARE BASED ON ABOVE GROUND APPURTENANCES AND SUPPLEMENTAL INFORMATION SUPPLIED BY THE UTILITY PROVIDERS. NO LOCATION BY EXCAVATION WAS DONE.
- THE EXISTING FEATURES SHOWN HEREON ARE FROM FIELD SURVEY BY SWEETLAND ENGINEERING & ASSOCIATES, INC. COMPLETED IN JANUARY 2016. BEARING BASED ON STATE COLLEGE BOROUGH'S PUBLISHED DATUM MONUMENTATION WHICH IS BASED ON PA STATE PLANE COORDINATES SYSTEM. VERTICAL DATUM IS BASED ON STATE COLLEGE BOROUGH'S PUBLISHED VERTICAL DATUM MONUMENTATION WHICH IS BASED ON NAVD 88.
- THE SITE DRAINS TO THOMPSON RUN (HQ-CWF).
- NO EROSION AND SEDIMENT POLLUTION CONTROL APPROVAL IS REQUIRED BY CENTRE COUNTY CONSERVATION DISTRICT. SITE DISTURBANCE IS LESS THAN 5000 SQ. FT.
- ALL EXISTING UNDERGROUND UTILITY INFORMATION HAS BEEN APPROXIMATELY LOCATED FROM FIELD SURVEYS OF EXISTING ABOVE GROUND STRUCTURES, PA ONE CALL 811 DATA UNDERGROUND UTILITY MARKOUT, OR AVAILABLE UTILITY COMPANY RECORDS. THE UTILITY DATA IS A COMPILATION OF SURVEY DATA AND DATA SUPPLIED BY OTHERS, NO LOCATION BY EXCAVATION HAS BEEN PERFORMED. SWEETLAND ENGINEERING & ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND UTILITY DERIVED FROM INFORMATION PROVIDED BY OTHERS AS DEPICTED ON THIS PLAN.



LOCATION MAP  
 SCALE: 1"=200'



LOCATION MAP  
 SCALE: 1"=2000'



### SHEET INDEX:

- C1 – COVER SHEET
- C2 – EXISTING CONDITIONS PLAN
- C3 – PROPOSED SITE/GRADING/E&S PLAN
- A1 – BUILDING FLOOR PLAN/ELEVATION PLAN

### CALL BEFORE YOU DIG !!

PENNSYLVANIA LAW REQUIRES  
 (3) WORKING DAYS NOTICE FOR  
 CONSTRUCTION PHASE AND  
 --- STOP & CALL ---  
 Pennsylvania One Call System, Inc.  
 1-800-242-1776 OR 811  
 SERIAL #20153640226

