

**TITLE NINE  
SPECIAL DISTRICTS**

**ARTICLE 1391  
HISTORIC DISTRICTS**

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**CROSS REFERENCE**

State Law Provisions - See 53 P.S. §8001 et seq.

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**1391.01 SHORT TITLE**

This article shall be known and may be cited as the Historic District Ordinance. (12314 §1 9/6/78)

**1391.02 AUTHORIZATION AND PURPOSE**

**A. Authorization**

This article is enacted in accordance with the provisions of the Historic District Enabling Act of June 13, 1961, P.L. 282, No. 167, 53 P.S. §8001-8006.

**B. Purpose**

Because the heritage of the City of Allentown is among its most valued and important educational, cultural, and economic assets, it is the intent of the City to provide for the protection of historically and/or architecturally significant buildings, structures, and sites by designating certain sections of the City as historic districts in order to:

1. Protect and improve the quality of its environment through the identification, recognition, conservation, maintenance, and enhancement of buildings, sites, structures, fixtures and open spaces which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the City.
2. Foster appropriate use and wider public knowledge and appreciation of such features, sites, structures and open spaces.
3. Encourage public and private efforts in support of such purposes, and by furthering such purposes, promote the public welfare, to strengthen the cultural, educational and economic life of the City.
4. Encourage new and/or contemporary design which is visually compatible and sensitive to adjacent sites, structures and the immediate environment. (12314 §1 9/6/78)

5. Support other City policies within but not limited to the Comprehensive Plan and programs furthering historic design objectives such as the zoning ordinance to ensure cohesive development strategies. (15088 §1 8/21/13)

### 1391.03 DEFINITIONS (15088 §1 8/21/13)

- A. For the purpose of this ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."
- B. Terms
1. Alteration – For the purpose of this ordinance an alteration shall mean, a change in design, texture, material, size or shape of an exterior architectural feature that can be seen from a public right-of-way (street, alley, sidewalk etc.)
  2. Building – any structure in excess of 150 sq. ft. having a roof and enclosed sides and any unroofed platform, terrace or porch having a vertical face higher than 3 feet above the level of the ground from which the height of the building is measured. All buildings are structures, but only those structures that meet this definition shall be considered buildings.
  3. Building, or Demolition Permit – An official document or certificate issued by the City authorizing the construction, erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building located in a designated historic district.
  4. Building Permit Application – The request filed by any person with the Building Inspector or Codes Administrator that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure listed in the municipality's within a historic district that requires a certificate of appropriateness.
  5. Bureau of Building Standards and Safety - The City Bureau designated by Ordinance to administer and enforce the City's Building, Housing and Property Maintenance Ordinances.
  6. Certificate of Appropriateness – A certificate, approved by Allentown City Council, certifying the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building or structure within a historic district and authorizes the issuance of a building permit (if required) for said request.
  7. Demolition – The dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.
  8. 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.
  9. Erection – The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.
  10. Historical Architectural Review Board (HARB) also referred to as the Review Board – The agency that advises, Allentown City Council, the City of Allentown and applicants on any requests for authorization to erect, alter, reconstruct, repair, restore, demolish all or part of any building within a historic district.
  11. Reconstruction – The act or process of reproducing by new construction the exact form and detail of a demolished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.
  12. Routine maintenance and repair – For the purpose of this article, routine maintenance and repair shall mean any work done on any building or structure, any replacement of any part of the building or structure for which there is no material change or change in the design, texture or arrangement for which a building permit is not required where the purpose and effect of such maintenance, repairs or replacement is to correct any deterioration, decay or damage or any part of said building or structure and to restore same as nearly as may be possible, to its condition prior to the occurrence of such deterioration, decay or damage.

13. Sign – Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.
14. Staff Approval – A written approval from the HARB Secretary or designee for alterations listed and described in the “*Guidelines for Historic Districts*” adopted by HARB on June 25, 2012 and as amended.
15. Structure – Anything constructed or erected, which requires its permanent location on or below the ground, or which is permanently attached to something having permanent location upon the ground, including among others, buildings, sheds, porches, fences and display signs.

