

CHAPTER 10A
HISTORIC PRESERVATION

PART I

LEGISLATIVE INTENT AND INTERPRETATION

- §10A-101. Legal Authorization**
- §10A-102. Short Title**
- §10A-103. Purpose and Legislative Intent**
- §10A-104. Interpretation and Definitions**

PART 2

DELINEATION OF HISTORIC DISTRICT

- §10A-201. Delineation of Historic District**

PART 3

HISTORICAL ARCHITECTURAL REVIEW BOARD

- §10A-301. Creation**
- §10A-302. Residency of Certain Members**
- §10A-303. Term of Office**
- §10A-304. Vacancies in Office**
- §10A-305. Term Limits**
- §10A-306. Conflicts of Interest**
- §10A-307. Powers and Duties of HARB**
- §10A-308. Additional Duties of HARB**

PART 4

GENERAL DESIGN GUIDELINES

- §10A-401. General Design Guidelines**
- §10A-402. Signs**

HISTORIC PRESERVATION

PART 5

APPLICATION REVIEW PROCEDURE

- §10A-501. Application Procedure
- §10A-502. Certificate of Appropriateness Required
- §10A-503. HARB Review
- §10A-504. Design Guidelines
- §10A-505. Notice of HARB Meeting
- §10A-506. Time for HARB Recommendation
- §10A-507. Recommendation of Disapproval by HARB
- §10A-508. Notice of Council Meeting
- §10A-509. Determination and Decision of Council
- §10A-510. Economic Hardship
- §10A-511. Buildings Unfit for Habitation

PART 6

DEMOLITION

- §10A-601. Intent
- §10A-602. Applicability
- §10A-603. Demolition Criteria
- §10A-604. Demolition by Neglect Prohibited

PART 7

ADMINISTRATION

- §10A-701. Notice of Violation
- §10A-702. Method of Service
- §10A-703. Enforcement
- §10A-704. Enforcement Remedies
- §10A-705. Violations and Penalties

PART 8

EFFECTIVE DATE

- §10A-801. Effective Date

PART 1

LEGISLATIVE INTENT AND INTERPRETATION

§10A-101. Legal Authorization.

Pursuant to the authority contained in the Act of June 13, 1961, P. L. 282, No. 167, as amended, 53 P.S. §8001, et seq., as amended, there is hereby created a Historic District within the Borough of Mechanicsburg.

(Ord. 1067, 1/18/2005, §1)

§10A-102. Short Title.

This Ordinance shall be known and may be cited as the Mechanicsburg Historic Preservation Ordinance.

(Ord. 1067, 1/18/2005, §1)

§10A-103. Purpose and Legislative Intent.

Article I, Section 27 of the Pennsylvania Constitution states: "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." The Council, in furtherance of that right, establishes the Historic District for the following purposes:

- A. To promote, protect, enhance, perpetuate, and preserve the Historic District for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings and structures, of historic and/or architectural interest or importance within the Borough of Mechanicsburg.
- B. To safeguard the heritage of the Borough by preserving and regulating a Historic District which reflects elements of its cultural, social, economic, political, and architectural history.
- C. To preserve and enhance the environmental quality of the Borough's neighborhoods.
- D. To strengthen the Borough's economic base by the stimulation of the tourist industry.

HISTORIC PRESERVATION

- E. To establish and improve the Borough's property values.
- F. To foster economic development within the Borough.
- G. To foster civic pride in the beauty and accomplishments of the Borough's past.
- H. To preserve and protect the cultural, historical and architectural assets and resources of Mechanicsburg for which the citizens and officials have determined to be of local, state or national, historical and/or architectural significance.
- I. To provide for new buildings and alterations that will be harmonious with existing historically and architecturally significant buildings and street-scapes.

(Ord. 1067, 1/18/2005, §1)

§10A-104. Interpretation and Definitions.

1. For the purpose of this Chapter:
 - A. All words used in the present tense include the future tense.
 - B. 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.
 - C. The word shall is mandatory.
 - D. The word used includes designated, intended, built, or arranged to be used.
 - E. The male gender includes female gender.
 - F. The words building and structure shall be construed as if followed by the phrase or part thereof.
2. For the purposes of this Chapter, the following terms shall have the definitions assigned:

ALTERATION – any act or process requiring a certificate of appropriateness, building permit or zoning permit in the Historic District and any other act or process not requiring such certificate or permit but specifically listed in this Code or other Borough ordinance as a reviewable action, including without limitation, the construction, replacement, reconstruction, alteration, demolition, relocation or other change in exterior appearance not constituting repairs (see definition of re-

pairs, this Section) of any building, structure or portion thereof which is visible from a street or public way.

