

**BOROUGH OF STRASBURG
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-2

AN ORDINANCE AMENDING THE BOROUGH OF STRASBURG CODE OF ORDINANCES TO REVISE AND REENACT CHAPTER 4, PART 1, THEREOF GOVERNING THE STRASBURG BOROUGH HISTORIC DISTRICT.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, that Chapter 4, Part 1, of the Code of Ordinances of the Borough of Strasburg is revised and reenacted in its entirety as follows:

ARTICLE I

Section 100. Legal Authorization.

This Part is adopted pursuant to authority contained in the Act of June 13, 1961, P.L. 282, No. 167, as amended, 53 P.S. §8001 et seq. (the "Act").

Section 101. Short Title.

This Part shall be known as and may be cited as the "Strasburg Borough Historic District Ordinance."

Section 102. Purposes.

Article I, Section 27 of the Pennsylvania Constitution (the "Environmental Rights Amendment") states that:

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

It is the purpose and intent of Borough Council and this Part to:

1. Implement the Environmental Rights Amendment in order to protect historic values to the fullest extent required by the Pennsylvania Constitution and permitted by law;

2. Promote, protect, enhance, perpetuate and preserve the Historic District(s) located within the Borough 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 significance within the Borough;
3. Safeguard the heritage of the Borough by preserving and regulating the Historic District(s) located herein which reflect elements of the Borough's cultural, social, economic, political and architectural history;
4. Preserve and enhance the environmental quality of neighborhoods in the Borough;
5. Strengthen the Borough's economic base by the stimulation of Heritage tourism;
6. Stabilize and improve property values within the Borough;
7. Foster economic development in the Borough;
8. Foster civic pride in the beauty and accomplishments of the Borough's past; and
9. Preserve and protect the cultural, historical and architectural assets of the Borough that the Pennsylvania Historical and Museum Commission (hereinafter the "PHMC") has determined to be of local, state or national historical and/or architectural significance.

ARTICLE II

Section 200. Definitions Generally.

For the purpose of this Ordinance, all words used in the present tense include the future tense and all words in the plural number include the singular number and vice versa unless the natural construction of the word clearly indicates otherwise. Words of any gender include the correlative words of the other genders unless the context indicates otherwise. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."

Section 201. Definitions in Borough Zoning Ordinance.

All of the definitions contained in Article 1, Section 112, of the Strasburg Borough Zoning Ordinance of 1993, as amended, are incorporated herein as if fully set forth in this Part.

Section 202. Definitions.

When used in this Part, the following additional words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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 Part as an act or process reviewable by

the Borough's Board of Historical Architectural Review, 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 a public way.

Borough Council – The Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania.

Borough Building Inspector – A municipal employee or person retained by the Borough and designated by Borough Council as the person who enforces compliance with building, zoning, property maintenance and/or fire codes and issues permits for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building or structure or the person appointed by Borough Council to enforce this Ordinance.

Building – A resource created principally to shelter any form of human activity including principal and accessory buildings, including but not limited to a house, barn, privy, shed, outbuilding, carriage house, or summer kitchen.

Building Permit – An approval statement signed by the Borough Building Inspector authorizing the construction, alteration, repair, reconstruction, restoration, demolition or razing of all or a part of any building or structure within an Historic District.

Building Permit Application – The request filed by any person with the Borough Building Inspector that seeks authorization to erect, alter, reconstruct, repair, restore, demolish or raze all or a part of any building or structure.

Certificate of Appropriateness – The approved statement signed by or on behalf of Borough Council which certifies to the historical appropriateness of a particular request for the erection, alteration, repair, reconstruction, 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.

Certificate of Appropriateness Application (COA Application) – The request filed by a property owner, equitable owner or developer with the Secretary of the Borough seeking authorization to erect, alter, repair, reconstruct, restore, demolish or raze all or any part of a building or structure within the Historic District.

Certified Historic District – An area delineated by a municipality and certified by the PHMC as being historically significant.

