

Chapter 31

HISTORICAL ARCHITECTURAL REVIEW BOARD

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[HISTORY: Adopted by the Borough Council of the Borough of Norristown 10-7-2003 by Ord. No. 03-09. Amendments noted where applicable.]

ARTICLE I
Authorization and Purpose

§ 31-1. Legal authorization; title.

- A. Pursuant to authority contained in the Pennsylvania Legislation Act of June 13, 1961, Public Law 282, No. 167, as amended, there are hereby created two Municipal Historic Districts, coincident with the two National Register Historic Districts, namely the Central Norristown National Register Historic District and the West Norristown National Register Historic District, established in 1984, and two HARB Zones, an A-Zone and a B-Zone, within the Central Norristown and the West Norristown National Register Historic Districts in the Borough of Norristown.
- B. This chapter shall be known and may be cited as the "Borough of Norristown HARB Ordinance."

§ 31-2. Purposes.

These Districts and Zones are created for the following purposes:

- A. Article I, Section 27 of the Pennsylvania Constitution which states that: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."
- B. Now therefore it is the purpose and intent of the Borough of Norristown to promote, protect, enhance, perpetuate and preserve historic districts 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 importance within the Borough of Norristown; to safeguard the heritage of the Borough of Norristown by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the Borough's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the Borough of Norristown past; and to preserve and protect the cultural, historical and architectural assets of the Borough of Norristown for which the Borough of Norristown has been determined to be of local, state or national, historical and/or architectural significance.

ARTICLE II
Definitions and Word Usage

§ 31-3. Word usage.

For the purpose of this chapter, 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."

§ 31-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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 chapter as a reviewable action, 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 the public way, excluding alleys.

BUILDING — Any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.

BUILDING PERMIT — An approval statement signed by the Building Inspector or Codes Administrator authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building (within a HARB Zone).

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 within a HARB Zone that requires a certificate of appropriateness.

BUILDING INSPECTOR or CODES ADMINISTRATOR — A municipal employee of or individual retained by the Borough of Norristown designated by Borough of Norristown as the individual who enforces compliance of building and/or fire codes and issues the permit for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building or structure within a HARB Zone.

CERTIFICATE OF APPROPRIATENESS — The approval statement signed by the Borough of Norristown Borough Council which certifies to 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 HARB Zone and authorizes the issuance of a building permit for said request.

COMPLETED APPLICATION — A completed permit or certificate of appropriateness application is an application that conforms to the submittal criteria for specific historic preservation projects, as determined by the Historical Architectural Review Board.

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.

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.

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

HARB ZONE A — That area within the National Register Districts in the Borough of Norristown which is intended to be provided with the highest level of protection and delineated by the HARB Zone map attached to this chapter and by the metes and bounds and other description in Article III of this chapter.

HARB ZONE B — That area within the National Register Districts in the Borough of Norristown which is intended to be provided with a lesser level of protection and delineated by the HARB Zone Map attached to this chapter and by the metes and bounds and other description in Article III of this chapter.

HARB (BOROUGH OF NORRISTOWN HISTORICAL ARCHITECTURAL REVIEW BOARD) — The agency that advises the Borough of Norristown Borough Council and 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 HARB Zone.

HISTORIC DISTRICT — Any area of the Borough of Norristown created by ordinance of the Borough of Norristown pursuant to the Pennsylvania Legislation Act of June 13, 1961, Public Law 282, No. 167, as amended, subject to the regulations herein contained. There are two such districts in Norristown, the "West Norristown" and the "Central Norristown" Historic Districts.

MUNICIPAL HISTORIC DISTRICTS — Those areas in the Borough of Norristown having the same names and coincident in size and area with the Borough's National Register Historic Districts.

NATIONAL REGISTER HISTORIC DISTRICT — Those areas possessing a concentration of historic structures, objects or sites which have been designated as worthy of preservation by the National Park Service.

PRESERVATION GUIDELINES — In matters pertaining to the issuance of a certificate of appropriateness, only the preservations guidelines or other subsequent publications of the HARB as defined in Article V herein are to be used, supplementing the criteria in this chapter.

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.

SIGN — Any display, structure, device or object which incorporates lettering, logos, colors, lights or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public or intends to advertise, direct, invite, announce or draw attention to goods, products, services, activities or facilities, excluding window displays, merchandise and temporary signs.