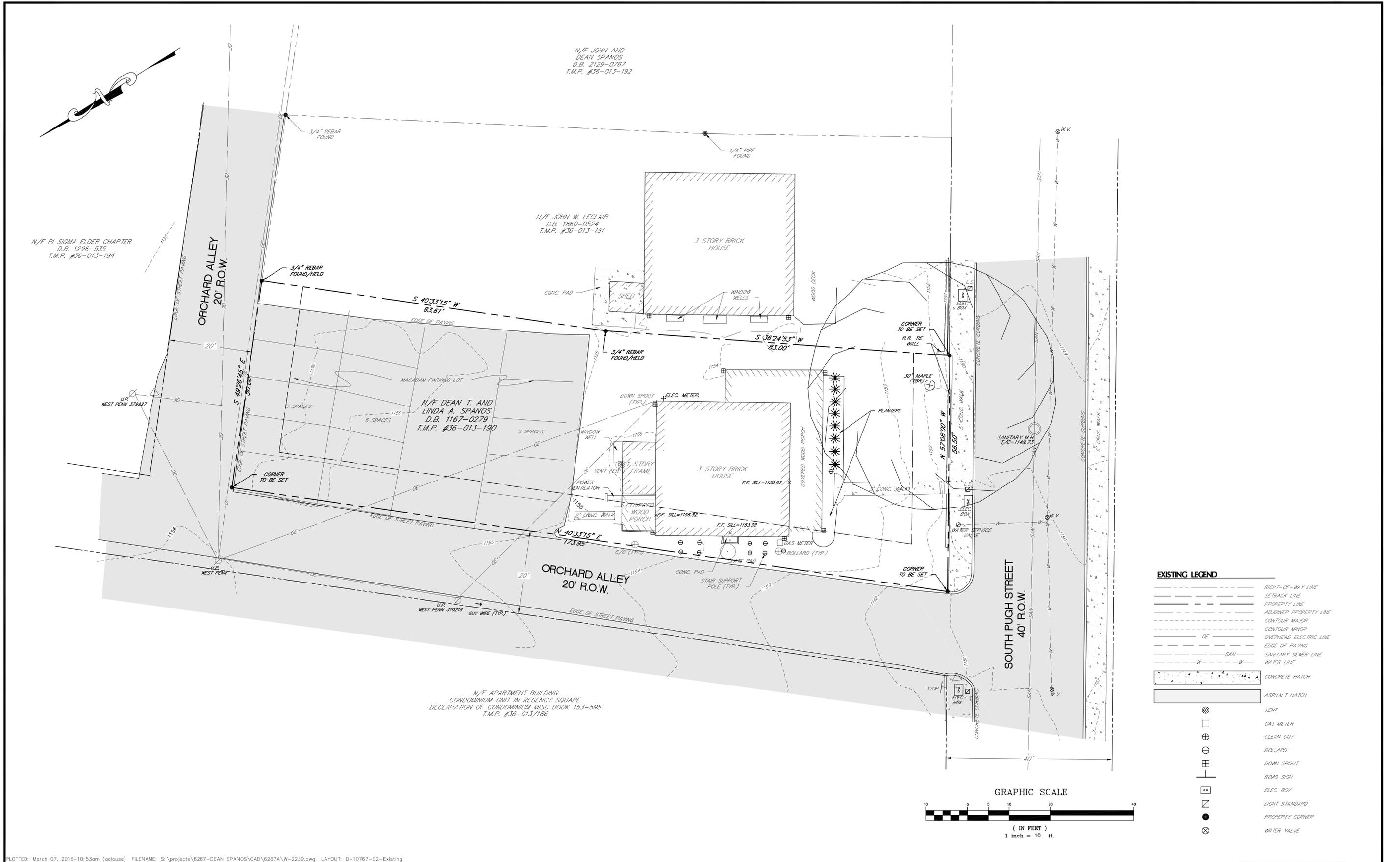


### PA ONE CALL 811 DATA

- COMPANY: COLUMBIA GAS OF PA  
 ADDRESS: 501 TECHNOLOGY DR SOUTHPOINTE  
 INDUSTRIAL PARK CANONSBURG, PA. 15317  
 CONTACT: U GRANT YORK
- COMPANY: COMCAST  
 ADDRESS: 60 DECIBEL ROAD STATE COLLEGE, PA. 16801  
 CONTACT: WWW.COMCAST.COM
- COMPANY: VERIZON PENNSYLVANIA INC  
 ADDRESS: STRAWBERRY SQUARE 11TH FLOOR  
 HARRISBURG, PA. 17101  
 CONTACT: FLORENCE WINSTEAD
- COMPANY: STATE COLLEGE BOROUGH WATER AUTHORITY  
 ADDRESS: 1201 WEST BRANCH ROAD  
 STATE COLLEGE, PA 16801  
 PHONE: (814)-238-6766
- COMPANY: UNIVERSITY AREA JOINT AUTHORITY  
 ADDRESS: 1576 SPRING VALLEY ROAD STATE COLLEGE, PA. 16801  
 CONTACT: RICHARD LAHR
- COMPANY: WINDSTREAM  
 ADDRESS: STATE COLLEGE, PA. 16803  
 PHONE: (877)-759-9066
- COMPANY: WEST PENN POWER  
 ADDRESS: 2800 EAST COLLEGE AVENUE  
 STATE COLLEGE, PA 16801
- COMPANY: WINDSTREAM  
 ADDRESS: STATE COLLEGE, PA. 16803  
 CONTACT: DAVID ACKERMAN  
 PHONE: 800-289-1901

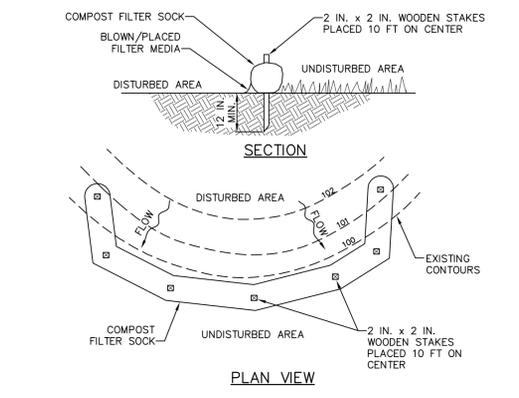
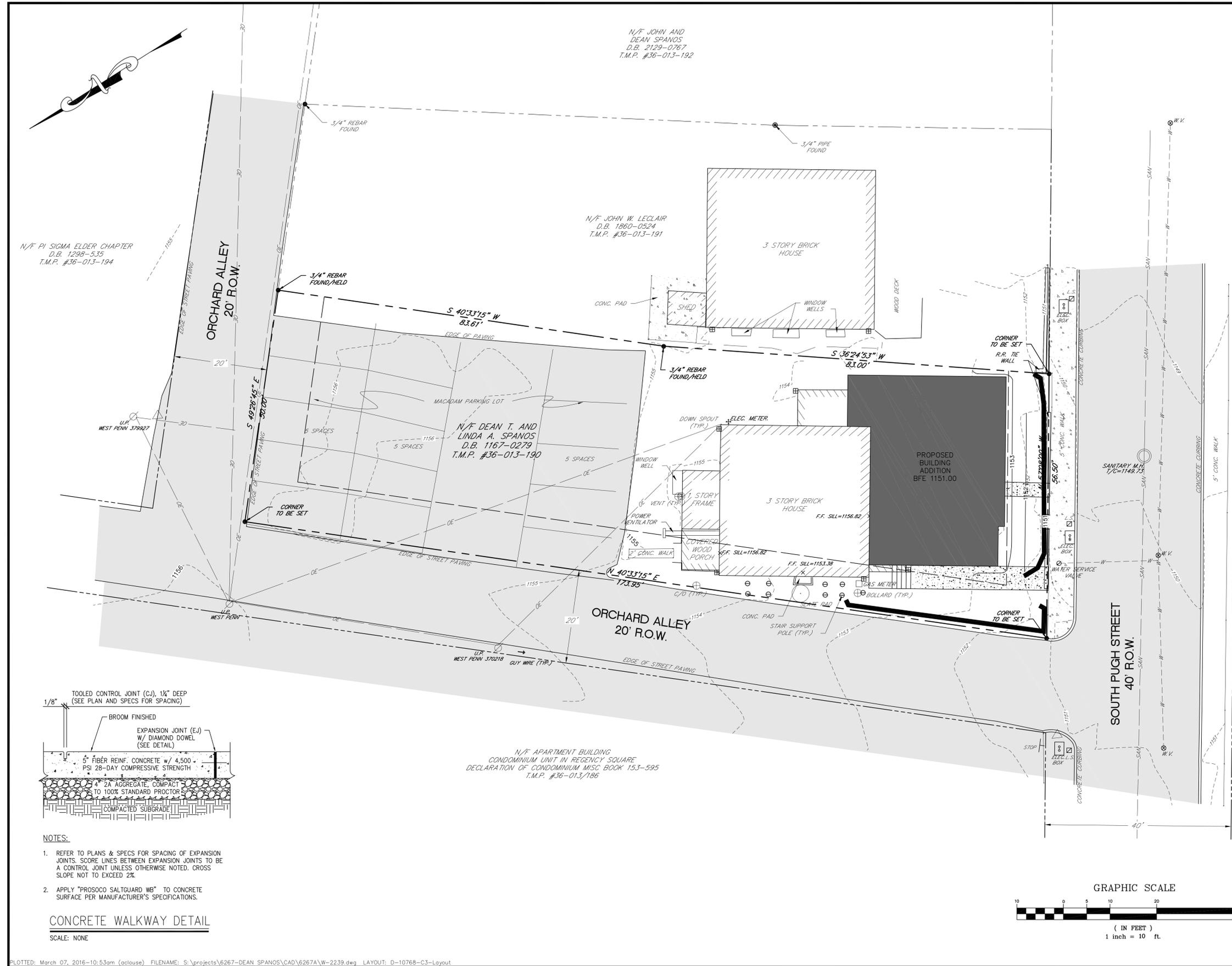
PLOTTED: March 07, 2016--10:53am (aclosure) FILENAME: S:\projects\6267-DEAN SPANOS\CAD\6267A\W-2239.dwg LAYOUT: 0-10766-C1-Cover