Certified Historic District Ordinance – Regulations enacted by the local governing body and approved to the extent necessary by the PHMC, in accordance with the Act, which are administered by a Historical Architectural Review Board (HARB) for the area delineated by the Borough Council and certified by the PHMC as a Historic District.

Completed Application – A COA Application that conforms to the submittal criteria as specified in Section 800 of this Part.

Demolition – The dismantling or tearing down of all or part of any building or structure and all operations incident thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.

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.

Designated Staff Person – The individual retained by the municipality (as an employee or as a consultant) designated as the individual responsible for advising residents, applicants, and the Historical Architectural Review Board (HARB).

Erection – The result of construction such as a building, structure, monument, sign or object on the ground or on a building or structure.

Historical Architectural Review Board (HARB) – The body appointed by Borough Council that advises Borough Council as well as applicants for certificates of appropriateness on any requests for authorization to erect, alter, reconstruct, repair, restore, or demolish all or part of any building within a certified historic district.

In-Kind Replacement – The replacement materials or components shall be of the same design, material, texture and other visual qualities as the element to be replaced.

National Register of Historic Places – The federal listing of districts, sites, buildings, structures, and objects significant to American history and culture for their architecture, archaeology, contribution to the broad patterns of history, or association with the lives of persons significant in the nation's past.

Painting – The term painting shall mean painting, repainting and staining.

Public Street or Way – A public right-of-way used by vehicular traffic or pedestrians.

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.

Rehabilitation – The act or process of making possible a compatible use for a property through repairs, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Standards for Rehabilitation (Standards) – Federal standards (36 CFR 67) to guide work undertaken on buildings or structures listed in or eligible for listing in the National Register of Historic Places.

Streetscape – The overall view of a public street, including front and side yards, that are visible from a public street, its component elements, and the relationships of building setbacks, rhythms, height, shapes, spacing, and textures, that give the public street or neighborhood its distinctive visual character or image.

Structure – A functional construction made for purposes other than creating shelter including but not limited to a bridge, tower, monument or statue.

ARTICLE III

Section 300. Creation, Ratification and Delineation of Historic Districts.

1. Establishment. Pursuant to the Act 167, there is hereby ratified, confirmed and continued in effect in the Borough of Strasburg an historic district known and to be known as the “Strasburg Borough Historic District,” which shall be referred to herein as the “Historic District.”
2. Boundaries. The limits and boundaries of the Historic District are shown on the “Historic District Map” attached hereto and incorporated herein as Exhibit A. Said “Historic District Map” is hereby ratified, confirmed and continued in effect. An “Inventory of Historic District Buildings” shall be maintained by the Historic Architectural Review Board and updated on an as-needed basis, at a minimum of 10 years.
3. Location of Historic District Map. In addition to being placed in the Borough’s Code of Ordinances as a part of this Ordinance, a copy of the Historic District Map shall be located at the Municipal Building and be accessible for public inspection during regular business hours.
4. Certification. The PHMC previously certified that the area delineated on the Historic District Map, shown on Exhibit A, meets the criteria set forth in the Act.
5. Revisions – The boundaries of the Historic District, as delineated herein, shall not be changed (expanded or decreased) without recommendation from the HARB, approval of Borough Council and certification by the PHMC.

ARTICLE IV

Section 400. Board of Historical Architectural Review.

This Board, which shall be known as the Strasburg Borough Historical Architectural Review Board (HARB), is hereby ratified, confirmed and shall continue in effect with its members to be appointed by Borough Council.

Section 401. Membership of the HARB.

The HARB shall be composed of seven (7) members and, of those:

One (1) member shall be a registered architect;

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

One (1) member shall be a Certified Building Inspector, but not necessarily the Borough Building Inspector.

The remaining members shall be property owners who reside in the Historic District who have a demonstrated interest, knowledge, ability, experience or expertise in restoration, historic

rehabilitation, or neighborhood conservation or revitalization and who have an interest in the preservation of the Historic District.

Section 402. Membership Terms and Filling of Vacancies.