**1391.04 DESIGNATION OF OLD ALLENTOWN HISTORIC DISTRICT  
ADOPTION OF MAP; IDENTIFICATION OF MAP (15088 §1 8/21/13)**

A. Designation of *Old Allentown Historic District*

The limits of Old Allentown Historic District hereby designated an historical district, are defined as follows:

Beginning at a point, said point being the intersection of the center lines of Liberty Street and North Hall Street; thence, in a southwardly direction along the center line of North Hall Street to a point, said point being the intersection of the center lines of North Hall Street and Turner Street; thence, westwardly along the center lines of Turner Street to a point; said point being the intersection of the center lines of Turner Street and North Fountain Street; thence, in a southwardly direction along the center line of North Fountain Street to a point; said point being the intersection of the center lines of North Fountain Street and Linden Street; thence, in a westwardly direction along the center line of Linden Street to a point, said point being the intersection of the center lines of Linden Street and North Howard Street; thence, in a southwardly direction along the center line of North Howard Street to a point, said point being the intersection of the center lines of North Howard Street and Court Street; thence, westwardly along the center line of Court Street to a point; said point being the intersection of the center lines of Court Street and North Blank Street; thence, in a northwardly direction along the center line of North Blank Street to a point, said point being the intersection of the center lines of North Blank Street and Newton Street, thence in an eastwardly direction along the center line of Newton Street to a point, said point being the intersection of the center line of Newton Street and the rear property line of 142 North Twelfth Street; thence, northwardly along the rear property line 142, 144, 146, 148, 150, 152, 154, 156 and 158 North Twelfth Street extended to a point, said point being the intersection of the rear property line of 158 North Twelfth Street extended and the center line of Turner Street, thence, eastwardly along the center line of Turner Street to a point, said point being the intersection of the center lines of Turner Street and North Twelfth Street, thence in a northwardly direction along the center line of North Twelfth Street to a point, said point being the intersection of the center lines of North Twelfth Street and Liberty Street, thence, eastwardly along the center line of Liberty Street to point of beginning.

Beginning at a point along the center line of Turner Street; said point being the intersection of the center line of Turner Street and the eastern property line of 828 Turner Street; thence, southwardly to a point; said point being the southeast property corner of 828 Turner Street; thence, westwardly along the rear property lines of 828 Turner Street, 834 Turner Street, and 836 Turner Street to a point; said point being the southwest property corner of 836 Turner Street; thence, northwardly along the property line that divides 836 Turner Street and 145 North Ninth Street to a point; said point being the intersection with the centerline of Turner Street; as shown on Exhibit A. (13692 §1 9/3/98)

B. Adoption of Map

Old Allentown Historic District is hereby designated into zones or districts, as shown on the "Old Allentown Historic District Map," which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The Old Allentown Historic District Map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the Old Allentown Historic District Map referred to in Section 1391.03 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this ordinance. (12314 §1 9/6/78)

**1391.05 DESIGNATION OF "OLD FAIRGROUNDS HISTORIC DISTRICT";  
ADOPTION OF MAP; IDENTIFICATION OF MAP (15088 §1 8/21/13)**

A. Designation of *Old Fairgrounds Historic District*

The limits of Old Fairgrounds Historic District hereby designated an historical district, are defined as follows:

