

**BOROUGH OF HARMONY
Butler County, Pennsylvania**

ORDINANCE NO. 381

**AN ORDINANCE TO PROMOTE AND PROTECT
THE PUBLIC HEALTH, SAFETY AND WELFARE
OF THE RESIDENTS OF THE BOROUGH OF
HARMONY, BUTLER COUNTY, PENNSYLVANIA,
AND FOR THE PURPOSE OF ADOPTING CERTAIN
REVISED HISTORIC DISTRICT REGULATIONS
WITHIN THE BOROUGH OF HARMONY, BUTLER
COUNTY, PENNSYLVANIA.**

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of the Borough of Harmony, Butler County, Pennsylvania (the "Borough"), and in order to preserve its historic nature, the Borough by the previous enactment of Ordinance No. 341 (*as amended*), created a historic district, defined its limits, provided for the appointment of a Historical Architectural Review Board (HARB) to give recommendations to the Borough council regarding the issuance of Certificates of Appropriateness in connection with the granting or refusal of permits for the erection, alteration, restoration, reconstruction, demolition or razing of any building within the district and for appeals from such refusals; and

WHEREAS, the Borough seeks to amend and revise certain historic district regulations in the Borough.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Harmony, Butler County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. Revisions to Historic District Regulations.

Chapter 11, "Historic District", of the Code of Ordinances of the Borough of Harmony is hereby revised to read as follows:

"PART I

HISTORIC DISTRICT

SECTION 11-101. Purpose.

The purpose of this Chapter is the protection of historic areas and structures within the Borough of Harmony which have a distinctive appearance recalling the rich architectural and historical heritage of Harmony and making them a source of inspiration to our people by awakening interest in our historic past and to promote the general welfare, education and culture of the Harmony community.

(*Ord. 341, 1/3/1995, §1; Ord. 372, 6/6/2006*)

SECTION 11-102. Definitions.

A. Harmony Historical District shall be the area designated on the official Harmony Historical District map which is attached to Harmony Borough Ordinance 341 as Exhibit "A" and incorporated herein. The District is defined as follows:

Beginning at a point at the center line of German Street where that point intersects with the center line of Main Street; thence proceeding along the center line of German Street in an Easterly direction to the Easterly edge of the intersection with Wood Street; thence North along the Easterly edge of Wood Street to the dividing line of Tax Map Parcel S1-E15 and Tax Map Parcel S1-E14; thence East along the dividing line of those parcels to the Easterly edge of Spring Street; thence North along the Easterly edge of Spring Street to the dividing line of Tax Map Parcel S1-E20 and Tax Map Parcel S1-E21; thence East along the dividing line of those parcels to Parcel S1-E20A; thence South along the dividing line of Parcel S1-E20A and Parcels S1-E21, S1-E22, S1-E23 and S1-E24 to the Northerly edge of the Baltimore & Ohio Railroad property; thence East along the Baltimore & Ohio Railroad to the Borough line; thence North along the Borough line until the Northerly edge of Mercer Street; thence in an Easterly direction along Mercer Street to the dividing line of Parcels S1-B32 and S1-B33; thence along that dividing line North to the Connoquennessing Creek; thence along the Connoquennessing Creek in a Westerly direction until the Easterly edge of Parcel S1-B22B; thence along the dividing line of Parcels S1-B22B and S1-B32 South to a 20 foot unnamed alley; thence along the

Northerly edge of said unnamed alley a Westerly direction until the Easterly edge of Parcel S1-B19; thence along the dividing line of Parcels S1-B19 and S1-B21 in a Northerly and Easterly direction until the dividing line of Parcel S1-B19 and Parcel S1-B17; thence along the dividing line in a Westerly direction to the Easterly edge of Wood Street; thence North along the Easterly edge of Wood Street to the Connoquenessing Creek; thence along the Connoquenessing Creek in a Westerly direction until the Westerly edge of Parcel S1-A6AB; thence in a Southerly direction along the entire Westerly line of Parcel S1-A6AB to Jackson Street; thence continuing across Jackson Street along the center line of Church Alley until Church Alley intersects with an alley formerly known as Foundry Alley; thence along Foundry Alley a Westerly direction to the Westerly edge of Liberty Street; thence South along Liberty Street until the dividing line of Parcel S1-A30 and the property now known as the Grace Reformed Church parsonage; thence along that dividing line in a Westerly direction across Apple Alley and then across the dividing line of Parcels S1-A24A and S1-A24B to the Westerly edge of Monroe Street; thence along Monroe Street North to the Southerly end of Foundry Alley; thence West along Foundry Alley to the Easterly edge of Cherry Alley to the dividing line of Parcels S1-A20 and S1-A19; thence East to the dividing line of S1-A20 and S1-A21; thence South to the Northerly edge of Mercer Street; thence along the Northerly side of Mercer Street to the Easterly side of Cherry Alley; thence South along the Easterly edge of Cherry Alley to the dividing line of Parcel S1-C8 and Parcel S1-C8A; thence along the dividing line of those parcels to the Easterly edge of Monroe Street; thence South on Monroe Street to the dividing line of Parcels S1-C12A and S1-C12 and S1-C12B; thence along that dividing line to Apple Alley then across Apple Alley and along the dividing line of Parcels S1-C19 and S1-C20 to the Easterly edge of Liberty Street; thence South along Liberty Street to the dividing line of Parcels S1-D11 and S1-D12; thence East along the dividing line of those parcels to the Westerly edge of Church Alley; thence North along the Westerly edge of Church Alley to the center line of Main Street; thence East along the center line of Main Street to a point at the intersection of the center line of Main Street and German Street, also the place of beginning.