1. Except as set forth in Paragraph (2) of this Section, members shall serve terms of five (5) years.
2. Upon adoption of this Part, Borough Council shall appoint persons to serve as members of the HARB, unless such appointments have previously been made, for the following terms, it being understood that following expiration of those initial terms all subsequent appointees shall serve the term set forth in Paragraph (1) of this Section:
 - (a) One member shall be appointed for a term of one (1) year;
 - (b) One member shall be appointed for a term of two (2) years;
 - (c) One member shall be appointed for a term of three (3) years;
 - (d) One member shall be appointed for a term of four (4) years;
 - (e) One member shall be appointed for a term of five (5) years.
3. Vacancies on the HARB shall be referred to Borough Council.
4. The position of any member of HARB appointed in his capacity as a registered architect, building inspector, or licensed real estate broker, who ceases to be so engaged shall be automatically considered vacant.
5. Any appointment to fill a vacancy shall be for the unexpired portion of the term of the vacancy being filled.
6. Any HARB member may be removed for malfeasance by a majority vote of the Borough Council which vote shall not be taken until a hearing has been held (unless the member waives the right to a hearing) to hear the alleged infractions and allow the member so accused to provide a defense.
7. HARB members shall serve without compensation.

Section 403. Conflicts of Interest.

1. All HARB members who determine that they have a conflict of interest in any matter before the HARB shall, promptly upon determining that such a conflict exists, disqualify themselves from deliberation and/or voting on any such matter. When disqualifying themselves, the HARB members should publicly announce the nature of the conflict of interest which will be included in the minutes of the meeting of the HARB during which the vote on such matter is taken.

Section 404. Duties of the HARB.

1. The HARB shall give recommendations to the Borough Council regarding the advisability of issuing any Certificates of Appropriateness required in accordance with the Act and this Ordinance.

2. The HARB may establish, adopt and/or amend rules and regulations for its own operations and procedures, provided, however, that such rules and regulations are consistent with the laws of the Commonwealth of Pennsylvania, the Borough and this Part.
3. The HARB may employ secretarial and professional assistance and incur other necessary expenses with the approval of Borough Council. Such services and expenses shall be paid for by the Borough Council.
4. The HARB shall meet publicly at regularly scheduled intervals. The meeting schedule shall be established and published annually. The HARB may hold any additional meetings it deems necessary to carry out its powers and duties as set forth in this Ordinance. All meetings shall be open to the public and shall have a quorum of HARB members.
5. A majority of HARB members shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of a majority of the HARB members present.
6. The members of HARB shall make an annual report to Borough Council that shall include:
 - (a) Any recommendations for changes to this Ordinance;
 - (b) The number and types of cases reviewed;
 - (c) The number of cases for which a Certificate of Appropriateness was either approved or denied;
 - (d) The number of HARB meetings which each member attended; and
 - (e) A narrative summary describing the state of historic preservation in the Historic District with recommendations including policies, goals, and objectives for the Borough Council to consider.
7. HARB members are required to attend at least 8 hours annually of seminars, conferences, or workshops related to historic preservation and HARB administration.

Section 405. Additional Duties of HARB.

HARB shall:

1. Conduct a survey of buildings, structures, objects and monuments for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; act in coordination with the Borough Planning Commission, Zoning Hearing Board, and other appropriate groups and maintain and periodically revise and update the survey in accordance or consistent with PHMC's "Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys."

2. Propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
3. Formulate recommendations concerning the establishment of an appropriate system of markers for selected historical and/or architectural sites and buildings or structures, including proposals for the installation and care of such historic markers;
4. Formulate recommendations concerning the preparation and publication of maps, brochures and descriptive materials about the Borough and its historic and/or architectural sites, buildings and structures;
5. Cooperate with and advise Borough Council, the Borough's Planning Commission, Zoning Hearing Board, and other groups, as appropriate, in matters involving historically and/or architecturally significant sites, buildings and structures (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards);
6. Cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, Preservation Pennsylvania, the PHMC and other agencies and persons, public and private, from time to time, concerned with the preservation of historic sites, structures and buildings;
7. Advise owners of historic buildings and structures regarding rehabilitation, repairs, maintenance methods and technologies, adaptive uses, economic and tax incentives and other historic preservation strategies; and
8. Promote public interest in the purpose of this Part by carrying on educational and public relations programs.