<p>AS NOTED</p>		SHEET TITLE:  <b>COVER SHEET</b>		PROJECT TITLE:  <b>243 SOUTH PUGH STREET ADDITION</b>		<b>SWEETLAND ENGINEERING &amp; ASSOCIATES, INC.</b> Corporate Office: 600 Science Park Road State College, PA 16803 (814)-237-6518 Phone (814)-237-1488 FAX www.sweetland-eng.com		CLIENT: DEAN & LINDA SPANOS	SCALE: DATE: 03/07/2016
REFERENCE FILES:  Sweetland Engineering & Associates, Inc. and/or David L. Sweetland, P.E., P.L.S. expressly reserves its common law copyright and other rights in these plans. These plans are not to be reproduced, changed, or copied in any form or manner whatsoever, nor are they to be assigned to any third party without permission and consent of Sweetland Engineering & Associates, Inc. and/or David L. Sweetland, P.E., P.L.S. © 2015						SITE LOCATION: STATE COLLEGE BOROUGH, CENTRE COUNTY		PROJECT NO: <b>6267-A</b>	
Date Description REVISIONS Chk. By Rev. By						DRAWN BY: ACC DESIGNED BY: CET		DRAWING NO. <b>D-10766</b>	
						CHECKED BY: SMK		SHEET NO. <b>C1</b>	



PLOTTED: March 07, 2016-10:53am (aclsouse) FILENAME: S:\projects\6267-DEAN SPANOS\CAD\6267A\W-2239.dwg LAYOUT: D-10767-C2-Existing

 AS NOTED		SHEET TITLE: <b>EXISTING CONDITIONS PLAN</b>		PROJECT TITLE: <b>243 SOUTH PUGH STREET ADDITION</b>		<b>SWEETLAND ENGINEERING &amp; ASSOCIATES, INC.</b> Corporate Office: 600 Science Park Road State College, PA 16803 (814)-237-6518 Phone (814)-237-1488 FAX www.sweetland-eng.com		CLIENT: DEAN & LINDA SPANOS		SCALE: 1" = 10'		DATE: 03/07/2016	
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Date Description REVISIONS Chk. By Rev. By						DRAWN BY: ACC		DESIGNED BY: CET		CHECKED BY: SMK		SHEET NO. C2	



**NOTES:**

SOCK FABRIC SHALL MEET STANDARDS OF TABLE 4.1 OF THE PA DEP EROSION CONTROL MANUAL. COMPOST SHALL MEET THE STANDARDS OF TABLE 4.2 OF THE PA DEP EROSION CONTROL MANUAL.

COMPOST FILTER SOCK SHALL BE PLACED AT EXISTING LEVEL GRADE. BOTH ENDS OF THE BARRIER SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN BARRIER ALIGNMENT. MAXIMUM SLOPE LENGTH ABOVE ANY BARRIER SHALL NOT EXCEED THAT SPECIFIED FOR THE SIZE OF THE SOCK AND THE SLOPE OF ITS TRIBUTARY AREA.

TRAFFIC SHALL NOT BE PERMITTED TO CROSS COMPOST FILTER SOCKS.