B. External Architectural Appearance shall include architectural character, general composition and general arrangement of exterior of structure, including the kind, color and texture of the building material and the type and character of all windows, doors, shutters, light fixtures, signs and appurtenant elements, visible from the street or public thoroughfare.

C. Structures shall include buildings, walls, fences, signs, light fixtures, porches, steps or appurtenant elements thereof.

D. Zoning Officer shall mean the duly appointed zoning officer of Harmony Borough who shall, except as otherwise specified herein, administer and enforce this ordinance.

(Ord. 341, 1/3/1995, §2; Ord. 372, 6/6/2006)

SECTION 11-103. Requirements and Restrictions.

A. No structure within the boundaries of the Harmony Historical District may be erected, demolished or removed in whole or in part nor may the external architectural appearance of such a structure be altered unless an application for a building permit has been submitted to the Zoning Officer and referred to the Board of Historical Architectural Review and reviewed as set forth in Section 11-107.

B. Evidence of the approval required in Section 11-103(A) shall be a Certificate of Appropriateness approved and issued by Harmony Borough Council on the recommendation of the Board of Historical Architectural Review as created by this ordinance. Such Certificate shall be a statement signed by the Chairman of the Board of Historical Architectural Review stating that the demolition or the changes in the external architectural appearance of the proposed construction, reconstruction or restoration for which the application for a permit has been made are approved by the Board of Historical Architectural Review. Provided, however, that the repairs and renovations of existing buildings which do not alter the exterior architectural appearance are exempted from these restrictions and need not be approved by the Board of Historical Architectural Review. Anyone believing they are exempt from review shall make written application to the Board of Historical Architectural Review for a determination that they are exempt. The Board upon determining that an exemption is warranted shall so certify to the applicant and the Zoning Officer.

C. No building, demolition or other permit shall be issued by the Borough Zoning Officer for any structure covered by this ordinance without a Certificate of Appropriateness.

(Ord. 341, 1/3/1995, §3; Ord. 372, 6/6/2006; Ord. _____, 4/1/2008)

SECTION 11-104. Board of Historical Review.

A. Composition. The Council of the Borough of Harmony is authorized to appoint a Board of Historical Architectural Review. The Board shall consist of seven (7) members. One member shall be a registered architect, one member shall be a licensed real estate broker, one member shall be a building inspector or a person with such a qualification, one member shall be recommended by the Harmony Historical Society and the remaining members shall be persons living within the Harmony Historical District and having knowledge of or an interest in the preservation of historic districts.

B. Terms of Office. The term of office shall be five years except the initial appointments to the Board will be made as follows: Two members for one year; two members for two years; one member for three years; one member for four years; and one member for five years. Appointments thereafter shall be for five years except that Council may fill any vacancies for the unexpired portion of a term. In the event that technically qualified persons as noted above are not available from residents of the

Borough of Harmony, a person of recognized general knowledge and ability may be substituted. In the event that persons living within the Harmony Historical District as noted above are not available, persons living outside the Historical District but within Butler County may be substituted.

(Ord. 341, 1/3/1995, §4; Ord. 372, 6/6/2006)

Section 11-105. Powers and Duties of HARB

A. Advisory Role – HARB shall give recommendations to the Harmony 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, as amended and this ordinance.

B. Board Rule Making Power – 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 ordinance.

C. Annual Reports – The members of HARB shall make an annual report to the Harmony 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 members which each member attended;
- (5) historic preservation related training which each member attended;
- (6) a narrative summary describing the state of preservation in the Harmony Borough Historic District with recommendations in policy, goals, and objectives for Harmony Borough Council.

D. Compensation – HARB may employ secretarial and professional assistance, and incur other necessary expenses with the approval of the Harmony Borough Council.

E. Meetings – HARB shall meet publicly at least once monthly. Further, HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this ordinance. Such meetings shall be opened to the public. A majority of HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present.