ARTICLE V

Section 500. Action Requiring Certificate of Appropriateness.

The erection, reconstruction, alteration, restoration, painting or sealing of masonry structures, demolition or razing of a building, structure or sign in whole or in part visible from a public way within the boundaries of the Historic District is prohibited unless a Certificate of Appropriateness is approved by Borough Council.

Section 501. Activities Pre-Approved for Administrative Review.

1. General:

Pre-approved Activities are those that require a Historic District Permit but that will not require review at a regularly scheduled meeting of the HARB. Determination of compliance shall be made by the Designated Staff Person who will advise if additional permits separately regulated by other ordinances are necessary. Any and all conditions related to pre-approved activities shall be specified as requirements upon issuance of said permit.

2. Pre-approved activities:
 - (a) In-kind repair/replacement.
 - (b) Storm windows. It is important that the rails of the storm windows and the rails of the original windows in place align. A single pane fixed storm window is also permitted. Applicants should be aware that options include interior and exterior storm windows.
 - (c) Sheds not greater than 100 square feet in size located in the rear yard.
 - (d) Repointing is pre-approved and permitted only after 1) a HARB member meets with the applicant and/or contractor and they agree on a pre-mixed color matched lime and sand mortar (no portland cement) and then 2) the contractor shall prepare a small sample area to demonstrate the removal and installation technique which is then reviewed by a HARB member.

Section 502. Signs.

1. No permanent sign or advertising display of any kind shall be erected, reconstructed, altered, restored, demolished or razed until a Certificate of Appropriateness has been obtained.
2. HARB review shall consider the proposed sign's 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 Historic District.
3. Applicants must also comply with all other requirements of any ordinance now in effect in the Borough.
4. Historical markers may be authorized by HARB. Such markers shall not be considered as signs but are to be erected in accordance with the requirements established for historical markers by HARB.
5. Replication of historic signage can be considered.

Section 503. Windows.

Existing wood windows are to be retained whenever possible if they can be repaired. If they are deemed to be too deteriorated after HARB has conducted a site visit, they can be replaced with wooden windows (not vinyl, vinyl clad, aluminum clad and not composite replacement windows) and must match the original style, design and light configuration. The Designated Staff Person will maintain a wood window replacement supplier's list and wood window repair contractor's list to assist applicants. Applicants are not limited to the use of only these suppliers or contractors.

Section 504. Demolition.

1. General Requirements: No building or structure shall be demolished, in whole or in part, removed or otherwise relocated without a permit obtained under this Section.

2. Criteria for Review: Applicants must provide, as part of their application, a written statement as to whether the following statements are correct and detailed substantiation for each statement which is believed to be correct. In each instance the burden of proof is on the property owner to demonstrate that the property owner has been deprived of any profitable use of the relevant parcel as a whole. The recommendation of HARB and the decision of Borough Council shall be based upon a review of the information submitted by the applicant against all criteria and not any one criterion.
 - (a) It is not feasible to continue the current use.
 - (b) Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 - (c) Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
 - (d) The building, its permitted uses, and adaptive use potential do not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
 - (e) The applicant has not contributed to the existing conditions, either through neglect or prior renovation conversion, alteration or similar physical action.
 - (f) The demolition will not adversely affect the character of the property, neighborhood or community.
 - (g) A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the property, neighborhood or community.
 - (h) The building is structurally unsound.
 - (i) The denial of demolition would result in unreasonable economic hardship to the owner. The requirements for proving unreasonable economic hardship are contained in Article IX, Section 900.
 - (j) The sale of the building or structure is impossible or impractical.
 - (k) Denial of demolition will deprive the property as a whole of all beneficial use.

3. Submission of Additional Information: As part of the review process HARB may request additional information to be provided. Such materials may include *but are not limited to*:

- (a) site plan;
- (b) detailed floor plans of the building proposed for demolition;
- (c) exterior elevations of the building proposed for demolition;
- (d) report from a professional civil engineer registered in the Commonwealth of Pennsylvania on the structural soundness of the building proposed for demolition;
- (e) photographs;
- (f) historic overview of the building and/or property; and
- (g) written description of the proposed use of the property.