APPLICATION – a properly and fully completed application for a permit, including building permit, zoning permit, demolition permit, sign permit or related permit, and certificate of appropriateness which conform to the submission criteria established by the Borough to include, but not be limited to, the following activities in the Historic District:

- (1) Construct, reconstruct, restore, enlarge, alter or demolish a building or structure.
- (2) Change the occupancy of a building or structure requiring greater strength, exitway or sanitary provisions.
- (3) Change to another use.
- (4) Install or alter any equipment which is regulated by the Building, Zoning and/or Subdivision and Land Development chapters or any other Borough ordinance.
- (5) Replace roofs.
- (6) Build decks.
- (7) Construct patios.
- (8) Construct or place accessory buildings or structures on property.

BOROUGH – the Borough of Mechanicsburg, Pennsylvania.

BOROUGH COUNCIL – the Borough Council of the Borough of Mechanicsburg.

BUILDING – any enclosed or open structure intended for occupancy and/or use for human or animal habitation, or for storage of personal property, and which is permanently affixed to the land, including manufactured homes, mobile homes, covered porches, bay windows and chimneys.

CERTIFICATE OF APPROPRIATENESS – the approval statement signed by the Council President which certifies the historical appropriateness of work for which an application is required under this Chapter for the erection, construction, alteration, reconstruction, restoration or demolition of all or any portion of any building, structure, object, monument, or other resource within the district and authorizes the issuance of a permit for the request.

CODE – the Code of Ordinances of the Borough of Mechanicsburg.

HISTORIC PRESERVATION

CONSTRUCTION – any or all work necessary for the erection of any building or structure or portion thereof.

COUNCIL – the Borough Council of the Borough of Mechanicsburg.

DEMOLITION – the dismantling or tearing down and removal of all or any portion of any building or structure and all operations incidental thereto, including the neglect of routine maintenance and repairs which can lead to deterioration, decay, and/or constitutes a public safety concern.

DEMOLITION BY NEGLECT – the absence of routine maintenance and repair which facilitates structural weakness, decay or deterioration in a building or structure to the extent necessitating its demolition.

ERECTION – the result of construction such as all or any portion of a building, structure, monument, sign, or object on the ground or on a structure or building.

HARB – the Historical Architectural Review Board.

HISTORIC DISTRICT – the area described in §10A-201 of this Chapter and as depicted on the Historic District Map of the Borough of Mechanicsburg established under the provisions of this Chapter.

HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) – the Board that advises the Council on any requests for authorization to erect, construct, alter, reconstruct, repair, restore, or demolish any buildings or structures, within the Historic District.

PERMIT – a permit, when issued on behalf of the Borough by the Permit Officer, which grants approval for the construction, erection, alteration, reconstruction, restoration or demolition of all or a part of any building, structure, object, monument, sign or other resource within the Borough or for land uses within the Borough.

PERMIT OFFICER – an employee or official of the Borough, whether the Codes Administrator, Building Official, Building Permit Officer, Zoning Officer or other authorized person, severally or in combination, authorized by the Borough to issue permits.

RECONSTRUCTION – the act or process of reproducing by new construction the exact form and detail of a vanished building or structure as it appeared at a specific period of time, but not necessarily of original material.

REPAIRS – any or all work involving the replacement of existing work with like-kind, equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction.

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 visual 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.

STREET – a public right-of-way constructed to municipal standards which affords primary vehicular traffic or pedestrian access to abutting properties, which includes avenue, boulevard, road, highway, freeway, parkway, public way and viaduct, but shall not include an alley.

STRUCTURE – anything constructed or erected, having a permanent or semipermanent location on another structure or in or upon 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.

(Ord. 1067, 1/18/2005, §1)

PART 2

DELINEATION OF HISTORIC DISTRICT

§10A-201. Delineation of Historic District.

1. The area within the Historic District is that as shown on the Official Historic District Map of the Borough of Mechanicsburg, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this Chapter.¹
2. The Historic District is bounded and described as follows:

