

**A MODEL HISTORIC DISTRICT ORDINANCE
FOR LOCAL GOVERNMENTS IN PENNSYLVANIA**

Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
1997

Review Procedure for Building Permit Requests within the (City, Borough, Township, County) Historic District

1. A completed application as determined by a submittal criteria developed by the Historical Architectural Review Board 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 Historical Architectural Review Board (HARB). (Refer to Section 600 (A) of the above proposed Ordinance).
3. The Historical Architectural Review Board reviews the application at its next regularly scheduled or special meeting. (Refer to Section 600 (B) of the above proposed Ordinance).
4. The Historical Architectural Review Board 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 HARB'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 Historical Architectural Review Board (HARB) 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 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 which 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 Permit – An approval statement signed by the Building Inspector or Codes Administrator authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building (within a historic district).
- 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 within a historic district that requires a certificate of appropriateness.
- E. Building Inspector or Codes Administrator – A municipal employee of 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 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 Historical Architectural Review Board.

Comment: Many procedural and administrative complications occur because permit and/or certificate of appropriateness applications submitted to HARB 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.
- I. 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 of time 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 Historical Architectural Review Board

- A. A Historical Architectural Review Board, 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 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, 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 dead line 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 matter, 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 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 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 for 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

In determining the recommendations to be made to the (City, Borough, Township, etc.) governing body 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 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 (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 Façade – 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 façade.
 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.

- I. 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 inkind 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

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 which 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. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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 hear as to the reasons for filing this said application.
- I. 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.
- J. 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.
- K. 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.

- L. 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.

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 HARB 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.

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 _____ day of _____, 19____.

(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

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

Contact:

Pennsylvania Historical and Museum Commission, Michel Lefevre,
300 North Street, Harrisburg, PA 17120; Phone: 717-787-0771 (Lefevre)
(717) 787-3362; E-mail: mlefevre@state.pa.us;
Web: http://www.phmc.state.pa.us/bhp/Community/model_ordinance.pdf