4. Review and Approval Process:

- (a) Completed applications for demolition, removal or relocation of a building shall be submitted to HARB according to the submission schedule.
- (b) The applicants shall be provided an opportunity to present their proposal to HARB at a public meeting.
- (c) The HARB shall review all information submitted in accordance within Section 504.2 and Section 504.3 above and weigh the information against the purpose and intent of Borough Council and this Part as stated in Section 102. A written recommendation, based on HARB's findings, shall be submitted to Borough Council for its action.
- (d) Borough Council shall consider the requirements of this Section and the Act and the recommendations of HARB in determining whether to approve or disapprove a request for a Certificate of Appropriateness.

5. Associated Subdivision and/or Land Development Plan: If the application for a permit for demolition, relocation or removal is being requested to facilitate future development of the land, said permit (if authorized by Borough Council) shall not be issued until the following additional requirements have been satisfied:

- (a) The applicant shall have complied with the procedures set forth in the Borough's Subdivision and Land Development Ordinance.
- (b) The applicant shall have obtained all necessary zoning approvals.
- (c) The applicant shall have obtained final approval of the subdivision and/or land development plan (if applicable) by Borough Council.
- (d) If applicable, the applicant shall have the approved subdivision and/or land development plan for the parcel where the demolition, removal or relocation is proposed legally recorded.
- (e) The interior and exterior of the building and any significant architectural features are photo-documented. These photos are to provide documentation of the architectural heritage of the Borough of Strasburg and shall be kept on file at a location to be determined by Borough Council.

- (f) The applicant shall attempt to sell the buildings to a party who will relocate them to another site.
- (g) The applicant shall describe, in writing, the manner in which the applicant will dispose of the materials from the demolished building. This information shall be sufficient to show that material is being disposed of in a legal manner. Salvage of architectural features and reusable building materials is encouraged to keep building materials out of the waste-stream.
- (h) The applicant shall allow access by HARB members and the Designated Staff Person to view the property proposed for demolition.

Section 505. Demolition By Neglect.

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:

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration of crumbling exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors, lack of paint, deteriorated mortar, inadequate or absence of gutters or spouting, deteriorated flashing, etc.; and
6. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that a demolition is necessary for the public safety.

Buildings or structures in the Historic District identified by the Borough Building Inspector or Zoning Officer as being demolished by neglect shall constitute a violation of this Part.

Section 506. Vacant Buildings.

Vacant buildings in the Historic District shall be secured against the elements and against vandals using guidelines as set forth in NPS Preservation Brief #31, "Mothballing Historic Buildings." Such buildings shall be inspected no less than annually by a panel consisting of: the Borough Building Inspector or Zoning Officer, the owner or the owner's representative, and a representative from the HARB. Uncorrected deficiencies shall constitute evidence of demolition by neglect. Examples of such deficiencies are listed in Section 505 (above).

Section 507. New Construction

Plans for proposed new construction shall be reviewed by HARB in accordance with the “Standards” and the Design Guidelines as set forth in Article VII below or subsequently adopted by Borough Council.

ARTICLE VI

Section 600. Actions Not Requiring Certificate of Appropriateness

Activities not regulated by the HARB include:

1. Painting of exterior wooden surfaces.
2. Temporary banners and/or signs (on display for a cumulative total of 30 calendar days or less per calendar year).
3. Satellite dishes (regulated by Zoning Ordinance).

In the event of any uncertainty as to the activities to be regulated by the HARB under the provisions of this Ordinance, the Designated Staff Person shall make the initial determination whether a particular activity is regulated by the HARB. The determination of the Designated Staff Person may be appealed to Borough Council.

ARTICLE VII

Section 700. The “Standards”

The “Standards,” reprinted here in their entirety, were developed by the National Park Service Cultural Resources Preservation Assistance Division. They are intended to be applied to specific construction and rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility, and shall be considered part of this Ordinance. “Property” as used in this Section shall be interpreted as buildings and structures.