Beginning at a point, said point being the intersection of the center lines of Tilghman Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street and Pratt Street; thence, in a westwardly direction along the center line of Pratt Street to a point, said point being the intersection of the center lines of Pratt Street and North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Liberty Street; thence, in an eastwardly direction along the center line of Liberty Street to a point, said point being the intersection of the center lines of Liberty Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street extended and the southern property line of 407 North Fifth Street; thence, in a westwardly direction along the southern property line of 407 North Fifth Street to a point, said point being the intersection of the southern property line of 407 North Fifth Street extended and the center line of North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Gordon Street; thence, westwardly along the center line of Gordon Street to a point, said point being the intersection of the center lines of Gordon Street and North Morris Street; thence, in a northwardly direction along the center line of North Morris Street; thence, in a northwardly direction along the center line of North Morris Street extended and traversing in a straight line through the properties of 429, 431, and 433 North Seventh Street to the rear common property lines of 435 and 437 North Seventh Street, and 436, 436-1/2 and 438 North Church Street; thence, continuing in a northwardly direction along said rear common property lines extended and traversing in a straight line through the property of 439 North Seventh Street to the rear common property line of 441 North Seventh Street and 442 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, said point being the intersection of the rear common property line to a point, said point being the intersection of the rear common property line of 441 North Seventh Street and 442 North Church Street and the southern property line of 443 North Seventh Street; thence, continuing in an eastwardly direction along the southern property line of 443 North Seventh Street to a point, said point being the intersection of the southern property line of 443 North Seventh Street and the rear common property line of 443 North Seventh Street and 442-1/2 and 444 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and the southern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction to the intersection of the northern property line of said property and one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and northern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction from said point to the center line of Liberty Street; thence, continuing in a westwardly direction to a point, said point being the intersection of the center lines of Liberty Street and North Morris Street; thence, continuing in a northwardly direction along the center line of Morris Street to a point, said point being the intersection of the center lines of North Morris Street and Tilghman Streets; thence, continuing in an eastwardly direction along the center line of Tilghman Street to the point of beginning.

B. Adoption of Map

Old Fairgrounds Historic District is hereby designated into zones or districts, as shown on the "Old Fairgrounds Historic District Map", which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The Old Fairgrounds Historic District map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the Old Fairgrounds Historic District Map referred to in Section 1391.03.5 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this ordinance. (12467 §1 6/17/81)

**1391.06 DESIGNATION OF WEST PARK HISTORIC DISTRICT;  
ADOPTION OF MAP; IDENTIFICATION OF MAP (15088 §1 8/21/13)**

A. Designation of West Park Historic District

The limits of the West Park Historic District, hereby designated an historical district, are defined as follows:

Beginning at the intersection of the centerline of North West Street with the centerline of Chew Street; thence, northwardly, along the centerline of North West Street to its intersection with the centerline of Monroe Street; thence, eastwardly, along the centerline of Monroe Street to its intersection with the centerline of North 15<sup>th</sup> Street; thence, southwardly along the centerline of North 15<sup>th</sup> Street to its intersection with the centerline of Emmett Street; thence, westwardly, along the centerline of Emmett Street to its intersection with the centerline of North Rush Street; thence, southwardly, along the centerline of North Rush Street to its intersection with the centerline of Russell Street; thence, eastwardly, along the centerline of Russell Street to its intersection with the centerline of North 15<sup>th</sup> Street; thence, southwardly, along the centerline of North 15<sup>th</sup> Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North Fulton Street; thence, northwardly, along the centerline of North Fulton Street to its intersection with a line located 190 feet, plus or minus, south and parallel to the southern property line of Linden Street, this line bisecting the properties of the Masonic Temple and intended to mark the partition between the original Masonic Temple and its addition; thence, westwardly, along said line to its intersection with the centerline of North 16<sup>th</sup> Street; thence, southwardly, along the centerline of North 16<sup>th</sup> Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North 17<sup>th</sup> Street; thence, northwardly, along the centerline of North 17<sup>th</sup> Street to its intersection with the centerline of Linden Street; thence, westwardly, along the centerline of Linden Street to its intersection with the centerline of North St. Cloud Street; thence, northwardly, along a line located 280 feet west and parallel to the western property line of North 17<sup>th</sup> Street, this line bisecting the William Allen High School property and intended to mark the centerline of North St. Cloud Street if extended north to its intersection with the centerline of Turner Street; thence, eastwardly, along the centerline of Turner Street to its intersection with the centerline of North 17<sup>th</sup> Street; thence, northwardly, along the centerline of North 17<sup>th</sup> Street to its intersection with Chew Street; thence, eastwardly, along the centerline of Chew Street to its intersection with the centerline of North West Street, the point or place of beginning.