STRUCTURE — Anything constructed or erected, having a permanent or semipermanent location on another structure or in the ground, including without limitation buildings, sheds, manufactured homes, garages, fences, gazebos, freestanding signs, billboards, antennas, satellite sending or receiving dishes, vending machines, decks and swimming pools.

ARTICLE III

Delineation and Interpretation of Districts**§ 31-5. Delineation of HARB Zones.**

- A. The Borough of Norristown HARB Zones shall be described in writing in this section and delineated on a map designated as the HARB Zone Map of the Borough of Norristown. The HARB Zone Map of the Borough of Norristown shall be located in the office of the Building Inspector and made available for public inspection.
- B. The Borough of Norristown HARB Zones are the areas inside the boundary lines shown on the HARB map and as described below:
- (1) HARB Zone A:
 - (a) The boundaries of HARB Zone A in the West Norristown Historic District are as follow: The north boundary is the northernmost property lines of those properties bordering the north side of Marshall Street. The east boundary is the eastern boundary of the West Norristown Historic District. The south boundary is the southernmost property line of those properties bordering the south side of Main Street. The west boundary is the western boundary of the West Norristown Historic District.
 - (b) The boundaries of HARB Zone A in the Central Norristown Historic District are as follow: Beginning at the west boundary of the Central Norristown Historic District adjacent to the Stoney Creek running east, along the northernmost property lines of those properties on the north side of Marshall Street until intersecting the center line of Maple Alley (just west of Swede Street), then running north along the center line of Maple Alley until intersecting the continuation of the center line of Scott Alley (just north of Elm Street), then running east along the continuation of the center line of Scott Alley until intersecting Ross Alley (just east of DeKalb Street), then running north along the continuation of the center line of Ross Alley until interesting the northern edge of the Central Norristown Historic District, then running east along that edge until intersecting the easternmost property lines of those properties bordering the east side of DeKalb Street, then turning south until intersecting the center line of Penn Street, then turning east until intersecting the eastern edge of the Central Norristown Historic District, then turning south until intersecting the southern boundary of the Central Norristown Historic District, then following the southern edge of the Central Norristown Historic District until intersecting the western edge of the Central Norristown Historic District, then turning north along that edge until reaching the starting point of this description.
 - (2) HARB Zone B:
 - (a) The boundaries of HARB Zone B in the West Norristown Historic District are as follow: All the area included within the West Norristown Historic District that is not part of HARB Zone A described in § 31-5B(1)(a) above.

- (b) The boundaries of HARB Zone B in the Central Norristown Historic District are as follow: All the area included within the Central Norristown Historic District that is not part of HARB Zone A described in § 31-5B(1)(b) above.
- C. The HARB Zone boundaries may be modified, or added to, by the creation of, or modification of, certified, or eligible, National Register Historic Districts and corresponding Municipal Historic Districts.

§ 31-6. Delineation of Municipal Historic Districts.

(The metes and bounds are on file in the Borough offices.)

ARTICLE IV
Historical Architectural Review Board

§ 31-7. Creation and membership.

- A. A Historical Architectural Review Board, hereafter referred to as HARB, is hereby established to be composed of seven members appointed by the Borough of Norristown Borough Council. The membership of the HARB shall be as follows:
- (1) One member shall be a registered architect;
 - (2) One member shall be a licensed real estate broker;
 - (3) One member shall be a Norristown Borough Building Inspector;
 - (4) One member shall be a member of the Board of Directors of the Norristown Preservation Society;
 - (5) One member may be a person with knowledge of the building trades; and
 - (6) Two members shall be persons with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation or neighborhood conservation or revitalization who have interest in the preservation of the HARB Zones and who reside in each of the Borough's two Historic Districts.
- B. The initial terms of the first members shall be so fixed that no more than two members need be replaced or reappointed during any one calendar year. Vacancies on the HARB shall be filled within 120 days. However, every member shall continue in office after expiration of the term until a successor has been appointed. Their successors shall serve for a term of four years. The position of any member of the HARB appointed in his capacity such as a registered architect, a licensed real estate professional or lawyer, building inspector, etc., 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.
- C. It shall be the duty of each HARB member to remain conscious of and sensitive to any possible conflict of interest (including but not limited to financial considerations) that may arise by virtue of his or her membership on the Board. A member, promptly upon

his determining he has a conflict himself relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter, including temporarily absenting himself from the room in which the discussion is being held.

§ 31-8. Powers and duties.