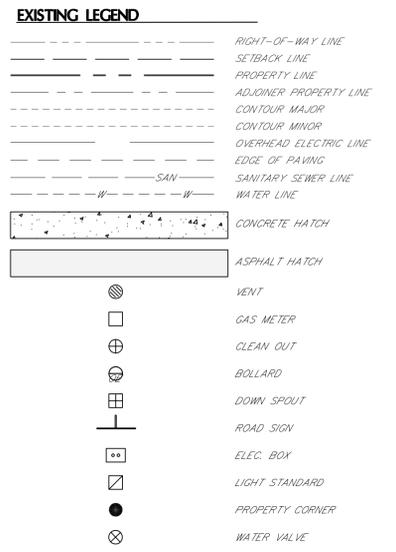
ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT REACHES 1/2 THE ABOVE GROUND HEIGHT OF THE BARRIER AND DISPOSED IN THE MANNER DESCRIBED ELSEWHERE IN THE PLAN.

COMPOST FILTER SOCKS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. DAMAGED SOCKS SHALL BE REPAIRED ACCORDING TO MANUFACTURER'S SPECIFICATIONS OR REPLACED WITHIN 24 HOURS OF INSPECTION.

BIODEGRADABLE COMPOST FILTER SOCKS SHALL BE REPLACED AFTER 6 MONTHS. PHOTODEGRADABLE SOCKS AFTER 1 YEAR. POLYPROPYLENE SOCKS SHALL BE REPLACED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.

UPON STABILIZATION OF THE AREA TRIBUTARY TO THE SOCK, STAKES SHALL BE REMOVED. THE SOCK MAY BE LEFT IN PLACE AND VEGETATED OR REMOVED. IN THE LATTER CASE, THE MESH SHALL BE CUT OPEN AND THE MULCH SPREAD AS A SOIL SUPPLEMENT.

**STANDARD CONSTRUCTION DETAIL #4-1**  
**COMPOST FILTER SOCK**  
 NOT TO SCALE



Date	Description	Chk. By	Rev. By

REVISIONS

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<p>SHEET TITLE:</p> <p><b>PROPOSED SITE/GRADING/ E&amp;S PLAN</b></p>
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<p>PROJECT TITLE:</p> <p><b>243 SOUTH PUGH STREET ADDITION</b></p>
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<p>CLIENT:</p> <p>DEAN &amp; LINDA SPANOS</p>	<p>SCALE:</p> <p>1" = 10'</p>	<p>DATE:</p> <p>03/07/2016</p>
<p>SITE LOCATION:</p> <p>STATE COLLEGE BOROUGH, CENTRE COUNTY</p>	<p>PROJECT NO.:</p> <p>6267-A</p>	<p>DRAWING NO.:</p> <p>D-10768</p>
<p>DRAWN BY:</p> <p>ACC</p>	<p>DESIGNED BY:</p> <p>CET</p>	<p>CHECKED BY:</p> <p>SMK</p>
<p>SHEET NO.:</p> <p>C3</p>		

**SWEETLAND ENGINEERING & ASSOCIATES, INC.**

Corporate Office:  
 600 Science Park Road  
 State College, PA 16803  
 (814)-237-6518 Phone  
 (814)-237-1488 FAX  
 www.sweetland-eng.com



A MODEL HISTORIC DISTRICT ORDINANCE  
FOR LOCAL GOVERNMENTS IN PENNSYLVANIA

Review Procedure for Certificates of Appropriateness and/or Building Permit Requests within the (City, Borough, Township, County) Historic District

1. A completed application as determined by a submittal criteria developed by the Board of Historical Architectural Review is submitted to the Building Inspector. (Refer to Section 600 (A) Proposed (City, Borough, Township, etc.) Historic District Ordinance).
2. The building inspector sends a completed application either for staff administrative review or to the Board of Historical Architectural Review (BHAR). (Refer to Section 600 (A) of the above proposed Ordinance).
3. The Board of Historical Architectural Review reviews the application at its next regularly scheduled or special meeting. (Refer to Section 600 (B) of the above proposed Ordinance).
4. The Board of Historical Architectural Review makes a decision within 30 working days if it is satisfied that it has all the information that it requires to review the proposed project. It then notifies the governing body of its recommendations. (Refer to Sections 600 (E) and (F) of the above proposed Ordinance).
5. The (City, Borough, Township, etc.) governing body considers the application and the BHAR's recommendations at its next regularly scheduled meeting or it schedules a special meeting. (Refer to Section 600 (H) of the above proposed Ordinance).
6. The (City, Borough, Township, etc.) governing body makes a decision and then notifies the applicant within five (5) days after its meeting. (Refer to Sections 600 (J), (K), and (L) of the above proposed Ordinance).

ORDINANCE NO.

(City, Borough, Township, etc.)

An Ordinance of (City, Borough, Township, etc.) creating a historic district, defining its limits, providing for the appointment of a Board of Historical Architectural Review (BHAR) to give recommendations to the (City, Borough, Township, etc.) governing body 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 building 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(s).

*Please note, the Pennsylvania Historical and Museum Commission (PHMC) certifies to the historical significance of the municipality's district not its historic district ordinance. To insure that the municipality's ordinance is in conformity with the Historic District Act, PHMC's Bureau for Historic Preservation will review and comment on the draft of said ordinance.*

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Article VII	Unreasonable Economic Hardship
Article VIII	Demolition by Neglect
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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 (City, Borough, Township, etc.).

