

BOROUGH OF EAST WASHINGTON

ORDINANCE NO. _____ OF 2006

AN ORDINANCE OF EAST WASHINGTON BOROUGH, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, CREATING A HISTORIC DISTRICT WITHIN THE BOROUGH, PROVIDING AN ADMINISTRATIVE PROCESS FOR REVIEWING APPLICATIONS FOR PERMITS FOR DEMOLITION OF STRUCTURES WITHIN THE HISTORIC DISTRICT, AND REGULATING DEMOLITION BY NEGLECT.

BE IT ENACTED AND ORDAINED and it hereby is enacted and ordained by the Council of the Borough of East Washington under authority of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, ' '601, 603(g) (2) & 604(1) (53 P.S. ' '10601, 10603(g) (2) & 10604(1)), and the Borough Code, as follows:

I. Chapter 27 of the Code of Ordinances of the Borough of East Washington, entitled "Zoning", is amended by adding the provisions appended hereto.

II. The zoning district map appended hereto is hereby enacted as the zoning map of East Washington Borough.

III. This ordinance shall be effective as provided by law.

ORDAINED AND ENACTED into law, this ____ day of _____, 2006.

ATTEST:

BOROUGH OF EAST WASHINGTON

Secretary

President of Council

Approved this _____ day of _____, 2006.

Mayor

SECTION 101. Declaration. There is hereby created an historic district within the Borough of East Washington known as the East Washington Historic District.

SECTION 102. Purposes. The East Washington Historic District is created for the following purposes:

1. To protect that portion of the Borough reflecting the cultural, economical, social, political and architectural history of the Borough, the Commonwealth and the Nation.

2. To promote the use and reuse of the portions of the Borough for the culture, education, pleasure and the general welfare of the citizens of the Borough, the Commonwealth and the Nation.

3. To strengthen the economy of the Borough by stabilizing and improving property values within the historic district.

4. To enhance the aesthetic quality of the Borough.

5. To instill in the citizens of the Borough civic pride.

6. To discourage the demolition of historic resources.

SECTION 200. Definitions.

BOROUGH COUNCIL or COUNCIL - The Borough Council of the Borough of East Washington.

BUILDING - A structure or appendage to a structure, or any part thereof, which: is permanently affixed to the land; has one or more floors or stories; and is bounded by either lot lines or yards. A building does not include such structures as fences or structures with interior surfaces not normally accessible to human use, such as oil tanks, or similar structures.

BUILDING PERMIT - An approval statement signed by the Code Enforcement Officer authorizing the demolition or razing of all or a part of any building or structure within the Historic District.

BUILDING PERMIT APPLICATION - The request filed by any person with the Code Enforcement Officer seeking authorization to demolish or raze all or a part of any building or structure within the Historic District.

CERTIFICATE OF APPROPRIATENESS - The approval statement signed by Borough Council certifying the appropriateness of a particular request for the demolition or razing of all or a part of any building or structure within the Historic District and authorizing the issuance of a building permit for said request.

CODE ENFORCEMENT OFFICER - The officer of the Borough who reviews building permit applications.

DEMOLISH or DEMOLITION - The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.

HISTORIC DISTRICT - The East Washington Historic District.

PLANNING COMMISSION - Planning Commission of the Borough of East Washington.

RAZE - to lay level with the ground.

STRUCTURE - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

SECTION 300. Delineation of Historic District.

1. The East Washington Historic District shall be described in writing in this section and delineated on an official map of the Borough.

2. The official Historic District map shall be signed by the Borough Council and located in the office of the Borough Secretary.

3. The East Washington Historic District consists of all land, buildings and structures within the following boundaries: 298-372 East Beau Street, 8-187 South Wade Avenue, 238-355 East Wheeling Street, 9-52 North Avenue and 505-540 East Chestnut Street.

4. The Historic District map shall be deemed to be an overlay on any zoning districts now or hereafter enacted to regulate the use of land in the Borough.

a. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this ordinance. In the event of a conflict between the provisions of the Historic District and the underlying zoning district, the provision that is most protective of the historic resource shall apply.

b. Should the Historic District map be revised as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this ordinance.

5. The Historic District map may be revised from time to time by ordinance enacted by Borough Council.

SECTION 400. Recommendations Regarding Demolition.

1. Any person wishing to demolish or raze all or part of any building or structure within the Historic District shall submit to the

Code Enforcement Officer a building permit application with, as an addendum, an application for Certificate of Appropriateness containing the information required by Section 600 attached to it.

2. The Code Enforcement Officer shall not issue a building permit for the demolition or razing of all or part of any building or structure in the Historic District until the Planning Commission reviews said application and Borough Council issues a Certificate of Appropriateness to the Code Enforcement Officer.

3. Upon receipt of said application, the Code Enforcement Officer shall forward a copy of said application and all materials submitted therewith to the Planning Commission.

4. The Planning Commission shall consider said application at its next regularly scheduled meeting or a special meeting. The Planning Commission may require the submission of additional information to assist it in reviewing said application.

5. The Planning Commission shall issue and submit, in writing, to Borough Council, within thirty (30) days of the final meeting or special meeting at which the building permit application is reviewed, unless said time is extended by agreement of the applicant, its recommendations concerning the issuance or denial of a Certificate of Appropriateness. The Planning Commission shall recommend that Borough Council either:

- (a) Issue a Certificate of Appropriateness, or
- (b) Deny a Certificate of Appropriateness.