- A. Advisory role. The HARB shall give recommendations to the Borough of Norristown Borough Council regarding the advisability of issuing any certificate of appropriateness required to be issued in accordance with the said Act of June 13, 1961, Public Law 282, No. 167, as amended, and this chapter.
- B. Board role making power. The HARB may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the commonwealth and all provisions of this chapter.
- C. Removal of members. Any Board member may be removed for misconduct or wrongdoing, unlawful execution of this Act or failure to perform his or her responsibilities pursuant to this Act or for other just cause, by a majority vote of the Borough Council, but not before he or she has been given the opportunity of a hearing to defend to any alleged infractions of said Act.
- D. Annual reports. The members of the HARB shall make an annual report to the Borough of Norristown Borough Council which shall include:
 - (1) Any recommendations for changes in the ordinance;
 - (2) The number and types of cases reviewed;
 - (3) The number of cases for which a certificate of appropriateness was either approved or denied;
 - (4) Number of HARB meetings which each member attended;
 - (5) Historic preservation related training which each member attended;
 - (6) A narrative summary describing the state of preservation in the Borough of Norristown HARB Zone with recommendations in policy, goals and objectives for Borough of Norristown Borough Council consideration.
- E. Compensation. The HARB may employ secretarial and professional assistance and incur other necessary expenses with the prior approval of the Borough of Norristown Borough Council. The HARB members will serve without compensation.
- F. Meetings. The HARB shall meet publicly at least once at regularly scheduled intervals. Further, the HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this chapter. Such meetings shall be opened to the public. A majority of the HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present.

- G. Training. The HARB members and the HARB support staff shall be required to attend a minimum of eight hours annually of seminars, conferences or workshops related to historic preservation and the HARB administration. The Borough will cover the cost of training tuition or fees.

§ 31-9. Additional powers and duties.

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

- A. To 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; acting in coordination with the Borough of Norristown Planning Commission, Zoning Hearing Board and the Norristown Preservation Society and to maintain and periodically revise the detailed listings (resource inventories) of historic resources and data about them, appropriately classified with respect to national, state and local significance in accordance or consistent with the Pennsylvania Historical and Museum Commission's "Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys."
- B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- C. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings, including proposals for the installation and care of such historic markers.
- D. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Borough of Norristown historical and/or architectural sites and buildings.
- E. To cooperate with, seek grants and advise the Borough of Norristown Borough Council and the Borough of Norristown agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).
- F. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission and other agencies, public and private, from time to time, concerned with the preservation of historic sites and buildings.
- G. To propose, when appropriate, that the Borough apply for inclusion within the Certified Local Government Program, as administered by the Pennsylvania Historical and Museum Commission.
- H. Advise the Borough, when appropriate, on strategies for protected dispersed historic resources, such as the Municipal Planning Code Zoning provision, Article VI, Sections 604 and 605.

- I. To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
- J. To promote public interest in the purpose of this chapter by carrying on educational and public relations programs.

ARTICLE V
Preservation Guidelines

§ 31-10. Preservation guidelines criteria.

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

- A. Broad historical values representing the cultural, political, economic or social history of the Borough of Norristown.
- B. The relationship of the building or structure to historic personages or events.
- C. Significant architectural types representative of a certain historical period and a style or method of construction.
- D. The effect of the proposed change upon the general historical and architectural nature of the pertinent historic district.
- E. The appropriateness of the exterior architectural features which can be seen from a public street or way.
- F. HARB Zone A. The general design, arrangement, texture and material of a building or structure, and the relation of such factors to similar features of other buildings or structures in HARB Zone A, shall be considered by the HARB when making recommendations on the issuance of a certificate of appropriateness. These factors shall be limited to the following:
 - (1) All of the factors applicable to HARB Zone B, listed in § 31-10G below.
 - (2) Relationship of textures: preserving the predominant textures of the district which may be smooth such as stucco or rough such as brick with tooled joints or horizontal wood siding or other textures.
 - (3) Relationship of architectural details: preserving character defining features of buildings such as architectural details, including but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.
 - (4) Fenestration of building facades: fenestration appropriate to building style, includes the arrangement of windows and doors, the proportion of wall openings, the height

to width proportion and size of window openings and panes and the dimension of mullions and muntins.

- (5) If sidewalks along public rights-of-way other than alleys are required to be replaced or repaired, they are to be replaced with historically appropriate materials. If the sidewalk in question is brick, they must be replaced in kind.

