

# CERTIFIED LOCAL GOVERNMENT HISTORIC DISTRICTS

## SECTION 200 Authority

Based on the authority contained in the Act of June 13, 1961, Public Law 282, No. 167, and 53 Pennsylvania Statutes, Section 8001 et. seq., as amended, the Borough of Pottstown hereby creates Certified Local Ordinance Historic Districts within the Borough of Pottstown.

## SECTION 201 Title

This Ordinance shall be known as the Borough of Pottstown Historic Preservation Ordinance.

## SECTION 202 Purpose

Pottstown's Certified Local Government Historic Districts are created for the following purposes:

- A. To protect those portions of the Borough of Pottstown which most strongly reflect the cultural, economic, social, political and architectural history of the Borough of Pottstown, the Commonwealth of Pennsylvania, and the United States.
- B. To awaken among Pottstown residents, property owners, and other citizens an interest in Pottstown's historic past.
- C. To encourage the restoration and maintenance of Pottstown's historic buildings.
- D. To strengthen Pottstown's economy and real estate values by stabilizing and strengthening Pottstown's most historic buildings and neighborhoods.
- E. To encourage new buildings to be compatible with existing historic buildings.

## SECTION 203 Boundaries of Certified Local Government Historic Districts

An official map of Pottstown's Certified Local Government Historic Districts is on file in the office of the Pottstown Building Permit Officer. The legal description of the boundaries can be found in the Certified Local Government Historic Districts Appendix, Section A203.

Properties with the following addresses are located within the Certified Local Ordinance Historic Districts.

List of properties within Pottstown's Certified Local Government Historic Districts			
Range of addresses	Street	Range of addresses	Street
414 through 456	Apple Street	00 through 28	S. Hanover Street
216 through 272	Beech Street	16 through 602	High Street north side
00 through 180	N. Charlotte Street	642 through 1314	High Street north side
00 through 28	S. Charlotte Street	29 through 559	High Street south side
148 through 307	Chestnut Street	631 through 1239	High Street south side
00 through 16	N. Evans Street	1319 through 1333	High Street south side
00 through 23	S. Evans Street	17 through 455	King Street
00 through 62	N. Franklin Street	150 through 312	Walnut Street
00 through 26	S. Franklin Street	00 through 19	N. Washington St.
00 through 175	N. Hanover Street	00 through 26	S. Washington St.
		15 through 63	N. York Street

## **SECTION 204 Interpretation of Boundaries**

Where uncertainty and/or discrepancy exists as to the boundaries of the Districts as shown on the Official Pottstown Historic Districts Map, or the written description in Section A203, see Section A 204 for the rules of interpretation.

## **SECTION 205 The Creation and Membership of Historic Architectural Review Board**

### **1. Membership:**

The Historic Architectural Review Board, hereafter referred to as HARB, is hereby established and is composed of seven members appointed by the Borough Council.

The membership of HARB shall be as follows:

- A. One member shall be a registered architect.
- B. One member shall be a licensed real estate broker.
- C. One member shall be a Building Inspector.
- D. Two members shall be persons who are either residents of or owners of property within the originally created Old Pottstown Historic District with knowledge of or interest in the preservation of historic buildings and districts.
- E. Two members shall be persons who are either residents of or owners of property High Street Historic District with knowledge of or interest in the preservation of historic buildings and districts.

### **2. Waivers:**

Borough Council shall have the authorization to grant a waiver in appropriate circumstances to the residency requirement.

### **3. Alternates:**

The Borough Manager or Assistant Borough Manager may serve as an alternate member of HARB, if necessary, for the purpose of being present to facilitate the quorum requirement.

### **4. Terms:**

The initial term of the first members shall be fixed so that no more than one member shall be replaced or reappointed during any one calendar year. Their successors shall serve for a term of five years.

### **5. Change of status:**

The position of any member of HARB appointed in his capacity as a registered architect, licensed real estate broker or building inspector who ceases to be so engaged shall automatically be considered vacant. In the case of a resident of the District who ceases to be either a resident of and/or owner or property in the Historic District shall be automatically considered vacant, unless Council grants a waiver. Any appointment by Borough Council to fill a vacancy shall be only for the unexpired portion of the term.