BEGINNING at the intersection of the centerline of Simpson Street and with the centerline of Main Street; thence in an easterly direction along the centerline of Main Street to its intersection with the centerline of Pine Street; thence in a northerly direction along the centerline of Pine Street to its intersection with the centerline of Strawberry Alley; thence in an easterly direction along the centerline of Strawberry Alley to its intersection with the centerline of North Washington Street; thence in a northerly direction along the centerline of North Washington Street to its intersection with the southern boundary of the railroad right-of-way of land now or formerly of Norfolk Southern Corporation; thence in an easterly direction along the southern boundary of land now or formerly of Norfolk Southern Corporation to the centerline of Frederick Street; thence northerly along the centerline of Frederick Street to the northern boundary of land now or formerly of Norfolk Southern Corporation; thence in an easterly direction along the northern boundary of land now or formerly of Norfolk Southern Corporation to the southwest corner of land now addressed and known as 3 West Allen Street; thence in a northerly direction along the western boundary of 3 West Allen Street to the centerline of Allen Street; thence in an easterly direction along the centerline of Allen Street to its intersection with the centerline of Market Street; thence in a southerly direction along the centerline of Market Street to its intersection with the southern railroad right-of-way of land now or formerly owned by Norfolk Southern Corporation; thence in an easterly direction along the southern railroad right-of-way of land now or formerly owned by Norfolk Southern Corporation to its intersection with the centerline of Walnut Street; thence in a northerly direction along the centerline of Walnut Street to its intersection with the centerline of Allen Street; thence in an easterly direction along the centerline of Allen Street to its intersection with the centerline of Chestnut Street; thence in a southerly direction along the centerline of Chestnut Street to its intersection with the centerline of Strawberry Alley; thence in an easterly direction along the centerline of Strawberry Alley to a point at the northwest corner of land now addressed and known as 411 East Main Street; thence southerly along the western boundary of 411 East Main Street to the centerline of Main Street; thence in an easterly direction along the centerline of Main Street to its intersection with the centerline of Filbert

¹ Editor's Note: The Official Historic District Map is on file in the office of the Borough Manager.

HISTORIC PRESERVATION

Street; thence in a southerly direction along the centerline of Filbert Street to a point at the southeast corner of land now addressed and known as 12 South Filbert Street; thence in a westerly direction along the southern boundary of 12 South Filbert Street to the southwest corner of said land; thence in a northerly direction along the western boundary of 12 South Filbert Street to its intersection with the centerline of Upper Alley; thence in a westerly direction along the centerline of Upper alley to its intersection with the centerline of Walnut Street; thence in a southerly direction along the centerline of Walnut Street to its intersection with the centerline of Simpson Street; thence in a westerly direction along the centerline of Simpson Street to its intersection with the centerline of Brant Alley; thence in a southerly direction along the centerline of Brant Alley to its intersection with Keller Street; thence in an easterly direction along the centerline of Keller Street to a point at the northeast corner of land now addressed and known as 8 East Keller Street; thence in a southerly direction along the eastern boundary of 8 East Keller Street to the centerline of Hill Alley; thence in an easterly direction along the centerline of Hill Alley to a point at the northwest corner of land now addressed and known as 21 East Coover Street; thence in a southerly direction along the western boundary of 21 East Coover Street to the centerline of Coover Street; thence in an easterly direction along the centerline of Coover Street to a point at the northeast corner of land now addressed and known as 20 East Coover Street; thence in a southerly direction along the eastern boundary of 20 East Coover Street to the centerline of South Alley; thence in a westerly direction along the centerline of South Alley to the centerline of Brant Alley; thence in a southerly direction along the centerline of Brant Alley to the centerline of Marble Street; thence in an easterly direction along the centerline of Marble Street to the centerline of Brant Alley; thence in a southerly direction along the centerline of Brant Alley to a point at the northeast corner of land now addressed and known as 619 South Market Street; thence in a westerly direction along the northern boundary of 619 South Market Street to the centerline of Market Street; thence in a southerly direction along the centerline of Market Street to its intersection with the centerline of Mumma Avenue; thence in a westerly direction along the centerline of Mumma Avenue to a point at the southeast corner of land now addressed and known as 4 Mumma Avenue; thence in a northerly direction along the eastern boundary of 4 Mumma Avenue to the northeast corner of 4 Mumma Avenue in line of land now addressed and known as 710 South Market Street; thence in a northerly direction by the western boundary of 710 South Market Street to a point at the northwest corner of land now addressed and known as 612 South Market Street; thence in an easterly direction by the northern boundary of 612 South Market Street to the centerline of Weaver Alley; thence in a northerly direction along the centerline of Weaver Alley to its intersection with the centerline of Coover Street; thence in a westerly direction along the centerline of Coover Street to a point at the southwest corner of land now addressed and known as 318 South Market Street; thence in a northerly direction along the western boundary of 318 South Market Street to the centerline of West Hill Alley; thence in a westerly direction along the centerline of West Hill Alley to the centerline of Weaver Alley; thence in a northerly direction along the centerline of Weaver Alley to the centerline of West King Alley; thence in a westerly direction along the centerline of West King Alley to the centerline of High Street; thence in a westerly direction along