HARB is to be guided by the following “Standards” when reviewing activities that are regulated by this Part.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building or structure and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings or structures, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alteration, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section 701. Design Guidelines

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

1. Broad historical values representing the cultural, political, economic, or social history of the Borough.
2. The relationship of the building or structure to historic personages or events.
3. Significant architectural types representative of a certain historical period and a style or method of construction.
4. The effect of the proposed change upon the general historical and architectural nature of the Historic District.
5. The appropriateness of the exterior architectural features which can be seen from a public way.

6. The general design, arrangement, texture, and material of the building or structure and the relation of such factor to similar features of buildings or structures in the Historic District. Consideration shall be given but not limited to the following:
- (a) Proportion of Building's Front Facades – preserving the relationship between the width of the front of the building and the height of the front of the building.
 - (b) Proportion of Openings within the Building – preserving the relationship of width to height of windows and doors.
 - (c) 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.
 - (d) Rhythm of Spacing of Buildings on Streets – preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
 - (e) Rhythm of Entrance and/or Porch Projections – preserving the existing rhythm of entrance or porch projections to maintain a pedestrian scale.
 - (f) Relationship of Materials – preserving the predominant textures of the Historic District such as brick, stone, stucco, wood siding, or other material.
 - (g) Relationship of Textures – preserving the predominant textures of the Historic District which may be smooth, such as wood siding, or rough, such as masonry.
 - (h) 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.
 - (i) Relationship of Roof Shapes – preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or other kinds of roof shapes.
 - (j) Walls of continuity – preserving physical elements which comprise streetscapes such as brick walls, wrought iron fences, building facades, structures or combinations of these which form visual continuity and cohesiveness along the street.
 - (k) Directional Expression of Front Elevation – preserving the orientation of structural shapes, fenestration and architectural detail that reflect a predominantly vertical, or horizontal character to the building or structure façade.
 - (l) 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 or structure mass and its relationship to open space.

ARTICLE VIII

Section 800. Application Procedure.

1. Upon receipt of a completed application for a Certificate of Appropriateness, the Designated Staff Person shall give the applicant the following:
 - (a) Written notice of the time and date of the next regularly scheduled meeting of HARB at which said application will be considered.
 - (b) A placard to be promptly placed by the applicant in a prominent location, visible from a public way, on the property where the alteration or construction is proposed.
2. All applications for a Certificate of Appropriateness and the disposition of same shall be maintained at the Borough Office.

Section 801. Review Procedure.

1. To allow adequate time for review, applications for a Certificate of Appropriateness must be received at least eight days prior to the regularly scheduled meeting of HARB at which the application will be considered.
 - (a) The meeting schedule and application deadline shall be established and published annually.
2. The Designated Staff Person shall retrieve all applications from the file after the filing deadline.
3. The Designated Staff Person shall forward the applications and all relevant attachments, together with a meeting agenda, to HARB members at least three business days before the HARB meeting at which said applications will be considered.
 - (a) Applicants shall be sent a copy of the meeting agenda, a placard to be placed on the property to be reviewed, and a letter advising the applicant of the date, time and location of the meeting.

Section 802. HARB Recommendation.

1. The applicant or the applicant's representative shall be at the HARB meeting at which the applicant's application will be reviewed to answer any questions HARB members may have regarding the application.
2. The HARB shall render a recommendation at the meeting at which the application is reviewed with the following exceptions:
 - (a) The applicant may withdraw the application;
 - (b) The applicant seeks conceptual review only;

- (c) The applicant and the HARB mutually agree to table the application until the next meeting; and
 - (d) The HARB requires additional time, due to the nature or complexity of the proposed activity, to review the materials provided with the application, gather additional information, seek expert advice, or deliberate its findings. The HARB will specify the information to be compiled and/or any conditions that must be met by the applicant during the intervening period. The applicant understands that failure to gather the information or meet the conditions as specified may result in a recommendation to deny the Certificate of Appropriateness.
3. The HARB shall make a recommendation to Council no later than thirty business days from the meeting at which the application was first reviewed, unless application is tabled as per Section 802.2(c).
 4. The HARB recommendation shall be based upon the “Standards” and the Design Guidelines contained herein or subsequently adopted by Borough Council.
 5. HARB shall inform all applicants of the date and time of the next regularly scheduled meeting of Borough Council at which time the Council will act on the HARB’s recommendations for Certificates of Appropriateness.