This Ordinance shall be known and may be cited as the (City, Borough, Township, etc.) Historic Preservation Ordinance or Historic District Ordinance.

### Section 101 - Purposes

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 (City, Borough, Township, etc.) 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 (City, Borough, Township, etc.); to safeguard the heritage of the (City, Borough, Township, etc.) 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 city'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 (City, Borough, Township, etc.) past; and to preserve and protect the cultural, historical and architectural assets of the (City, Borough, Township, etc.) for which the (City, Borough, Township, etc.) has been determined to be of local, state or national, historical and/or architectural significance.

## ARTICLE II

Section 200 - 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."

### Section 200- Definitions

- A. Alteration - Any act or process requiring a building permit 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.

*Comment: The Bureau for Historic Preservation does not oppose but recommends against mandating the review of paint colors.*

- B. 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.
- C. Building or Demolition Permit - An approval statement signed by the zoning or code administrator authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building listed in the *municipality's* Historic Resource Inventory.
- D. Building Permit Application - The request filed by any person with the Building Inspector or Codes Administrator that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure listed in the *municipality's* within a historic district that requires a certificate of appropriateness.
- E. Building Inspector or Codes Administrator - A municipal employee or individual retained by the (City, Borough, Township, etc.) designated by (City, Borough, Township, etc.) as the individual who enforces compliance of building and/or fire codes and issues the permit for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building or structure within a historic district.
- F. Certificate of Appropriateness - The approval statement signed by the (City, Borough, Township, etc.) governing body which certifies to the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building or structure

within a historic district and authorizes the Issuance of a building permit (if required) for said request.

- G. Completed Application - A completed permit or certificate of appropriateness application is an application which conforms to the submittal criteria for specific historic preservation projects, as determined by the Board of Historical Architectural Review.

*Comment: Many procedural and administrative complications occur because permit and/or certificate of appropriateness applications submitted to HARE are not properly completed. We therefore recommend the rejection for HARB review of any incomplete application.*

- H. Demolition - The dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.
  - 1. Demolition by neglect - The absence of routine maintenance and repair which can lead to a building'S or structure's structural weakness, decay and deterioration resulting in its demolition.
- J. Erection - The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.
- K. 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 oftime but not necessarily of original material.
- L. Sign - Any display, structure, device or object which incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs.
- M. Structure - Anything constructed or erected, having a permanent or semipermanent 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.
- N. (City, Borough, Township, etc.) Historical Architectural Review Board - (HARB) - The agency that advises the (City, Borough, Township, etc.) governing body [applicants for certificates of appropriateness] on any requests for authorization to erect, alter, reconstruct, repair, restore, demolish all or part of any building within a historic district.

- O. (City, Borough, Township, etc.) - governing body

### ARTICLE III

#### Section 300 - Delineation of Historic Districts

The (City, Borough, Township, etc.) Historic District shall be described in writing in this section and delineated on a map designated as the Historic District map of the (City, Borough, Township, etc.).

The Historic District Map of the (City, Borough, Township, etc.) shall be located in the office of the Building Inspector and made available for public inspection.

The (City, Borough, Township, etc.) Historic District is described as follows: (This needs to be filled in)

\_\_\_\_\_ Etc ...

### ARTICLE IV

#### Section 400- The Creation and Membership of the Board of Historical Architectural Review.

- A. A Board of Historical Architectural Review, hereafter referred to as HARB, is hereby established to be composed of members appointed by the (City, Borough, Township, etc.) governing body. The membership of HARB shall be as follows:

- One (1) member shall be a registered architect;
- One (1) member shall be a licensed real estate broker;
- One (1) member shall be the building inspector;
- One (1) member may be a planning commission member;
- One (1) member may be an attorney;

and (X) member(s) shall be person(s) with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation, or neighborhood conservation or revitalization who have interest in the preservation of the Historic District(s) and are property owners who reside in the district.

- B. The initial terms of the first member shall be so fixed that no more than members shall be replaced or reappointed during anyone 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, planning commission member, 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.

*Comment: A typical problem regarding the appointment of board members is that new appointments are sometimes left to languish sometimes for months even years. Therefore, we suggest establishing a deadline in which appointments are to be made.*

- 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, promptly upon his determining he has a conflict himself relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such manner, including temporarily absenting himself from the room in which the discussion is being held.

*Comment: Conflict of Interest. We recommend that members disqualify themselves from voting in which their own or family financial interests is directly or indirectly involved, and prior to the vote being taken, publicly announce and disclose the nature of his or her interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken. In addition, the National Association of Preservation Commissions recommends that the HARB member who has a conflict of interest temporarily absent themselves from the room in which a meeting is taking place, until said item under review has been resolved or tabled to another meeting, unless any action on a matter before it makes the majority or other legally required vote of approval unattainable, then such member shall be permitted to vote if disclosures are made as otherwise provided above.*

#### Section 401- Powers and Duties of HARB

- A. Advisory Role - HARB shall give recommendations to the (City, Borough, Township, etc.) governing body 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 this ordinance.
- B. Board Role 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 and all provisions of this ordinance.