## **SECTION 205 The Creation and Membership of Historic Architectural Review Board (continued)**

### **4. Organization of HARB:**

HARB shall establish its own by-laws, establish officers and elect officers from its own membership. HARB may make and alter rules and regulations for its own organization and procedure provided they are consistent with the laws of the Commonwealth, and all provisions of this Ordinance.

### **5. Quorum:**

For the conduct of any meeting, the taking of any action of quorum shall be not less than a majority of the Board as a whole. Any action taken at any meeting shall require the affirmative vote of a majority of the HARB as a whole.

### **6. Conflict of interest and record-keeping:**

No member of the HARB shall be permitted to take part in the discussion or vote of the issuance of any Certificate of Appropriateness for any property in which said member has any interest, direct or indirect. The HARB shall keep full public records of its business.

### **7. Removal of Members:**

Any HARB member may be removed for malfeasance or misfeasance or nonfeasance (non-attendance at three consecutive meetings) in office or for any other just cause by a majority vote of Borough Council taken after the member has received fifteen days advance notice of the intent to take such vote.

### **8. Expenditures for Service:**

Borough Council may appropriate funds for legal, secretarial, clerical, consultant and other technical assistance required to achieve the aims of this Ordinance. HARB members shall serve without compensation, except that Borough Council may reimburse HARB members for expenses incurred in the performance of their duties.

## **SECTION 206 Functions of HARB**

HARB shall:

1. Give recommendations to the Borough Council regarding the advisability of issuing any Certificate of Appropriateness in accordance with the Act of June 13, 1961, as amended, and this Ordinance.
2. Formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about Pottstown's historic neighborhoods and buildings.
3. Cooperate with and advise Borough Council, the Borough Planning Commission and other Borough agencies in matters involving historically and/or architecturally significant sites and buildings such as historical markers, appropriate land usage, parking facilities and signs, as well as adherence to lot dimensions or regulations and minimum structural standards.
4. Meet publicly at least once a month at regularly scheduled intervals. Further, HARB may hold any additional meetings considered necessary to carry out its powers and duties. Such meetings shall be open to the public.

## SECTION 207 Application Review Procedure

### 1. Permit Required:

- A. Except for interior alterations, no persons shall erect, construct, reconstruct, alter, restore, demolish, raze or change in appearance, in any manner, any building or structure, in whole or in part, which is visible from a public street or way, within any Certified Local Government Historic District, without first obtaining permits which have been issued on the strength of a Certificate of Appropriateness issued by Borough Council.
- B. The Certificate shall not be limited to work requiring a building permit according to the presently enacted Building Code of the Borough of Pottstown, but shall include all work affecting general design, arrangement, texture and material which can be seen from a public street or way, including utility installations or other public improvements. This includes, but is not limited to, the following: sand-blasting, chemical cleaning, stucco or other applied textures, replacement or major repair of windows, cornices, trim or other non-structural elements, signs and other work affecting the visual appearance of the structure as defined in this Ordinance.

**2. Application Procedure:** Upon receipt of an application for a building permit for work to be done in the District, the Building Permit Officer shall act in accordance with the procedures then being followed in that office, except those procedures that are necessarily modified by the following requirements:

- A. He shall forward copies of the application for any building permit, together with copies of any plot plan and building plans and specifications filed by the applicant, to HARB.
- B. He shall not issue a permit for any construction, alteration, reconstruction, repair, restoration or demolition of all or a part of any structure in the District until Borough Council has issued a Certificate of Appropriateness.
- C. He shall require applicants to submit a sufficient number of additional copies of materials required to be attached to an application for a building permit so that the information needed to make a determination of Appropriateness shall be available to all HARB members.
- D. In the case of routine repairs that are minor and clearly meet the Design Guidelines in Section 208 of this Ordinance, the Building Permit Officer may issue a Certificate of Appropriateness in conformance with the provisions of Section 210 of this Ordinance.
- E. He shall maintain, in his office, a record of all applications and their final disposition.