Section 803. HARB Recommendation to Borough Council.

The written report to Borough Council concerning HARB’s recommendations on the issuance of Certificates of Appropriateness shall include the following:

1. Minutes of the HARB meeting at which the applications were reviewed;
2. A Certificate of Appropriateness for each application containing the following information:
 - (a) Applicant’s name
 - (b) Address of Applicant
 - (c) Address of property where activity is proposed
 - (d) List of proposed activities
 - (e) Recommendation of Appropriateness and the Standard(s) and Guideline(s) cited for each proposed activity
 - (f) The HARB’s recommendation, indicating the vote, for each proposed activity

Section 804. Action by Borough Council.

1. Upon receiving the written report from the HARB concerning recommendations on applications for Certificates of Appropriateness, Borough Council shall consider the issuance of Certificates of Appropriateness.
2. The applicant shall have the right to attend the meeting and be heard regarding his application. Borough Council shall make a record of the hearing on the application for a Certificate of Appropriateness.
3. In its decision making process, Borough Council shall consider the recommendations made by HARB and the "Standards" and the Guidelines contained herein.
4. Borough Council shall determine whether the activities proposed by an application are one of the following:
 - (a) Appropriate and authorize the issuance of a Certificate of Appropriateness to the applicant, copied to the Designated Staff Person, who shall issue or consent to the issuance of the building and/or zoning permit(s) (assuming all other requirements of the Borough have been met).
 - (b) Inappropriate and deny issuance of a Certificate of Appropriateness. Disapproval of Borough Council shall be in writing, giving reasons therefor, and a copy thereof shall be given to the applicant, to the agency issuing permits, and to the PHMC. Borough Council shall indicate what changes in the applicant's plans and specifications would meet its conditions for protecting the distinctive historical character of the Historic District.
 - (c) Appropriate with Conditions and authorize the issuance of a Certificate of Appropriateness to the applicant, copied to the Designated Staff Person, who shall issue or consent to the issuance of the building and/or zoning permit(s) (assuming all other requirements of the Borough have been met).
5. The applicant may appeal the determination by Borough Council to the Lancaster County Court of Common Pleas within the time specified by law.

ARTICLE IX

Section 900. Unreasonable Economic Hardship.

This Section applies to Article V, Section 504, Demolition, Subsection 2(i).

1. When a claim of unreasonable economic hardship is made due to the effect of this Part, the owner of record must present evidence sufficient to prove that as a result of HARB's recommendation he is unable to obtain a reasonable return or reasonable beneficial use from the entire property and not just the building or structure being proposed for demolition. The owner of record shall submit by affidavit to the HARB some or all of the information below at the discretion of HARB and any other information deemed by HARB or the owner of record to be relevant:

- (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 (2) 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 the 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 was obtained.
 - (l) The applicant shall provide a minimum of two estimates 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 HARB for changes necessary for it to recommend issuance of a Certificate of Appropriateness. The applicant shall allow access by HARB members and Designated Staff Person to view the property proposed for demolition. HARB may procure/provide/present an estimate/plan for comparison, especially in cases where the building condition is in question or if the proposed use presumably cannot be accommodated. HARB encourages preliminary consultation with the HARB Designated Staff Person prior to formal application to allow time for review and alternative ideas and reasonable discussion.
 - (m) Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
2. The HARB may require that an applicant furnish additional information relevant to the claim of unreasonable economic hardship.

3. The HARB may receive and consider studies and economic analyses from other Borough agencies
4. Should the HARB 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 HARB may choose to recommend to the Borough Council that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
5. The HARB may seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the HARB chooses to explore such options, the HARB may delay recommending 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.
6. Should the applicant satisfy the HARB that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should HARB be unable to develop a solution which can relieve the owner's economic hardship, the HARB may recommend to Borough Council that a Certificate of Appropriateness be approved for demolition.