the southern boundary of land now addressed and known as 214 South High Street to the centerline of Cedar Alley; thence in a northerly direction along the centerline of Cedar Alley to a point at the southeast corner of land now addressed and known as 215 West Simpson Street; thence in a westerly direction along the southern boundary of 215 West Simpson Street to the centerline of Hummel Alley; thence in a southerly direction along the centerline of Hummel Alley to a point at the southeast corner of land now addressed and known as 223 South York Street; thence in a westerly direction along the southern boundary of 223 South York Street to a point at the northeast corner of land now addressed and known as 225 South York Street; thence in a southerly direction along the eastern boundary of 225 South York Street to the centerline of Keller Street; thence in a westerly direction along the centerline of Keller Street to its intersection with the centerline of Monroe Alley; thence in a northerly direction along the centerline of Monroe Alley to its intersection with the centerline of Simpson Street; thence in a westerly direction along the centerline of Simpson Street to its intersection with the centerline of Main Street, the place of BEGINNING.

3. The Historic District Map of the Borough of Mechanicsburg shall be located in the office of the Borough Secretary and made available for public inspection during regular office hours. The Historic District Map of the Borough of Mechanicsburg shall be identified by the certification of the Borough Secretary, properly attested, noting the date of enactment of this Chapter and bearing the seal of the Borough under the follow text: "This is to certify that this is the Historic District Map of the Borough of Mechanicsburg referred to in Section 201 of Chapter 10A of the Code of Ordinances of the Borough of Mechanicsburg."
4. If, in accordance with applicable law and the provisions of this Chapter, changes are made in Historic District boundaries, such changes shall be entered on the Historic District Map of the Borough of Mechanicsburg, after approval by all applicable authority, as follows: "On (date) by official action of the Borough Council, the following (change) was made in the Historic District Map of the Borough of Mechanicsburg: (description of change)." This entry shall be certified and attested by the Borough Secretary. No amendment shall become effective until such change has been approved by the Council and, if it involves the addition of an area to the district, approved by resolution of the Pennsylvania Historical and Museum Commission, and noted on said map.
5. Regardless of the existence of purported copies of the Historic Map of the Borough of Mechanicsburg, the official Historic District Map of the Borough of Mechanicsburg which shall be located in the office of the Borough Secretary shall be the final authority as to the current historic status of buildings and other structures in the Borough for purposes of this Chapter.
6. Where uncertainty exists as to the boundaries of the district as shown on the Historic District Map of the Borough of Mechanicsburg, the following rules shall apply:

HISTORIC PRESERVATION

- A. Boundaries indicated as approximately following the centerlines of street or alley rights-of-way shall be construed to follow such centerlines.
- B. Boundaries indicated as parallel to, or extensions of features indicated in the above shall be so construed.
- C. Where physical or cultural features existing on the ground are at variance with those shown on the Historic District Map of the Borough of Mechanicsburg, or in other circumstances not covered by the above, the Permit Officer shall interpret the district boundaries.

PART 3

HISTORICAL ARCHITECTURAL REVIEW BOARD

§10A-301. Creation.

A Historical Architectural Review Board, hereafter referred to as HARB, is hereby established to be composed of seven members appointed by the Council. The membership of HARB shall be composed as follows: one member shall be a registered architect; one member shall be a licensed real estate broker; one member shall be a Permit Officer; one member shall be a Planning Commission member; one member shall own property within the Historic District; two members shall be residents of the borough, at least one of whom shall reside in the Historic District, who shall have demonstrated interest, knowledge, ability, experience or expertise in restoration or revitalization and who have interest in the preservation of the Historic District.

(Ord. 1067, 1/18/2005, §1)

§10A-302. Residency of Certain Members.

Except as follows, all members of the Historical Architectural Review Board shall be residents of the Borough. The Permit Officer, registered architect and licensed real estate broker need not be residents of the Borough. However, consideration to nonresident candidates seeking to fill any of these three positions will be given in the following order of priority:

- A. Significant professional experience with and demonstrated interest, knowledge, ability and expertise in restoration and revitalization of historic structures and/or districts;
- B. Residency within the Historic District;
- C. Residency within the Borough; and
- D. If no Borough residents qualify, then a nonresident may be appointed.

(Ord. 1067, 1/18/2005, §1; Ord. 1118, 9/21/2010)

§10A-303. Term of Office.

The terms of office of the first members shall be so fixed that no more than two members shall be replaced or reappointed during any one calendar year. The Permit Officer and the Planning Commission member shall be appointed for initial terms of four years. The registered architect and one resident member shall be appointed for initial terms of three years. The licensed real estate broker and member who is appointed because of

HISTORIC PRESERVATION

ownership of property within the Historic District shall be appointed for an initial term of two years. The remaining resident member shall be appointed for an initial term of one year. Thereafter, terms of office shall be for four years. Notwithstanding, members shall continue in office until a successor has been appointed.