Beginning at a point along the centerline of North 15<sup>th</sup> Street, said point being the intersection of the centerline of North 15<sup>th</sup> Street with the centerline of Webster Street; thence, eastwardly along the centerline of Webster Street to its intersection with the centerline of North 14<sup>th</sup> Street; thence, southwardly along the centerline of North 14<sup>th</sup> Street to its intersection with the centerline of Edison Street; thence, westwardly along the centerline of Edison Street to a point, said point being the eastern property line of 33 North 15<sup>th</sup> Street; thence, southwardly along the eastern property lines of 33 North 15<sup>th</sup> Street, 31 North 15<sup>th</sup> Street, 27 North 15<sup>th</sup> Street and 25 North 15<sup>th</sup> Street to a point, that point being the centerline of Court Street; thence, westwardly along the centerline of Court Street to its intersection with the centerline of North 15<sup>th</sup> Street; thence northwardly along the centerline of North 15<sup>th</sup> Street to its intersection with the centerline of Webster Street, the point or place of beginning; as shown on Exhibit B. (14123 §1 11/6/03)

**B. Adoption of Map**

West Park Historic District is attached hereto as Exhibit 1 titled, "West Park Historic District Map," which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

**C. Identification of Map**

The West Park Historic District Map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the West Park Historic District Map referred to in Section 1391.05 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this Ordinance. (13881 §1 12/21/00)

**1391.07 CERTIFICATION BY PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION (15088 §1 8/21/13)**

Immediately upon the adoption of this article, the Mayor shall forward a copy thereof to the Pennsylvania Historical Museum Commission. This article shall not take effect until the said Commission has certified by resolution to the historical and/or architectural significance of the district. The Mayor and the City Clerk are further directed to place such certification among the municipal records of the City. (12314 §1 9/6/78)

**1391.08 HISTORICAL ARCHITECTURAL REVIEW BOARD (15088 §1 8/21/13)**

**A. Creation & Composition**

A Board of Historical Architectural Review hereinafter HARB is hereby established and shall be composed of seven (7) members and four (4) alternate members appointed by City Council. The members of the HARB shall be as follows: One

member and one alternate member shall be a registered architect; one member and one alternate member shall be a licensed real estate broker; one member and one alternate member shall be a building inspector; four (4) members and one alternate shall be persons with knowledge of and interest in the preservation of the historic district(s) and at least three (3) members of the HARB shall be residents or property owners of the historic district(s). All members and alternate members shall be City residents, or at the discretion of Council, persons not residents of the City but who have a significant property or business interest in the City may be selected to serve. (14321 §1 9/22/05 14952 §1 12/26/2011)

#### B. Terms

The initial terms of the first seven (7) members shall be as follows: Three (3) shall serve until the first Monday of January, 1980, two (2) shall serve until the first Monday of January, 1981; and two (2) shall serve until the first Monday of January, 1982. Alternate members' terms shall run concurrently with those of the respective HARB members. Their successors shall be appointed on the expiration of their respective terms to serve three (3) years.

#### C. Vacancies

The position of any member of the HARB appointed in his capacity as a registered architect, a licensed real estate broker, City building inspector, a contractor, or resident of the historic district who ceases to be so engaged, shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

#### D. Removal

Council may remove any member for cause after a public hearing.

#### E. Quorum & Voting

A majority of the HARB shall constitute a quorum and action take at any meeting shall required the affirmative vote of a majority of the HARB.