- 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 the governing body, but not before he or she has been given the opportunity of a hearing to defend to any alleged infractions of said Act.
- D. Annual Reports - The members of HARB shall make an annual report to the (City, Borough, Township, etc.) governing body, which 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 members which each member attended;
  - (5) historic preservation related training which each member attended;
  - (6) a narrative summary describing the state of preservation in the (City, Borough, Township) Historic District with recommendations in policy, goals, and objectives for (City, Borough, Township) governing body consideration.
- E. Compensation - HARB may employ secretarial and professional assistance, and incur other necessary expenses with the approval of the (City, Borough, Township, etc.) governing body.
- F. Meetings - HARB shall meet publicly at least once 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 opened 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.
- G. Training - HARB members and HARB support staff shall be required to attend a minimum of eight (8) hours annually of seminars, conferences or workshops related to historic preservation and HARB administration.

*Comment: Training requirements are not mandated by the Historic District Act. but strongly recommended by the Bureau (or Historic Preservation to professionalize HARBS.*

Section 402- 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; action in coordination with the (City, Borough,

- Township, etc.) 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 (City, Borough, Township, etc.) historical and/or architectural sites and buildings.
  - E. To cooperate with and advise the (City, Borough, Township, etc.) governing body, the (City, Borough, Township, etc.) 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 dimensional 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 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 V

### Section 500- Design Guidelines

Note: It is advisable for a municipality to develop illustrated design guidelines as bulletins on individual topics or subjects, i.e., windows, doors, signs, roofs, etc., or as

a complete design book or booklet. Contact the Bureau for Historic Preservation for examples and funding opportunities.

- (I) In determining the recommendations to be made to the (City, Borough, Township, etc.) governing body concerning the issuance of a Certificate of Appropriateness, the Board of Historical Architectural Review (BHAR) shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the building, or structure site, area, or district, certified to have historical significance, the BHAR shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings.
- (II) In addition the Board, when applicable, shall consider the following:
  - A. Broad historical values representing the cultural, political, economic, or social history of the (City, Borough, Township, etc.).
  - 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 style of method of construction.
  - D. The effect of the proposed change upon the general historical and architectural nature of the District.
  - E. The appropriateness of the exterior architectural features which can be seen from a public street or way.
  - F. The general design, arrangement, texture, and material of a building or structure and the relation of such factors to similar features of buildings or structures in the District. Consideration shall be given but not limited to the following:
    1. Proportion of Buildings Front Facades - Preserving the relationship between the width of the front of the building and the height of the front of the building.
    2. Proportion of Openings within the Building - Preserving the relationship of width to height of windows and doors.
    3. Rhythms of Solids to Voids in the Front Facade - Preserving the relationship between a recurrent alteration of strong and weak architectural elements thereby maintaining a rhythm of solids to voids.

4. Rhythm of Spacing of Buildings on Streets - Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
  5. Rhythm of Entrance and/or Porch Projections - Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
  6. Relationship of Materials - Preserving the predominant materials of the district such as brick, stone, stucco, wood siding, or other material.
  7. Relationship of Textures - Preserving the predominant textures of the district which may be smooth, such as stucco or rough such as brick with tooled joints or horizontal wood siding or other textures.
  8. Relationship of Architectural Details - Preserving character defining features of buildings, such as architectural details including but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc ...
  9. Relationship of Roof Shapes - Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or kinds of roof shapes.
  10. Walls of Continuity - Preserving physical elements which comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these which form visual continuity and cohesiveness along the street.
  11. Directional Expression of Front Elevation - Preserving the orientation of structural shapes, plan of openings and architectural detail that reflect a predominantly vertical, or horizontal character to the building's facade,
  12. Scale - Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass its relation to open space.
  13. Variations - The HARB shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or districts.
- G. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by ten (10) percent. This requirement shall also apply to any proposed modifications to existing buildings or structures.
- H. In such rare cases where there HARB recommends and the governing body approves demolition of a historic building or structure a good faith effort shall be made by the (City, Borough, Township, etc.) and the owner(s) to move said building or structure to a proximate site. If moving a building or structure slated

to be demolished is economically or practically infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the (City, Borough, or Township).

*Comment: This is not mandated by the Historic District Act, but recommended by the Bureau for Historic Preservation.*

1. In addition to the above the (City, Borough, Township, etc.) zoning ordinance shall be so amended as to be compatible with the purpose of and objectives of the historic district ordinance.
- J. All other (City, Borough, Township, etc.) laws and ordinances shall be complied with, including the zoning and subdivision ordinances.
- K. Financial Feasibility -

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

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 repair in-kind is unreasonable. The board shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the building inspector or preservation staff or consultant. No substitute material shall be approved which is inappropriate, incompatible, or is destructive or has the potential to be destructive to the original fabric of the building or structure.

No vinyl or aluminum siding or other material shall be allowed on the exterior of any masonry wall of a building or structure. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character defining features of a building or structure.

#### Section 501 - Signs

- A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic district except for advertising informing the public or service, business, occupation or professional carried on, in or about the property on which such sign or permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered notwithstanding zoning sign approval, until an application for permit to make such erection or alteration has been reviewed by HARB for its conformity in exterior material composition, exterior structural

design, external appearance and size with similar advertising or information media used in the architectural period of the district and a permit granted thereon.

- B. All other requirements of any Borough Ordinance must be complied with. Historical markers may be authorized by HARB subject to the provisions stipulated and such markers shall not be considered as signs but are to be erected in accordance with the requirements established for historic markers by HARB.

## ARTICLE VI

### Section 600 - Application Review Procedure

Note: If certain exterior alterations and repairs to buildings and structures do not require a building permit and a municipality's certificate of appropriateness procedure is triggered to the building permit application process this may preclude review of those inappropriate alterations by the Board of Historical Architectural Review.