(Ord. 1067, 1/18/2005, §1)

§10A-304. Vacancies in Office.

An appointment to fill a vacancy on the HARB shall be only for the remainder of the unexpired term. The position of any member of HARB appointed in his capacity as a registered architect, a licensed real estate broker, Permit Officer, Planning Commission member, or member who owns property within the Historic District who ceases to be so engaged or who ceases to own such property, shall be deemed vacant upon such disqualification.

(Ord. 1067, 1/18/2005, §1)

§10A-305. Term Limits.

HARB members are limited to two consecutive four year terms. Appointment to fill an unexpired term shall not constitute a term for purposes of this Section, but shall be permitted in excess of the two-term limit.

(Ord. 1067, 1/18/2005, §1)

§10A-306. Conflicts of Interest.

It shall be the duty of each HARB member to remain conscious of and sensitive to any conflict of interest. A member shall disqualify himself from voting on any application in which his own financial interests are directly or indirectly involved, or in which he is otherwise prohibited by law from participation.

(Ord. 1067, 1/18/2005, §1)

§10A-307. Powers and Duties of HARB.

In its advisory capacity, HARB shall do and perform the following:

- A. **Advisory Role.** HARB shall give recommendations and counsel to the Council regarding the advisability of issuing any certificate of appropriateness. Such counsel shall at all times be consistent with the provisions of all Chapters of this Code.

- B. HARB Powers. 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 and any other Chapter of this Code.
- C. Removal of Members. All HARB members shall serve at the pleasure of the Council and may be removed at any time, with or without cause.
- D. Annual Reports. The members of HARB shall make an annual report to the Council and Planning Commission, which shall include:
 - (1) Recommendations, if any, for changes to this Chapter.
 - (2) Review and recommendations, if any, for changes to the boundaries of the Historic District or the creation of additional districts.
 - (3) The number and types of cases reviewed.
 - (4) The number of cases reviewed for which a certificate of appropriateness was either approved or denied.
 - (5) The number of HARB meetings which each member attended.
 - (6) Historic preservation and related training which each member attended.
 - (7) A narrative summary describing the state of preservation in the Historic District with recommendations in policy, goals, and objectives for the Council's consideration.
- E. Compensation. With the approval of Council, HARB may employ secretarial and professional assistance, and incur other necessary expenses.
- F. Meetings. HARB shall meet publicly at regularly scheduled intervals and may hold special meetings when deemed necessary. Such meetings shall be open to the public and shall comply with the requirements of the Pennsylvania Sunshine Law. 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 shall be required to complete at least eight hours of training annually by attendance at approved seminars, conferences or workshops related to historic preservation and HARB administration.

(Ord. 1067, 1/18/2005, §1)

HISTORIC PRESERVATION

§10A-308. Additional Duties of HARB.

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

- A. To conduct a survey of buildings, structures, monuments, sites and other resources for the purpose of determining those of historic and/or architectural significance and pertinent facts.
- B. To act in coordination with the Mechanicsburg Planning Commission, Zoning Hearing Board, and Council and to consider the recommendations of Mechanicsburg Museum Association and other appropriate civic groups or entities.
- C. To maintain and periodically revise the detailed listings (resource inventories) and relevant data of buildings, structures, monuments, sites and other resources, appropriately classified with respect to national, state and local significance in accordance or consistent with the most recent version of the Pennsylvania Historical and Museum Commission's "Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys."
- D. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historical and/or architecturally significant buildings, structures, monuments, sites and other resources including proposals for the installation and care of such historic markers.
- E. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Borough's historical and/or architecturally significant buildings, structures, monuments, sites and other resources.
- F. To cooperate with and advise the Council, the Planning Commission and other local, state or federal agencies, departments and staff in matters involving historically and/or architecturally significant buildings, structures, objects, monuments and other resources.
- G. 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, concerned with the preservation of historically and/or architecturally significant buildings, structures, objects, monuments and other resources.
- H. To advise owners of historically and/or architecturally significant buildings, structures, objects, monuments and other resources regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives, grant and funding sources and other historic preservation strategies.

- I. To promote public interest in preservation by conducting educational and public relations programs.

(Ord. 1067, 1/18/2005, §1)

PART 4

GENERAL DESIGN GUIDELINES

§10A-401. General Design Guidelines.