#### F. Duties and Powers

The HARB shall have the following duties and powers:

1. Give counsel to the City Council regarding the advisability of issuing any Certificates of Appropriateness required to be issued pursuant to said Act of June, 1961, P.L. 282, No. 167, and this article. For this purpose, the HARB may adopt and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the municipality and the laws of the Commonwealth.
2. Develop and continue an effective program of historic preservation with the Bureau of Planning, and act in collaboration with other appropriate agencies that may be able to provide assistance.
3. To propose from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts. Any proposed new or expansion of existing districts must be considered historically significant by the Pennsylvania Historical and Museum Commission's Bureau for Historic Preservation and will follow the designation process outlined in the Historic District Enabling Act of June 13, 1961, P.L. 282, No. 167, 53 P.S. §8001-8006.
4. To cooperate with and advise the City Council and other municipal agencies, boards and commissions in matters involving the historic significance or historic preservation of districts, sites, structures and buildings.
5. To advise owners of buildings on the benefits of historic preservation.
6. To promote public interest in the purpose of this article.
7. To encourage those owning buildings in an historic district to consult with the HARB concerning such physical aspects promoting maintenance that is in keeping with the general historic and architectural character of the district.

## G. Meetings

Meetings shall be held at least once a month and at the call of the Chairman or at such other times as the Board may determine. The Board shall fix a reasonable time for their meetings so that City Council can consider the issuance of the Certificate of Appropriateness and Council's action shall not exceed seventy-five (75) days from the date of the application for the Certificate of Appropriateness. (12614 §1 8/1/84)

### **1391.09 PROCEDURES FOR OBTAINING A BUILDING PERMIT IN A HISTORIC DISTRICT (15088 §1 8/21/13)**

#### **A. Permit Issuance**

A Building Permit shall be required from the Bureau of Building Standards and Safety for any erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure in an historic district which will affect the exterior historic or architectural features that are visible from a public right-of-way—The building permit shall not be issued until:

1. the City Council has reviewed the recommendations of the HARB and has issued a Certificate of Appropriateness or
2. the HARB Secretary has reviewed the application and determined the permit request meets the criteria for a Staff Approval described in the publication *Guidelines for Historic Districts*, adopted June 25, 2012 and as updated by the HARB and approved by resolution of City Council.

B. Upon receipt of an application for a building permit for work to be done within the limits of the historic district that is visible from a public right-of-way, the Bureau of Building Standards and Safety shall act in accordance with the ordinances, regulations and practices then in effect with regard to the issuance of such permits and in addition:

1. Shall immediately forward to the HARB Secretary a copy of the application for a building permit together with a copy of the plot plan, building plan and specifications filed by the applicant.
2. Shall maintain a record of all such applications and the final disposition of the same, which shall be in addition to and appropriately cross-referenced to the Bureau's other records.
3. Shall require applicants to submit post said property by displaying conspicuously a sign (at least six (6") inches by twelve (12) inches) indicating that an application for a building permit has been filed and a sufficient number of additional copies of materials to be attached to an application for a building permit, together with such additional information and materials as may be reasonably required by the regulations of the HARB in order to permit compliance with the foregoing requirements.

C. The HARB Secretary shall have the authority to provide staff approvals for permit requests that meet the criteria described in the publication *Guidelines for Historic* have the authority to provide staff approvals for permit requests that meet the criteria described in the publication *Guidelines for Historic Districts*, adopted June 25, 2012 and as updated by the HARB and approved by resolution of City Council.

D. Upon receipt of the written Staff Approval from the HARB Secretary or written approval of an application for a Certificate of Appropriateness from City Council, the Bureau of Building Standards and Safety shall issue a building permit for the work covered.