G. HARB Zone B. The general design, arrangement, texture and material of a building or structure, and the relation of such factors to similar features of other buildings or structures in HARB Zone B, shall be considered by the HARB when making recommendations on the issuance of a certificate of appropriateness. These factors shall be limited to the following:

- (1) Proportion of buildings front facades: preserving the historic relationship between the width of the front of the building and the height of the front of the building.
- (2) Proportion of openings within the building: preserving the relationship of width to height of windows and doors.
- (3) Rhythms of solids to voids in the front facade: preserving the relationship between a recurrent alteration of strong and weak architectural elements thereby maintaining a rhythm of solids to voids.
- (4) Rhythm of spacing of buildings on streets: preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
- (5) Rhythm of entrance and/or porch projections: preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
- (6) Relationship of materials: preserving the predominant materials of the district such as brick, stone, stucco, wood siding or other material.
- (7) Relationship of roof shapes: preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel and/or kinds of roof shapes.
- (8) Walls of continuity: preserving physical elements which comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these which form visual continuity and cohesiveness along the street.
- (9) Directional expression of front elevation: preserving the orientation of structural shapes, plan of openings and architectural detail that reflect a predominantly vertical or horizontal character to the building's facade.
- (10) Scale: preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass in its relation to open space.
- (11) Variations. The 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.

H. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by more than 25% or one story, whichever is greater. This

requirement shall also apply to any proposed modifications to existing buildings or structures.

- I. In such rare cases where the HARB recommends and the Norristown Borough Council approves demolition of an historic building or structure, a good faith effort shall be made by the Borough of Norristown and the owner(s) to move said building or structure to a proximate site. If moving a building or structure slated to be demolished is economically or practically infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the Borough of Norristown via the Norristown Preservation Society.
- J. In addition to the above, the Borough of Norristown Zoning Ordinance shall be so amended as to be compatible with the purpose of and objectives of the HARB Zone ordinance.
- K. All other Borough of Norristown laws and ordinances shall be complied with, including the Zoning and Subdivision Ordinances.
- L. Only the preservation guidelines referenced in Article V of this chapter, or other subsequently published or authored by the HARB, are to be used by the HARB or Borough Council when issuing a certificate of appropriateness.
- M. No vinyl or aluminum siding, stucco or other material shall be allowed to be added onto the exterior of any masonry wall of a building or structure except for the repair to existing areas of those materials. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character defining features of a building or structure.
- N. Financial feasibility.
 - (1) The Review Board shall consider the financial feasibility of its recommendations in response to a request for a certificate of appropriateness or building permit for the erection, reconstruction, alteration and restoration of a building or structure. Financial feasibility shall be determined by the HARB on the basis of an unreasonable cost for repair or replacement in-kind of whole or part of a building or structure.
 - (2) The applicant shall submit a minimum of three estimates from bona fide contractors and or vendors substantiating his or her claim that the financial feasibility of repair in-kind is unreasonable. The Board shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the Building Inspector or preservation staff or consultant. No substitute material shall be approved which is inappropriate, incompatible or is destructive or has the potential to be destructive to the original fabric of the building or structure.

ARTICLE VI
Administration; Application Review Procedures

§ 31-11. Activities requiring certificates of appropriateness.

- A. Any activity visible from a public way, excluding alleys, requiring the issuance of a demolition or building permit by the Borough for the erection, alteration, reconstruction, repair, restoration, demolition or demolition by neglect of all or a part of any building within the HARB Zones A and B shall require the issuance of a certificate of appropriateness by Borough Council.
- B. The following activities shall be exempt from the provisions of this chapter:
- (1) Work outside of the HARB Zones A and B.
 - (2) Demolition or construction of any building, structure or feature not visible from a public way, excluding alleys.

§ 31-12. Application review procedure.