### 3. HARB Review of Applications

Upon receipt of any building permit application under the jurisdiction of this Ordinance, HARB shall consider the application at its next regularly scheduled meeting or special meeting. Applications submitted within 8 days of the scheduled meeting may be considered at the next meeting thereafter at the discretion of HARB.

### 4. Notification of Applicant of HARB Meeting

The person(s) applying for a permit shall be advised of the time and place of the HARB meeting to consider his application and shall be encouraged to attend. HARB may invite such other persons as it desires to attend its meeting.

### 5. Design Guidelines

In determining the recommendations to be presented to Borough Council concerning the issuing of a Certificate of Appropriateness, HARB shall consider the design guidelines set forth in Section 208.

## **SECTION 207 Application Review Procedure (continued)**

### **6. Time Frame for HARB Decision**

HARB shall render a decision and recommendation on any application for a building permit under its review no later than one month after the hearing/meeting provided for in this section, and shall submit, in writing to the Borough Council, recommendations concerning the issuance of a Certificate of Appropriateness.

### **7. Application Disapproval by HARB**

If the HARB decides to advise against the granting of a Certificate of Appropriateness, it shall indicate such to the applicant. The disapproval shall indicate the changes in plans and specifications, if any, which would protect the distinctive historic character of Pottstown's Certified Local Government Historic Districts.

### **8. Contents of Written Report**

The written report to Borough Council concerning HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the 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 elements of the structure to be erected.
- C. A current list and/or photographs of the surrounding structures with their general exterior characteristics.
- D. The effect of the proposed change upon the general historic and architectural nature of the District.
- E. The appropriateness of exterior architectural features of the building which can be seen from a public street or way.
- F. The general design arrangement, texture, material and color of the building or structure, and the relation of such factors to similar features of buildings or structures in the Certified Local Government Historic Districts.
- G. The opinion of HARB (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the District.
- H. The specific recommendations of HARB as to the issuance by the Borough Council, or its refusal to issue, a Certificate of Appropriateness.

### **9. Notification of Applicant by Borough Council of its Decision**

Upon receipt of the written report from HARB as provided in Subsection 6 of this Section, the Borough Council shall consider, at the next regularly scheduled or special meeting, the question of issuing to the Building Permit Officer a Certificate of Appropriateness authorizing a permit for work covered by the application. 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 attend this meeting and be heard as to the reasons for filing his application.

### **10. Design Guidelines**

In determining whether or not to grant a Certificate of Appropriateness, the Borough Council shall consider the same factors as HARB as set forth in Section 208 of this Ordinance, and the report of HARB.

## **SECTION 207 Application Review Procedure (continued)**

### **11. Approval by the Borough Council**

If the Borough Council approves the application, Council shall issue a Certificate of Appropriateness.

### **12. Disapproval by the Borough Council.**

- A. If the Borough Council disapproves, it shall do so in writing, and copies shall be given to the Building Permit Officer, the applicant and the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District and the structure, so that the applicant may prepare such changes.
- B. Upon receipt of a written disapproval of the Borough Council, the Building Permit Officer shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law.

### **13. Final Notice by Borough Council**

In either case, the Borough Council shall notify the applicant within five days of its meeting at which the application was considered.

## **SECTION 208 Design guidelines**

In determining the recommendation to be presented to Borough Council concerning the issuing of a Certificate of Appropriateness, HARB shall consider the following factors:

1. The purposes of this Ordinance.
2. The design guidelines in Pottstown's Zoning Ordinance for the Conservation Overlay District.
3. Pottstown's Certified Local Government Historic Districts Maintenance and Renovation Guidelines.
4. The United States Secretary of the Interior's Standards for Rehabilitation.
5. The appropriateness of exterior architectural features which can be seen from a public street or way.
6. The general design, arrangement, texture and material of the building or structure in question and its appurtenant fixtures, including its façade, any or all signs, and paving materials around the property, and the relationship of such features to similar features of other buildings or structures in the Certified Local Government Historic Districts.
7. The effect of the proposed change upon the general historic, architectural and aesthetic nature of the Certified Local Government Historic Districts.
8. HARB shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or districts.