In determining the recommendations to be made to the Council concerning the issuance of a certificate of appropriateness, HARB shall consider only the historic setting and those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the buildings, structures, objects, monuments and other resources within the district, certified to have historical significance, including, but not limited to, the following:

- A. Broad historical values representing the cultural, political, economic, or social history of the Borough.
- B. The relationship of the buildings, structures, objects, monuments and other resources of historic personages or events.
- C. Significant architectural types representative of a certain historical period and a style or method of construction.
- D. The effect of the proposed change upon the general historical and architectural nature of the Historic District and the neighborhood.
- E. The appropriateness of the exterior architectural features that can be seen from a street or public way.
- F. The compatibility and compliance with Historic District general design guidelines set forth in this Section and Historic District specific design guidelines adopted by resolution of the Borough Council, from time to time, which outline accepted methods, materials and techniques for the restoration, erection, alteration, construction or reconstruction which will change the exterior appearance of any structure within the Historic District.
- G. 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 Historic District and the neighborhood. Consideration shall be given, but not limited, to the following:
 - (1) Proportion of Building or Structure Front Façade. Preserving the relationship between the width of the front of the building or structure and the height of the front of the building or structure.
 - (2) Proportion of Exterior Openings of the Building or Structure. Preserving the relationship of width to height of windows and doors.

HISTORIC PRESERVATION

- (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 or structure masses to spaces between each building or structure.
- (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 Historic District such as brick, stone, stucco, wood siding, or other material.
- (7) Relationship of Textures. Preserving the predominant textures of the Historic 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 or structures, 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 that 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 in relation to open space.
- (13) Waivers. The HARB shall recommend to the Council the issuance of waivers for development that will be in harmony with the character of other buildings or structures on the street and Historic District.

- H. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by 10%, unless the original building or structure is higher than the adjacent building or structure, in which case the new or replacement building or structure shall not exceed its original height by 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures.
- I. In order to preserve the appearance and historic integrity of the masonry surface, no vinyl, aluminum siding or other covering material shall be allowed on the exterior of any masonry wall of a building or structure. No capping with vinyl, aluminum or other covering material shall be allowed on the exterior of character defining features of a building or structure.
- J. 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.
- K. In cases where the Council approves demolition of a historic building or structure, a good faith effort shall be made by the owner to move the building or structure to a proximate site. If moving a building or structure is economically or practically infeasible, efforts shall be made to salvage architectural features of the building or structure for use within the Borough or upon a new building or structure to replace the demolished building or structure.
- L. All other provisions of the Code shall be complied with, including the Mechanicsburg Borough Zoning and Subdivision and Land Development provisions.

(Ord. 1067, 1/18/2005, §1)

§10A-402. Signs.

1. No sign or permanent external advertising display of any kind shall be erected, altered or used in the Historic District except for advertising and/or informing the public of activities 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 a certificate of appropriateness has been recommended by HARB and approved by Council for its conformity in exterior material composition, exterior structural design, exterior appearance and size with similar advertising or information media used in the architectural period of the historic setting.
2. An applicant shall comply with all other requirements of the Code. Historical markers may be recommended by HARB subject to the approval of Council and further subject to the provisions stipulated. Markers shall not be considered as

HISTORIC PRESERVATION

signs but are to be erected in accordance with the requirements established for historic markers by Council.

(Ord. 1067, 1/18/2005, §1)

PART 5

APPLICATION REVIEW PROCEDURE

§10A-501. Application Procedure.

1. Upon receipt of an application for a certificate of appropriateness and/or permit for work to be done in the district affecting the exterior of a building or structure then existing or to be built in the district, or zoning or sign matters pertaining to the district, the Permit Officer shall act in accordance with the procedures being followed in that office, except as those procedures are necessarily modified by the following requirements:
 - A. The Permit Officer shall determine whether the work proposed or other matter needs to be forwarded to HARB. If so, he shall forward copies of the completed application, together with copies of any plot plan, supporting documents, specifications and building plans filed by the applicant to HARB. Work solely constituting repairs (as defined in §10A-104) shall not require review under the provisions of this Chapter.
 - B. The Permit Officer shall not issue a Permit for any matter requiring a certificate of appropriateness until the Council has approved the certificate.
 - C. The Permit Officer shall require applicants to submit the supporting material to enable a thorough review under the provisions of this Chapter.
 - D. The Permit Officer shall maintain in his office a record of all such applications and final dispositions of the same.

(Ord. 1067, 1/18/2005, §1)

§10A-502. Certificate of Appropriateness Required.

A certificate of appropriateness shall be required for any erection, construction, reconstruction, exterior alteration, restoration, demolition or razing of a building then existing or to be built in the Historic District where such work will affect the exterior of the building, structure, or exterior sign which can be seen from a street or public way. The Permit Officer shall not issue a permit for any such work until the Council has issued a certificate of appropriateness. Work solely constituting repairs (as defined in §10A-104) shall not require review under the provisions of this Chapter.

(Ord. 1067, 1/18/2005, §1)

§10A-503. HARB Review.