E. Upon receipt from City Council of the written disapproval of an application for a Certificate of Appropriateness, the Bureau of Building Safety and Standards shall disapprove the application for a building permit and so advise the applicant. (12314 §1 9/6/78)

### **1391.10 CONSIDERATION BY HARB (15088 §1 8/21/13)**

Upon receipt by the HARB Secretary of a notice that an application for a building permit has been filed, the HARB Secretary shall determine whether this article applies and notify the Bureau of Building Standards and Safety. If this article applies, the HARB shall consider the application at a public meeting. The person(s) applying for the permit shall be advised of the time and place of the meeting at least six (6) days prior to said meeting and shall be invited to submit testimony. The HARB

shall submit its recommendations in writing to the City Council within ten (10) days following the meeting at which an application is considered. (12314 §1 9/6/78)

#### **1391.11 CRITERIA FOR ISSUANCE OF CERTIFICATE OF APPROPRIATENESS (15088 §1 8/21/13)**

In determining the recommendations to be presented to the Council concerning the issuing of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic districts, the HARB shall consider the criteria below and the *Guidelines for Historic Districts: Restoring, Maintaining and Preserving the Old Allentown, Old Fairgrounds, and West Park Historic Districts*, dated June 25, 2012. These guidelines may be periodically updated by the HARB and approved by resolution of City Council. (15006 §3 7/18/12)

##### **A. Review Criteria**

1. The effect of the proposed changes upon the general historic and architectural nature of the district.
2. The appropriateness of exterior architectural features which can be seen from a public street or way only.
3. The general design, arrangement, texture, material, and color (only when integral to a product such as shingles or siding, but not including paint color) of the building or structure and the relation of such factors to similar features of buildings, structures, or sites in the district. (15006 §3 7/18/12)
4. Any matter pertinent to the preservation of the historic aspect and nature of the district. (12314 §1 9/6/78; 15006 § 7/18/12)

#### **1391.12 MODIFICATIONS IN APPLICATIONS (15088 §1 8/21/13)**

If the HARB, on the basis of the information received at the meeting and from its general background and knowledge, decides to disapprove the granting of a Certificate of Appropriateness, it shall indicate to the applicant for a building permit, the changes in plans and specifications, if any, which in the opinion of the HARB would protect the distinctive historical/architectural character of the district and thereby enable the Certificate of Appropriateness to be issued. The HARB shall withhold its report to City Council for a period of five (5) days following its decision to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that the suggested changes will be made, the applicant shall so advise the HARB which shall advise the City Council accordingly. (12314 §1 9/6/78)

#### **1391.13 RECOMMENDATIONS TO CITY COUNCIL (15088 §1 8/21/13)**

The HARB, after compliance with 1391.10 and 1391.1109 of this article, shall submit to City Council, in writing, recommendations concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic district. The written report shall set out the following matters:

1. The exact location of the area in which the work is to be done.
2. The proposed exterior changes to be made or the proposed exterior character of the structure to be erected.
3. The general design, arrangement, texture, material, and exterior architectural features of the building or structure and the relation of such factors to be similar features of buildings, structures and sites within reasonable proximity to said structure.
4. The opinion of the HARB, including any dissent, as to the appropriateness of the work proposed as it will preserve or destroy the historic architectural aspect and nature of the district.
5. The specific recommendations of the HARB as to be issuance by the City Council or its refusal to issue a Certificate of Appropriateness. (12314 §1 9/6/78)

#### **1391.14 ACTIONS OF CITY COUNCIL CONCERNING APPLICATIONS (15088 §1 8/21/13)**

Upon receipt of the written recommendations of the HARB as provided in Section 1391.13 of this article, the City Council shall consider at the next regular meeting or a special meeting, the question of issuing to the Bureau of Building Standards and Safety a Certificate of Appropriateness authorizing a permit for the work to be covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which time his application will be considered and the applicant shall have the right to attend and be heard in support of the application. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure, within the limits of the historic district, the City Council shall consider the same factors as the HARB as set forth in Section 1391.11 of this article, and the report of the HARB. If the City Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Bureau of Building Standards and Safety to issue a permit for the work covered. If the City Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historic or architectural character of the district. Council shall not consider any matters not pertinent to the historical/architectural aspect and nature of the district. (12314 §1 9/6/78)

#### **1391.15 APPEALS (15088 §1 8/21/13)**

Any person desiring to appeal City Council's disapproval of a certificate of appropriateness may file an appeal to the Lehigh County Court of Common Pleas as provided for by laws of the commonwealth.