## SECTION 209 Demolition

1. The demolition of any existing building of historic value should be considered a last resort, only after the applicant can either:
  - A. Demonstrate that no other viable alternatives for reuse of the building exist. This would include
    1. An analysis of the building's adaptive re-use feasibility
    2. Evidence that no feasible re-use has been found within an 18-month period
    3. Evidence that no sales or rentals have been possible during an 18-month period of significant marketing, or
  - B. Demonstrate that demolition of a building is an unavoidable and integral part of a construction scheme affecting a larger area than the building in question, which will, in the opinion of the Borough Council, provide substantial public benefit.
2. No building shall be demolished until a plat and design review of any proposed new buildings or other use for the lot has been conducted by the Pottstown Planning Commission and approved by Borough Council.
3. In cases where applications for proposed demolition occur, HARB may recommend to the Borough Council that the proposed demolition be postponed for a period not to exceed nine months. The moving of a building shall be encouraged as an alternative to demolition if there is no other way to preserve the building. Any matter of immediate threat to health and safety shall override any postponement of demolition.

## SECTION 210 Routine repairs

1. **Purpose:** There are many instances of repairs and restorations of structures, and paving materials around structures, that are minor and clearly meet the Design Guidelines in Section 208 of this Ordinance. Such repairs might include the repair of a wooden window or cornice with new wood material that will look exactly like the original, or the cleaning of brick walls to standards clearly permitted by the Secretary of Interior's Standards for Rehabilitation.
 

In those cases, Borough Council wishes to avoid the inconvenience that property owners experience while waiting for a meeting of the HARB and Borough Council before a Certificate of Appropriateness is issued.
2. Therefore, after reviewing the application required in Section 208 of this Ordinance, if the Building Permit Officer determines the proposed work is minor and clearly meets the Design Guidelines set forth in Section 208 of this Ordinance, he shall issue a Certificate of Appropriateness notwithstanding any other section of this Ordinance.
3. In cases of substantial renovations or other construction work, or in cases where the Building Permit Officer, in his discretion, questions whether the proposed work meets the Design Guidelines in Section 208 of this Ordinance, the Building Permit Officer shall forward copies of the application and other materials to HARB for its review in accordance with Section 207 of this Ordinance.
4. The Building Permit Officer shall forward all Certificates of Appropriateness and substantiating materials for applications he has approved to both HARB and Borough Council for ratification at their next scheduled meetings.

## **SECTION 211 Enforcement**

The Building Permit Officer shall have the power to institute any proceedings at law or in equity for the enforcement of this Ordinance in the same manner as in his enforcement of the Borough Building Permit Ordinance as enacted, and may be amended from time to time.

## **SECTION 212 Enforcement Penalties**

Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof, be sentenced to a fine not to exceed one thousand dollars plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. The Borough shall give official written notice to the violator, by certified/registered mail, that he is committing a violation, and each day that a violation is continued shall constitute a separate offense.

## **SECTION 213 Effective Date/Certification by Pennsylvania Historical and Museum Commission**

Immediately upon the adoption or Amendment of this Ordinance, the Borough Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall take effect immediately upon:

- A. The certification by resolution, to the historic significance of the Pottstown Historic Districts by the Pennsylvania Historical and Museum Commission.
- B. Immediately upon the appointment of the Historic Architectural Review Board.

## **SECTION 214 Definitions**

All definitions for this ordinance are also contained in the Definitions section of Pottstown Subdivision and Zoning Ordinance.

### **Alteration – Historic District**

As applied to Pottstown's Certified Local Government Historic Districts, an alteration is any change, modification, or addition to a part or all of the exterior of any building or structure which can be seen from a public right of way.

### **Borough Council**

The governing body of Pottstown. It includes the term "Town Council."