HISTORIC PRESERVATION

Upon receipt of an application for a certificate of appropriateness, HARB shall consider the application at its next regularly scheduled meeting or special meeting.

(Ord. 1067, 1/18/2005, §1)

§10A-504. Design Guidelines.

In determining both oral and/or written recommendations to be presented to the Council concerning the issuance of a certificate of appropriateness, HARB shall consider the general design guidelines set forth in §§1-10A-401 and 10A-402, and the specific design guidelines approved and revised by Council from time to time.

(Ord. 1067, 1/18/2005, §1)

§10A-505. Notice of HARB Meeting.

At least 10 days before the HARB meeting, the applicant for a certificate of appropriateness shall be advised of the time and place of said meeting and the necessity to attend and present the request.

(Ord. 1067, 1/18/2005, §1)

§10A-506. Time for HARB Recommendation.

HARB shall render a recommendation on an application no later than 45 days after the meeting at which the request was considered and shall submit to the Council, within 10 days of reaching such recommendation, its written report concerning the issuance of a certificate of appropriateness.

(Ord. 1067, 1/18/2005, §1)

§10A-507. Recommendation of Disapproval by HARB.

If the HARB recommends against the granting of a certificate of appropriateness, it shall so indicate to the applicant. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect both the distinctive historical character of the Historic District and the architectural integrity of the building or structure. The HARB shall withhold its report for 10 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 will make the necessary changes, he shall so advise the HARB, which shall in turn advise the Council accordingly. The written report to Council shall set out the findings of fact, including, but not be limited to, the following matters:

- A. The exact location of the area in which the work is to be done.
- B. The exterior changes to be made or the exterior character of the building or structure to be erected.
- C. A list of the surrounding buildings or structures with their general exterior characteristics.
- D. The effect of the proposed change upon the general historic and architectural nature of the district and the neighborhood.
- E. The appropriateness of exterior architectural features of the building or structure which can be seen from the street.
- F. The general design, arrangement, texture, and material of the building or the structure and the relation of such factors to similar features of building or structures in the district and the neighborhood.
- G. 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 or the neighborhood.
- H. The specific recommendations, including proposed waivers, of HARB based on findings of fact.
- I. The extent to which the application complies to the general and specific design guidelines.

(Ord. 1067, 1/18/2005, §1)

§10A-508. Notice of Council Meeting.

Upon receipt of the written report from HARB, the Council shall consider the application at its next regularly scheduled meeting. The applicant shall be advised by the Borough Secretary of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to be heard at this meeting and the Council shall render a decision within 90 days of the meeting at which the application was considered.

(Ord. 1067, 1/18/2005, §1)

§10A-509. Determination and Decision of Council.

- 1. In determining whether or not to certify to the appropriateness of the application, the Council shall consider the same factors as the HARB set forth in §§10A-401, 10A-402 and 10A-507 of this Chapter and the report of the HARB.

HISTORIC PRESERVATION

2. If the Council approves the application, it shall issue a certificate of appropriateness authorizing the Permit Officer to issue a permit for the work covered.
3. If the Council disapproves, it shall do so in writing, and copies shall be given to the applicant, the Permit Officer and the Pennsylvania Historical and Museum Commission.
4. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting (A) the distinctive historical character of the district, (B) the distinctive historical character of the neighborhood and (C) the architectural integrity of the building or structure.
5. The Council shall not consider any matter not pertinent to the historical aspect and nature of the district and the neighborhood.
6. Upon receipt of a written disapproval of the Council the Permit Officer shall disapprove the application for a permit and so advise the applicant.
7. The applicant should be notified in person or in writing at his last known address not later than 10 days after the Council renders a decision.
8. The applicant may appeal this disapproval to the Court of Common Pleas in the same manner and within the time specified by law.

(Ord. 1067, 1/18/2005, §1)

§10A-510. Economic Hardship.

1. When an applicant presents a claim of unreasonable economic hardship, the applicant shall prove the requisite hardship under applicable law and, in addition to all other relevant matters, shall submit with his application an affidavit which includes the following:
 - A. A statement setting forth the reasons why compliance with this Chapter would prevent him from obtaining a reasonable return or a reasonable beneficial use of the property.
 - B. The date the property was acquired.
 - C. The 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.
 - D. The current market value of the property.
 - E. All appraisals obtained within the previous two years by the owner, applicant or others or a statement that none were obtained.