- A. Upon receipt of a completed application for a building permit or a certificate of appropriateness for work to be done in the district, the Building Inspector shall act in accordance with the procedures being followed in that office, except those procedures that are modified by the following requirements:
1. The Building Inspector shall determine whether the work proposed needs to be forwarded to HARB staff for administrative approval review. If not, he shall forward copies of the completed application for a building permit together with copies of any plot plan and building plans and specifications filed by the applicant to HARB.

*Comment: Staff administrative approval is intended to respond to the public's need for quick response time for work that consists of replacement in-kind or minor repairs, which do not substantially alter the exterior appearance of a building or structure.*

2. The Building Inspector shall not issue a building permit for any erection, alteration, reconstruction, repair, restoration or demolition of all or part of any building in the District until the (City, Borough, Township, etc.) governing body has issued a Certificate of Appropriateness. *If the building inspector or his or her representative issues a building permit*

*without a COA due to an administrative or clerical error said building permit shall be voided.*

*Comment: A building permit issued for work in a historic district, which would not be approved by the HARB, should be considered void. This will prevent "mistakes" from becoming habitual.*

3. The Building Inspector shall require applicants to submit a sufficient number of additional copies of material required to be attached to a completed application for a building permit or certificate of appropriateness so that the information needed to make the determination set forth in Section 600 (G) 1-8 will be available.
  4. The Building Inspector shall maintain in his office a record of all such applications and final dispositions of the same.
- B. Board Review of Applications - Upon receipt of a completed building permit or certificate of appropriateness application under the jurisdiction of this Ordinance, HARB shall consider such at its next regularly scheduled meeting or special meeting.
- C. 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 building 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.
- D. Should the Board fail to notify the applicant of its decision within (30 to 45) working days of its review of the application, it shall be assumed, as a matter of law, that the application is deemed approved, unless the applicant waives the time limit in writing.
- E. Design Guidelines - In determining *both oral and written* recommendations to be presented to the (City, Borough, Township, etc.) governing body concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, restoration, demolition, or demolition by neglect of all or a part of any building within the Historic District, HARB shall consider the Design Guidelines set forth in Sections 500 and 501, and such design guidelines developed by the HARB pursuant to and congruent with the objectives of this ordinance.
- F. Time Frame for Board Decision - HARB shall render a decision and recommendation on any application for a building permit under its review no later than (30 to 45) working days after the hearing/meeting provided for in Section 401 of the Ordinance and shall submit, in writing to the (City, Borough,

Township, etc.) governing body recommendations concerning the issuance of a Certificate of Appropriateness.

- G. Application Disapproval by HARB - If the HARB decides to advise against the granting of a Certificate of Appropriateness, it shall so indicate to the applicant for a building 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 his plans and specifications. If the applicant determines that he or she will make the necessary changes, he or she shall so advise the HARB, which shall in turn advise the governing body accordingly.
- H. 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:
1. The exact location of the area in which the work is to be done.
  2. The exterior changes to be made or the exterior character of the structure to be erected.
  3. A list of the surrounding structures with their general exterior characteristics.
  4. The effect of the proposed change upon the general historic and architectural nature of the district.
  5. The appropriateness of exterior architectural features of the building, which can be seen from a public street or way.
  6. The general design, arrangement, texture, and material of the building and the structure and the relation of such factors to similar features of building or structures in the district.
  7. The opinion of HARB (including any dissent) as to the appropriateness of the work or project proposed as it will preserve or destroy the historic character and nature of the district.
  8. The specific recommendations of HARB based on findings of fact as to the issuance by the (City, Borough, Township, etc.) governing body or its refusal to issue a Certificate of Appropriateness.

1. Notification of Applicant by the (City, Borough, Township, etc.) governing body of their Consideration Upon receipt of the written report from HARB as provided in G of this section, the (City, Borough, Township, etc.) governing body shall consider at the next regularly scheduled or special meeting, the question of issuing to the Building Inspector a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the (City, Borough, Township, etc.) Secretary of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing this said application.
  
- J. Design Guidelines - 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 building within the historic district, the (City, Borough, Township, etc.) governing body shall consider the same factors as HARB set forth in Sections 500 and 501 of this Ordinance and the report of the Board.
  
- K. Approval by the (City, Borough, Township, etc.) governing body - If the (City, Borough, Township, etc.) governing body approves the application, it shall issue a Certificate of Appropriateness authorizing the Building Inspector to issue a (building) permit for the work covered.
  
- L. Disapproval by the (City, Borough, Township, etc.) governing body - If the (City, Borough, Township, etc.) governing body disapproves, a written reason(s) shall be given to the Building Inspector, the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting (1) the distinctive historical character of the district and (2) the architectural integrity of the building or structure.

Upon receipt of a written disapproval of the (City, Borough, Township, etc.) governing body the Building Inspector shall disapprove the application for a building 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.

- M. Final Notification by (City, Borough, Township, etc.) governing body - In either case of approval or disapproval the (City, Borough, Township, etc.) shall notify the applicant of its decision within five (5) days of its meeting at which the application was considered.