- A. Upon receipt of a completed application for a building permit or a certificate of appropriateness for work to be done in the district, the Building Inspector shall act in accordance with the procedures being followed in that office, except those procedures that are modified by the following requirements:
- (1) The Building Inspector shall determine whether the work proposed needs to be forwarded to the HARB staff for administrative approval review. If so, he shall forward copies of the completed application for a building permit, together with copies of any plot plan and building plans and specifications filed by the applicant to the HARB.
 - (2) The Building Inspector shall not issue a building permit for any erection, alteration, reconstruction, repair, restoration or demolition of all or part of any building in the HARB Zones until the Borough of Norristown Borough Council has issued a certificate of appropriateness. If the Building Inspector or his or her representative issues a building permit without a COA due to an administrative or clerical error, said building permit shall be voided.
- B. Applications for certificate of appropriateness shall be accompanied by the following:
- (1) For demolition permits:
 - (a) Photographs of the building, structure or part thereof proposed for demolition;
 - (b) Photographic evidence and written description of the deteriorated condition of the building or structure;
 - (c) Reason(s) for the demolition;

- (d) Explanation why rehabilitation, reuse, plan alteration or stabilization with the intent to market and sell the property is not feasible or desirable;
 - (e) Proposed future use of the lot or part thereof occupied by the building;
 - (f) Timeline for implementation of proposed future use;
 - (g) Statement on disposition of architectural features/building materials.
- (2) For construction permits:
- (a) Architectural drawings with appropriate notes indicating conformity with the design guidelines listed below in Subsection J;
 - (b) Colored photographs of the lot or structure where the construction, reconstruction or assembling is to occur and streetscapes adjacent to and directly across the public street from the proposed construction activity;
 - (c) Reason(s) for any deviations from design guidelines listed in Subsection J, including financial feasibility and documented cost estimates or alternatives, if appropriate.
- (3) The Building Inspector shall require applicants to submit a sufficient number of additional copies of material required to be attached to a completed application for a building permit or certificate of appropriateness so that the information needed to make the determination set forth in § 31-12H(1) through (8) will be available.
- (4) The Building Inspector shall maintain in his office a record of all such applications and final dispositions of the same.
- C. Board review of applications. Upon receipt of a completed building permit or certificate of appropriateness application under the jurisdiction of this chapter, the HARB shall consider such at its next regularly scheduled meeting or special meeting.
- D. Notification of application of the HARB meeting. The owner of record or his or her representative(s) applying for a certificate of appropriateness and/or a building permit shall be advised of the time and place of said meeting and be invited to appear to explain his or her reasons at least 10 days before the HARB meeting. The HARB may invite such other persons as it desires to attend its meeting.
- E. Preservation guidelines. In determining both oral and written recommendations to be presented to the Borough of Norristown Borough Council concerning the issuance of a certificate of appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, restoration, demolition, or demolition by neglect of all or a part of any building within the HARB Zones, the HARB shall consider the preservation guidelines set forth in § 31-10, and any such preservation guidelines developed by the HARB pursuant to and congruent with the objectives of this chapter.
- F. Time frame for Board decision. The HARB shall render a decision and recommendation on any application for a building permit under its review no later than 45 business days after the hearing/meeting provided for in § 31-9 of the Ordinance and shall submit, in

writing, to the Borough of Norristown Borough Council recommendations concerning the issuance of a certificate of appropriateness.

- G. Application disapproval by the HARB. If the HARB decides to advise against the granting of a certificate of appropriateness, it shall so indicate to the applicant for a building permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect the distinctive historical character of the HARB Zones and the architectural integrity of the building or structure. The HARB shall withhold its report for five days to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he or she will make the necessary changes, he or she shall so advise the HARB, which shall in turn advise the Borough Council accordingly.
- H. Contents of written report. The written report to Borough Council concerning the HARB's recommendations on the issuance of a certificate of appropriateness shall set out the findings of fact that shall include but not be limited to the following matters:
- (1) The exact location of the area in which the work is to be done.
 - (2) The exterior changes to be made or the exterior character of the structure to be erected.
 - (3) A list of the surrounding structures with their general exterior characteristics.
 - (4) The effect of the proposed change upon the general historic and architectural nature of the pertinent historic district.
 - (5) The appropriateness of exterior architectural features of the building which can be seen from a public street or way.
 - (6) The general design, arrangement, texture and material of the building and the structure and the relation of such factors to similar features of building or structures in the pertinent historic district.
 - (7) The opinion of the HARB (including any dissent) as to the appropriateness of the work or project proposed as it will preserve or destroy the historic character and nature of the pertinent historic district.
 - (8) The specific recommendations of the HARB based on findings of fact as to the issuance by the Borough of Norristown Borough Council or its refusal to issue a certificate of appropriateness.
- I. Notification of applicant by the Borough of Norristown Borough Council of their consideration upon receipt of the written report from the HARB as provided in Subsection H of this section. The Borough of Norristown Borough Council shall consider at the next regularly scheduled or special meeting the question of issuing to the Building Inspector a certificate of appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Borough of Norristown 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 this said application.