### **Building**

Any structure, either temporary or permanent, having a roof or other covering, and designed or used for shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of a building.

### **Building Permit**

An approval statement signed by the Code Enforcement Officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building within Pottstown.

### **Building Permit Application**

The request filed by any person with the Code Enforcement Officer that seeks authorization to construct, alter, reconstruct, repair, restore, demolish or raze all of any part of any building within Pottstown.



**Building Permit Officer/Code Enforcement Officer**

The officer designated by Pottstown Borough Council as the person who issues permits for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building in Pottstown.

**Certificate of Appropriateness**

A statement signed by Pottstown Borough Council that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building within one of Pottstown’s Certified Local Historic Districts, and authorizes the issuance of a building permit for said request.

**Certified Local Government Historic District**

The areas in the Borough of Pottstown created by ordinance of the Borough of Pottstown as authorized by the Act of June 13, 1961, P.L. 282, No. 167, as amended.

**Commission or Planning Commission**

The Borough of Pottstown Planning Commission, unless context indicates clearly otherwise.

**Commonwealth**

The Commonwealth of Pennsylvania.

**Compatible**

When used to describe the relationship among buildings, compatible means having characteristics that are similar to the majority of existing historic buildings on the block. These characteristics include, but are not limited to:

1. Constructed of the same original materials, such as wood, brick, or stucco, as existing buildings on the block, or constructed of materials that are very similar in appearance to the original materials, such as dark gray asphalt shingles to replace slate shingles, cut to the same size and shape.
2. Contain structural details that are similar to other buildings on the block, such as:
  - Decorative shingles
  - Cornices and fascia
  - Lintels over windows and doors
  - Shape, size, and placement of windows
  - Thickness and placement of mullions in the sash of windows
  - Shape and placement of porches and columns

**Construction**

Any or all work necessary for the erection of any building or structure from a combination of materials to form safe and stable structures.

**Council**

The Borough Council of Pottstown.

**Demolition**

The dismantling or tearing down of all or part of any building.

### **Development Plan**

The provisions for development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities. The phrase "the provisions of the development plan" when used in this Article shall mean the written and graphic materials referred to in this Article.

### **Fence or Wall**

A structure that permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

### **Front Yard**

The area between the front lot line (a line dividing a lot from any public street) and the setback required, with the exception of corner lots used for residential purposes.

### **HARB/ Historic Architectural Review Board**

The Historic Architectural Review Board regulating properties in Pottstown's Certified Local Ordinance Historic Districts.

### **Historic Neighborhood**

An area judged by the Pennsylvania Bureau for Historic Preservation as eligible for the National Register of Historic Places.

### **Reconstruction**

Any or all work need to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

### **Rehabilitation**

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

### **Repairs**

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

### **Report**

Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**Restoration**

Any or all work connected with the returning to or restoring a building or part of any building to its original condition through the use of original or nearly original materials.

**Scale**

The size, or apparent size, of a building in relationship to the size of a human being.

*Left, small scale two-story building.  
Right, large scale two-story building.*



**Sign**

A lettered board, structure, or other surface, or any other device used to visually announce, advertise, or convey information to the public for any purpose. This definition hereby incorporates the definitions contained in Pottstown’s Zoning Ordinance, Sign Definitions, pages 59 through 67.

**Storage shed**

An accessory building with four sides and a roof, not exceeding 100 square feet or eight feet in height, for the storage of lawn, garden and swimming pool equipment or similar domestic items.

**Street**

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways, whether public or private, use or intended to be used by vehicular traffic or pedestrians. Streets are further classified by function in Section A5 of the Pottstown Subdivision and Land Development Ordinance. A "half street" is a street of less than required right-of-way width.

**Street Line**

A line determining the limit of pedestrian or vehicular rights, either existing or contemplated, of the public.

**Structure**

Any constructed, erected, or placed material or combination of materials in or upon the ground or water, including, but not by way of limitation, buildings, mobilehomes, radio towers, sheds, signs, storage bins, tents, and pools.

**Yard**

The area between any lot line and the setback required from the lot line.