#### **1391.16 EXCLUSIONS**

The provisions of this article shall not be construed to:

A. Require the issuance of a Certificate of Appropriateness prior to undertaking any routine maintenance or repair of any exterior architectural feature of any building or structure which does not involve a change in design, arrangement, texture or material. For the purpose of this article, routine maintenance and repair shall mean any work done on any building or structure, any replacement of any part of the building or structure (for which there is no material change or change in the design, texture or arrangement) for which a building permit is not required where the purpose and effect of such maintenance, repairs or replacement is to correct any deterioration, decay or damage or any part of said building or structure and to restore same as nearly as may be possible, to its condition prior to the occurrence of such deterioration, decay or damage.

B. Require any action by the owner (other than preservation against decay, deterioration, repair and routine maintenance as stipulated in this section) to comply with the intent of this article before the said owner voluntarily chooses to erect, reconstruct, alter, restore, demolish, or raze all or part of the exterior of a building or structure. Routine maintenance is encouraged to maintain the City's architectural heritage, property values and avoidance of demolition by neglect. (15088 §1 8/21/13)

C. Require a level of maintenance greater than that required under provisions of other pertinent municipal regulations. (12314 §1 9/6/78)

#### **1391.17 UNREASONABLE ECONOMIC HARDSHIP (15088 §1 8/21/13)**

A. When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of council's action, The Applicant is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the review board some or all of the information below at the discretion of the HARB, which shall include but not be limited to the following: (15088 §1 8/21/13)

1. Date the property was acquired by its current owner.
2. 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.
3. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
4. Current market value of the property.
5. Equity in the property.

6. Past and current income and expense statements for the past two (2) years.
  7. Past capital expenditures during ownership of current owner.
  8. Appraisals of the property obtained within the previous two years.
  9. Income and property tax factors affecting the property.
  10. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.
  11. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
  12. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the review board for changes necessary for it to approve a certificate of appropriateness.
  13. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
  14. The review board may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
- B. Should the review board determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The review board may choose to recommend to the City 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.
- C. The review board may seek the assistance of appropriateness local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the review board chooses to explore such options, the review board may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.
- D. Should the applicant satisfy the review board that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the review board and property owner be unable to develop a solution which can relieve the owner's economic hardship, the review board must recommend a Certificate of Appropriateness for the proposed demolition or alteration, or new construction.

#### **1391.98 SEVERABILITY**

If any section, paragraph, subsection, clause or provisions of this article shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this article as a whole, or any part thereof. (12314 §1 9/6/78)

#### **1391.99 PENALTY AND ENFORCEMENT (15088 §1 8/21/13)**

##### **A. Penalty**

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or Certificate of Appropriateness pursuant to this Ordinance shall be fined the sum of \$300.00 for each day the violation is unabated or imprisoned not more than ninety (90) days or both. (12492 §1 12/16/81)

##### **B. Enforcement**

The City shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article the same as in its enforcement of the Building Code of the City of Allentown, as amended. (12492 §1 12/16/81; 13881 §1 12/21/00)

**Editor's Note**

15952 (12/26/2011) changed the composition of the board stating the building inspector doesn't need to be a city inspector and clarifying the remainder of the board.

14123 (11/6/2003) extended the historic district in West Park to include the 1400 block of Linden Street, and the east side of 15<sup>th</sup> Street, between Court and Webster Streets.

13881 (12/21/02) added the Designation of the West Park Historic District.

13692 (9/3/98) added three properties in the 800 block of Turner Street at the request of the petition of the property owners.