- F. 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.
 - G. Estimates of the cost of the proposed erection, reconstruction, alteration, restoration, repairs or demolition and estimates of any additional costs that would be incurred to comply with the recommendations of the HARB.
 - H. Any and all other information requested by the HARB or the Council.
 - I. Any other information deemed relevant by the applicant.
2. The HARB may choose to recommend to Council that special economic incentives be developed to assist the applicant in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
 3. With the consent of the applicant, the HARB may seek the assistance of appropriate local, statewide or national preservation organizations and funding sources in developing solutions that would relieve the owner's economic hardship. In such event, the HARB may extend the time for issuing its recommendation to Council for a period of 90 days or for such longer period as agreed to by the applicant.

(Ord. 1067, 1/18/2005, §1)

§10A-511. Buildings Unfit for Habitation.

In the event that a building has been rendered unfit for habitation because of fire, explosion or other similar causes, the provisions of this Chapter may be waived by the Permit Officer to the extent that the applicant can be issued a permit at once to proceed to render the property habitable under the terms of the Permit Officer provided the building is rebuilt as it originally was constructed using the same materials; any changes made to the property must finally be approved under the terms of this Chapter, and if they are not so approved, the expense of remedying them so as to obtain approval shall be borne by the building owner; the permit issued by the Permit Officer should so state, but any failure to so state shall not excuse the owner from bearing such expense and obligation.

PART 6

DEMOLITION

§10A-601. Intent.

It is the intent of this Part to insure that valuable historic resources are not permanently destroyed unless, under applicable law, there are no reasonable alternatives available.

(Ord. 1067, 1/18/2005, §1)

§10A-602. Applicability.

This Part shall apply to any existing structure or portion of such structure within the Historic District that the Council determines, based upon the recommendation of the HARB, is highly important to the historic character and continuity of that portion of the Historic District or is by itself a highly important architecturally historic resource.

(Ord. 1067, 1/18/2005, §1)

§10A-603. Demolition Criteria.

No building or structure shall be demolished unless one of the following is satisfied, in the terms of the Council, based upon the recommendations of the HARB:

- A. The applicant proves that the demolition is needed to clear the land for a project of special public benefit that would greatly out-weigh the loss of the historic resource;
- B. The applicant proves that no reasonable beneficial use of the building is possible; or
- C. The applicant proves that the denial of the demolition would greatly result in unreasonable economic hardship as determined by applicable law and the provisions of §10A-510 of this Chapter.

(Ord. 1067, 1/18/2005, §1)

§10A-604. Demolition by Neglect Prohibited.

All buildings and structures within the Historic District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of such deterioration include, but are not limited to:

HISTORIC PRESERVATION

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs.
- C. Deterioration of exterior chimneys.
- E. Deterioration or crumbling of exterior stucco or mortar.
- F. Deterioration of exterior walls, roofs or foundations caused by ineffective waterproofing and broken doors and windows.
- G. Deterioration of any feature resulting in a hazardous condition which affects public health, safety and welfare.

(Ord. 1067, 1/18/2005, §1)

PART 7

ADMINISTRATION

§10A-701. Notice of Violation.

Whenever the Permit Officer determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred, written notice shall be given to the owner and applicant which shall include:

- A. A description of the real estate sufficient for identification.
- B. A statement of the reason or reasons why the notice is being issued.
- C. The provision or provisions of this Chapter which is/are being violated.
- D. A correction order allowing a reasonable time to comply with the provisions of this Chapter.

(Ord. 1067, 1/18/2005, §1)

§10A-702. Method of Service.

The notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner and applicant personally; or (b) sent by certified or registered mail addressed to the owner and applicant at the last known address for each with return receipt requested. If either or both of the certified or registered letters are returned undelivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(Ord. 1067, 1/18/2005, §1)

§10A-703. Enforcement.

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

(Ord. 1067, 1/18/2005, §1)

§10A-704. Enforcement Remedies.

When there is or appears to be a violation of the provisions of this Chapter, the Permit Officer or his designated representative, in addition to any other remedies, may insti-

HISTORIC PRESERVATION

tute in the name of the Borough any appropriate action at law or in equity to prevent, restrain, correct or abate such violation.

(Ord. 1067, 1/18/2005, §1)

§10A-705. Violations and Penalties.

Any person, including any association, partnership, corporation or other entity, who shall violate any provision of this Chapter or shall fail to comply with any requirements thereof shall be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, plus costs of prosecution; in default of payment of said fine and costs not caused by indigency, said person may be subject to imprisonment of up to 30 days. Each day that a violation exists shall constitute a separate offense. All fines collected shall be paid over to the Borough.

(Ord. 1067, 1/18/2005, §1)

PART 8

EFFECTIVE DATE

§10A-801. Effective Date.

Immediately upon the adoption of this Chapter, the Borough Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Chapter shall not take effect until the Pennsylvania Historical and Museum Commission has certified, by resolution, to the historical significance of the district defined in §10A-201 of this Chapter. The effective date of this Chapter shall be the date of such resolution.