ARTICLE X

Section 1000. Enforcement.

The Borough Building Inspector or his designated representative or Borough Council shall have the power to institute any legal or equitable proceedings or any enforcement actions authorized by the Act or the Borough Code, 8 Pa.C.S. §101 et seq., necessary or appropriate for the enforcement of this Part. HARB shall make a recommendation to Borough Council regarding enforcement actions and then Borough Council authorizes the Borough Building Inspector or his designated representative to proceed with the Notice of Violation and Penalties as outlined in Sections 1001, 1002 and 1003.

Section 1001. Notice of Violation.

1. The Borough Building Inspector shall serve a written notice of violation on any person in violation of this Part, which violations would include but not be limited to:
 - (a) Failure to apply for or obtain a Certificate of Appropriateness or a Building Permit required for the erection, reconstruction, alteration, restoration, painting or sealing of masonry structures, demolition, or razing of any building, structure or sign which can be seen from a public way or any other activities regulated by Article V;
 - (b) Failure to comply with the provisions of Article V, Section 505 or Section 506.

- (c) Failure to comply with the conditions specified by Borough Council on the Certificate of Appropriateness or that are associated with any pre-approved activity as designated herein or subsequently adopted by Borough Council.
2. The Notice shall direct the abatement of the violation.
3. Notwithstanding the foregoing, it shall not be a defense to any action commenced to enforce this Part or to impose penalties for the violation of this Part that the Borough Building Inspector has failed to serve a notice of violation.

Section 1002. Penalties.

Any owner or other person who violates or fails to comply with any provision of this Part shall pay a civil penalty not to exceed (\$600.00) Dollars per violation. A separate violation shall arise for each day of violation and for each applicable section of this Part 1 which is found to have been violated. If the civil penalty is not paid, the Borough may initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Court costs and reasonable attorney fees incurred by the Borough may be assessed in any enforcement proceedings.

Such civil penalty shall be in addition to any other penalty or fine which may be imposed under any other provisions of the Code of Ordinances or uncodified ordinances of the Borough, Pennsylvania law, or Federal law.

Section 1003. Equitable Relief.

In addition to or in lieu of the penalties provided in Section 1002 hereof, any violations of the provisions of this Part may be abated or enforced by proceedings seeking equitable relief against the violator.

Section 1004. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction or other tribunal, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word hereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 1005. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby expressly repealed. It is specifically provided, however, that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its

effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior ordinance. In the event any violation has occurred under any prior ordinance of the Borough, prosecution or enforcement may be continued or initiated against the alleged offender pursuant to the provisions of said prior ordinance, and the provisions and penalties provided in said prior ordinance shall remain effective as to said violation.

Section 1006. Saving Clause.

The enactment of this Ordinance and the repeal by it of any prior ordinance shall not invalidate the Historic District previously established pursuant to the Act and shall not invalidate the HARB created under the provisions of any prior ordinance. This Ordinance, in such respects, shall be deemed a continuation and reenactment of the Historic District and the HARB. All other parts, sections, subsections, and provisions of the Borough of Strasburg Code of Ordinances shall remain in force and effect as heretofore enacted.

Section 1007. Effective Date. This Ordinance shall take effect and be in force immediately after enactment as provided by law.

Section 1008. Amendments to Code of Ordinances. The editor of the Code of Ordinances of the Borough of Strasburg is authorized if requested by the Borough Manager to format this Ordinance in a manner consistent with the existing Code of Ordinances.

DULY ORDAINED AND ENACTED this 9th day of August, 2016, by the Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF STRASBURG
LANCASTER COUNTY, PENNSYLVANIA

By: Michael A. Chivolo
(Vice) President
Borough Council

Attest: Lisa M. Boyd
(Assistant) Secretary

[BOROUGH SEAL]

Examined and approved as an Ordinance this 12 day of August, 2016
[Signature]
Mayor