6. The Planning Commission's report to Borough Council with the Planning Commission's recommendation concerning the issuance or denial of a Certificate of Appropriateness shall contain the following:

a. A list of the surrounding buildings and structures, with their general exterior characteristics.

b. The effect of the proposed demolition upon the general historic and architectural nature of the Historic District.

c. The opinion of the Planning Commission (including any dissent) as to the appropriateness of the demolition as it will preserve or destroy the historic aspect and nature of the Historic District.

d. The specific recommendations of the Planning Commission as to approval or disapproval of the issuance of a Certificate of Appropriateness.

7. If the Planning Commission fails to issue and submit its report and recommendation to Borough Council within the time limit prescribed by subsection (5) of this section, the Planning Commission shall be deemed to have submitted to Borough Council the Planning Commission's recommendation that Borough Council issue a Certificate of Appropriateness.

8. Upon receipt of the written report from the Planning Commission, Borough Council shall consider at its next regularly scheduled meeting or at a special meeting whether to issue to the Code Enforcement Officer a Certificate of Appropriateness authorizing the issuance of a building permit for the demolition work described in the application. The Borough Secretary shall give the applicant ten (10) days' written notice of the time and place of the meeting at which his application is to be considered. The applicant shall have the right to attend this meeting and to be heard by Borough Council.

9. If Borough Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Code Enforcement Officer

to issue to the applicant a building permit for the demolition work described in the application. If Borough Council denies the application, it shall communicate its denial to the Code Enforcement Officer, who shall deny the application for a building permit.

10. The applicant may appeal from the denial of a building permit application as provided by law. For purposes of appeal, the Code Enforcement Officer's denial of the application for a building permit shall commence the appeal period.

SECTION 500. Criteria for Consideration. In reviewing the building permit application, the Planning Commission and Borough Council shall consider only those matters which are pertinent to the preservation of the historic and/or architectural aspect and nature of the building or structure, site, area or Historic District, including the following:

1. The effect of the proposed demolition upon the general historic and architectural nature of the Historic District.

2. The effect of the proposed demolition upon adjoining and surrounding properties.

3. Alternatives to demolition and their feasibility, including:

(a) Postponement of demolition for a period not to exceed nine (9) months; and

(b) Moving the building or structure to another location.

4. All other Borough ordinances, including zoning and subdivision ordinances.

SECTION 600. Application For Certificate of Appropriateness. The building permit application shall be filed with the Code Enforcement Officer in such form and manner as may be prescribed by the Planning

Commission. At a minimum, the applicant shall provide the following information:

1. The same information required in an application for a building permit for demolition of a building or structure outside the Historic District.

2. A site plan showing all buildings and structures on the property.

3. Recent photographs of the exterior and interior of the building or structure proposed for demolition.

4. Reasons for demolition.

5. Method of demolition.

6. A report from a structural engineer describing the structural condition of the building proposed to be demolished.

7. A report from the Code Enforcement Officer indicating the building's compliance with the Property Rehabilitation and Maintenance Code.

8. The date of purchase, purchase price, and ownership history of the property.

9. The current assessed value of the land and buildings and improvements.

10. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.

11. Certified property appraisal.

12. Documentation of all efforts to sell the property in the preceding three years.

13. Alternatives to demolition, if any, which the applicant has considered.

14. Proposed use of the site after demolition and of the materials from the demolished building or structure.

15. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other.

SECTION 601. Evidence to Support Application for Certificate of Appropriateness.

The applicant shall provide credible evidence that:

1. The demolition of the building in question will not adversely affect the historic significance or architectural integrity of neighboring historic buildings or the historic character of the neighborhood or community;

2. There is no feasibility to continue the current use;

3. 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 proposed to be demolished;

4. Adaptive use opportunities do not exist due to constraints related to the building proposed to be demolished or the lot on which it is located;

5. The proposed new building, structure or use of the property will not adversely affect the historic character or architectural integrity of the neighboring historic properties, the neighborhood, or the community;

6. The building proposed to be demolished, its permitted uses and adaptive use potential, does not provide a reasonable rate of return based on a reasonable initial investment;

7. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.

SECTION 602.

A permit for the proposed demolition of any building shall not be issued prior to and where applicable:

1. The recording of an approved subdivision or land development plan for the property where the demolition is proposed; and
2. Issuance of any necessary zoning approvals.

SECTION 700. Demolition By Neglect.

1. No building or structure within the Historic District shall be demolished by neglect.

2. "Demolition by neglect" includes:

a. Deterioration of exterior walls or other vertical supports, roofs or other horizontal members, and external chimneys, such that the structural integrity of the building or structure may be threatened or compromised;

b. Ineffective waterproofing of exterior walls, roofs and foundations causing or contributing to the deterioration specified in subparagraph (a) above;

c. Significant rotting and other forms of decay;

d. Creation of any hazardous or unsafe condition or conditions;

or

e. Leaving a building or structure open or vulnerable to vandalism or decay by the elements.

SECTION 800. Enforcement.

1. The Code Enforcement Officer shall have such power to institute a proceeding at law or in equity to enforce the provisions of this ordinance as is provided elsewhere in the Code of Ordinances of the Borough and the Pennsylvania Municipalities Planning Code.

2. Any person demolishing or razing or causing the demolition or razing of all or part of any building or structure without first obtaining a Certificate of Appropriateness in accordance with this ordinance shall be fined \$500.00. Furthermore, the Code Enforcement Officer shall withhold issuing any building permit for a minimum of one year for a site where any building or structure was demolished or razed in violation of this ordinance.

3. Any person permitting or causing demolition by neglect shall be subject to a fine of \$500.00 per day for every day that said condition remains unbated or uncorrected after the date of determination by the magisterial district judge.

p:\ewash\Ord-06-Historic District