*N Should the governing body fail to notify the applicant of its decision within (30 to 45) working days of its review of the application, it shall be assumed, as a matter of law, that the application is deemed approved, unless the applicant waives the time limit in writing. (Added as a revision on September 9, 2004)*

## ARTICLE VII

### Section 700 - Unreasonable Economic Hardship

When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of the review board's action, he is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the review board some or all of the information below at the discretion of the HARB, which 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 review board may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

Should the review board determine that the owner'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 review board may choose to recommend to the (City, Borough, Township, etc.) 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 review board may seek the assistance of appropriateness local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the review board chooses to explore such options, the review board 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 review board that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the review board be unable to develop with the (City, Borough, Township, etc.) or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, the review board must recommend a Certificate of Appropriateness for demolition.

## ARTICLE VIII

### Section 800 - Demolition by Neglect

All buildings and structures within the (City, Borough, Township, etc.) historic district shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of such deterioration 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 window or doors.
- (f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.

## ARTICLE IX

### Section 900- Notice of Violation

The Building Inspector 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 building permit required for the erection, reconstruction, alteration, restoration, demolition, demolition by neglect, or razing of any building or structure which can be seen from a public way, and (2) failure to comply with BARB approved work. Such notice shall direct the abatement of said violation.

### Section 901- Enforcement

The Building Inspector or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Ordinance.

Note: If the municipality does not enforce its historic district ordinance the purpose of the ordinance is subverted.

### Section 902- Penalty

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

### Section 903 - Repealer

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

### Section 904- 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 905 - Amendments

The provisions of the Ordinance may be amended in the future by the governing body of (City, Borough, Township, etc.) after notice and hearing as provided by law.

Section 906- Effective Date/Certification by Pennsylvania Historical and Museum Commission

Immediately upon the adoption of this Ordinance, the (City, Borough, Township, etc.) Secretary 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 (City, Borough, Township, etc.) Historical District and, (2) it has been duly advertised once in the newspaper of general circulation in the (City, Borough, Township, etc.) as required by law.

**Section 907- Enactment**

This Ordinance enacted and ordained on the  
\_\_\_\_\_, 19 \_\_

day of

**(Mayor, Chairman, President,  
Supervisor, Commissioner, etc.)**

**(City, Borough, Township, etc.)**

**Attest:**

**(City, Borough, Township, etc.)**

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 19 \_\_

Revised Model Ordinance Committee  
8 April 1997  
Revised September 9, 2004  
Revised November 16, 2004  
Revised February 1, 2005

Michel R. Lefevre  
Margaret M.M. Pickart  
Brenda Barrett, Esq.  
Thomas P. Leonard, Esq.  
Deana R. Pealer, Esq.  
Elizabeth Burbridge Place, Esq.  
Dan G. Deibler  
Steve Saunders, Esq.  
Michael Feit

## **STEPS TO ESTABLISH A HISTORIC DISTRICT ORDINANCE AUTHORIZED BY THE HISTORIC DISTRICT ACT OF 1961**

- A. Obtain and complete a Pennsylvania Historic Survey Form of the area you propose for historic district designation from the Bureau for Historic Preservation (BHP) at [www.phmc.state.pa.us](http://www.phmc.state.pa.us) under the heading "National Register of Historic Places" or by telephone at 717-787-0771.
- B. Submit the completed form to BHP staff to evaluate the eligibility of the area to the National Register of Historic Places. *For purpose of the Historic District Act the area in question does not need to be listed in the National Register of Historic Places.*
- C. Schedule a site visit with BHP staff to establish the proposed historic district boundaries. Note: the historic district ordinance may regulate a smaller area than the National Register Historic District but not a larger area than defined by National Register boundaries.
- D. Submit a draft of the historic district ordinance for BHP staff review and comment prior to submittal for final approval to the municipality's governing body. Request for BHP historic district ordinance model available from PHMC Website under the heading "Community Preservation" or by calling 717-787-0771.
- E. Consult with BHP staff concerning the development of local support for the proposed historic district ordinance.
- F. Follow appropriate municipal regulations regarding enactment and passage of ordinances, i.e., schedule a public hearing (if required) for public consideration of the proposed historic district ordinance.
- G. The local governing body adopts the historic district ordinance.
- H. In a letter addressed to Jean H. Cutler, Director, BHP, the chief elected official of the local government/municipality requests the Pennsylvania Historical and Museum Commission to certify the historical significance of the proposed historic district.

A certified (signed and dated) copy of the ordinance must accompany this request, with a map clearly showing the historic district(s) boundaries. (Note: Do not confuse Bureau for Historic Preservation review of documentation of the Historic Resource Survey Form with the official resolution by the Pennsylvania

Historical and Museum Commission (the Commissioners appointed by the Governor) certifying the historical significance of the district).

- I. The Pennsylvania Historical and Museum Commission will notify the local government of its official action. The historic district ordinance takes effect, in other words, is able to be enforced only on the date of certification by resolution of the Commission. The Commission meets quarterly and will consider the historical Significance of the proposed district at its regular meeting.

All completed documentation must be received at least 45 days prior to the next scheduled meeting of the Commission at which it will be considered.

Note: In spite of a district's eligibility or listing in the National Register it must still be certified as historically significant by the Commission as required by state law. For further information and guidance please contact:

Michel R. Lefevre, Chief  
Preservation Planning and Education Outreach  
Pennsylvania Historical and Museum Commission  
Bureau for Historic Preservation  
400 North Street  
Harrisburg, PA 17120-0093

Telephone: (717) 787-0771  
Fax: (717) 772-0920  
Email: [mlefevre@state.pa.us](mailto:mlefevre@state.pa.us)