- J. Preservation guidelines. In determining whether or not to certify to the appropriateness of the proposed erection, alteration, reconstruction, repair, restoration or demolition, of all or a part of any building within the HARB Zones, the Borough of Norristown Borough Council shall consider the same factors as the HARB set forth in § 31-10 of this chapter and the report of the Board.
- K. Approval by the Borough of Norristown Borough Council. If the Borough of Norristown Borough Council approves the application, it shall issue a certificate of appropriateness authorizing the Building Inspector to issue a permit for the work covered.
- L. Disapproval by the Borough of Norristown Borough Council. If the Borough of Norristown Borough Council disapproves, a written reason(s) shall be given to the Building Inspector, 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 historical character of the district and the architectural integrity of the building or structure. Upon receipt of a written disapproval of the Borough of Norristown Borough Council, the Building Inspector shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal this disapproval to the County Court of Common Pleas within the time specified by law.
- M. Final notification by Borough of Norristown Borough Council. In either case of approval or disapproval, the Borough of Norristown shall notify the applicant of its decision within five working days of its meeting at which the application was considered.

ARTICLE VII

Unreasonable Economic Hardship

§ 31-13. Submission of information to claim unreasonable economic hardship.

- A. When a claim of unreasonable economic hardship is made due to the effect of this chapter, the owner of record must present evidence sufficient to prove that, as a result of the Review Board's action, he 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 may include but not be limited to the following:
 - (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 five years.
 - (4) Current market value of the property.
 - (5) Current tax assessment.
 - (6) Usage of the property for the previous five years.

- (7) Equity in the property.
 - (8) Past and current income and expense statements for income-producing properties for the past two years.
 - (9) Past capital expenditures during ownership of current owner.
 - (10) Income and property tax factors affecting the property.
 - (11) All appraisals obtained within the previous two 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.
 - (12) Any studies already 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.
 - (13) 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 HARB for changes necessary for it to approve a certificate of appropriateness.
 - (14) Form of ownership or operation of the property, whether sole proprietorship, for profit or nonprofit corporation, limited partnership, joint venture or other.
- B. The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
- C. 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 Review Board may choose to recommend to the Borough of Norristown 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.
- D. The Review Board 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 issuing a certificate of appropriateness for demolition on the basis of economic hardship for a period of 90 days in addition to time periods otherwise applicable.
- E. 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 HARB be unable to develop with the Borough of Norristown or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, the Review Board must recommend a certificate of appropriateness for demolition.

ARTICLE VIII
Demolition by Neglect

§ 31-14. Decay and deterioration.

All buildings and structures within the Borough of Norristown HARB Zones shall be maintained in good repair, structurally sound and reasonably protected against decay and deterioration. Examples of such deterioration include:

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration of crumbling of exterior stucco or mortar.
- E. Ineffective waterproofing of exterior walls, roofs or foundations, including broken window or doors.
- F. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.

ARTICLE IX
Enforcement, Violations, Etc.

§ 31-15. Notice of violation.

The Building Inspector shall serve a notice of violation on the person in violation of this chapter which would result in but not be limited to 1) failure to apply for a certificate of appropriateness or a building permit required for the erection, reconstruction, alteration, restoration, demolition, demolition by neglect or razing of any building or structure which can be seen from a public way, excluding alleys; and 2) failure to comply with the HARB approved work. Such notice shall direct the abatement of said violation.

§ 31-16. Enforcement.

The Building Inspector or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this chapter.

§ 31-17. Violations and penalties.

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or certificate of appropriateness pursuant to this chapter shall be fined the sum of \$300.00 for each day the violation is unabated.

§ 31-18. Amendments.

The provisions of the Ordinance may be amended in the future by the Borough Council of Borough of Norristown after notice and hearing as provided by law.

§ 31-19. When effective, certification by Pennsylvania Historical and Museum Commission.

Immediately upon the adoption of this chapter, the Borough of Norristown Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This chapter shall not take effect until 1) the said Commission has certified, by resolution, to the historical significance of the Borough of Norristown Municipal Historical Districts (the Central Norristown Historic District and the West Norristown Historic District) and 2) it has been duly advertised once in the newspaper of general circulation in the Borough of Norristown as required by law.