F. Additional Powers and Duties of HARB

1. 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; action in coordination

with the Harmony Borough Planning Commission, Zoning Hearing Board, and other appropriate groups 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."

2. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- 3 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.
4. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Harmony Borough historical and/or architectural sites and buildings.
5. To cooperate with and advise the Harmony Borough Council, the Borough 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).
6. 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.
7. To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
- 8 . To promote public interest in the purpose of this Ordinance by carrying on educational and public relations programs.

(Ord. _____, 4/1/2008)

Section 11-106 – Design Guidelines

- A. In determining the recommendations to be made to the Harmony Borough Council concerning the issuance of a Certificate of Appropriateness, the Historical Architectural Review Board (HARB) shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the building, or structure site, area, or district, certified to have historical significance, the HARB shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings.
- B. In addition the Board, when applicable, shall consider the following:
1. Broad historical values representing the cultural, political, economic, or social history of the Borough.
 2. The relationship of the building or structure to historic personages or events.
 3. Significant architectural types representative of a certain historical period and a style of method of construction.
 4. The effect of the proposed change upon the general historical and architectural nature of the District.
 5. The appropriateness of the exterior architectural features which can be seen from a public street or way.
 6. The general design, arrangement, texture, and material of a building or structure and the relation of such factors to similar features of buildings or structures in the District. Consideration shall be given but not limited to the following:
 - a. Proportion of Buildings Front Facades – Preserving the relationship between the width of the front of the building and the height of the front of the building.
 - b. Proportion of Openings within the Building – Preserving the relationship of width to height of windows and doors.
 - c. Rhythms of Solids to Voids in the Front Façade – Preserving the relationship between a recurrent alteration of strong and weak architectural elements thereby maintaining a rhythm of solids to voids.

- d. Rhythm of Spacing of Buildings on Streets – Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
- e. Rhythm of Entrance and/or Porch Projections – Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
- f. Relationship of Materials – Preserving the predominant materials of the district such as brick, stone, stucco, wood siding, or other material.
- g. 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.
- h. 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...
- i. Relationship of Roof Shapes – Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or kinds of roof shapes.
- j. 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.
- k. 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 façade.
- l. Scale – Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass its relation to open space.
- m. 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.

7. In such rare cases where there HARB recommends and the governing body approves demolition of a historic building or structure a good faith effort shall be made by the Borough 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
8. Financial Feasibility – 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. The applicant shall submit a minimum of three (3) 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. No vinyl or aluminum siding or other material shall be allowed on the exterior of any masonry wall of a building or structure. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character defining features of a building or structure.

(Ord. _____, 4/1/2008)

Section 11-107 – 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 HARB approval review. If not, 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 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 District until the 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.*
 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 Section 11-107-G.
 4. The Building Inspector shall maintain in his office a record of all such applications and final dispositions of the same.
- B. Board Review of Applications – Upon receipt of a completed building permit or certificate of appropriateness application under the jurisdiction of this Ordinance, HARB shall consider such at its next regularly scheduled meeting or special meeting.
- C. Design Guidelines – In determining *both oral and written* recommendations to be presented to the 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 Historic District, HARB shall consider the Design Guidelines set forth in Section 11-106, and such design guidelines developed by the HARB pursuant to and congruent with the objectives of this ordinance.
- D. Time Frame for Board Decision – HARB shall render a decision and recommendation on any application for a building permit under its review no later than 30 working days after the hearing/meeting provided for in Section 11-105 and shall submit, in writing to the Borough Council recommendations concerning the issuance of a Certificate of Appropriateness.
- G. Application Disapproval by 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 (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. The HARB shall withhold its report for five (5) 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 Borough Council accordingly.

- H. Contents of Written Report – The written report to Borough Council concerning HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the 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 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 district.
 7. The opinion of 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 district.
 8. The specific recommendations of HARB based on findings of fact as to the issuance by the Borough Council or its refusal to issue a Certificate of Appropriateness.
- I. Action by the Borough Council on their Consideration - Upon receipt of the written report from HARB as provided in G of this section, Borough Council shall consider at the next regularly scheduled 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 have the right to attend this meeting and be heard as to the reasons for filing this said application.
- J. Design 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 historic

district, the Borough Council shall consider the same factors as HARB set forth in Section 11-106.

- K. Approval by the Borough Council – If the Borough Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Building Inspector to issue a (building) permit for the work covered.
- L. Disapproval by the Borough Council – If the 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 (1) the distinctive historical character of the district and (2) the architectural integrity of the building or structure. Upon receipt of a written disapproval of the 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 Council – In either case of approval or disapproval the Borough shall notify the applicant of its decision within five (5) days of its meeting at which the application was considered.
- N. Should the governing body fail to notify the applicant of its decision within 45 working days of its review of the application, it shall be assumed, as a matter of law, that the application is deemed approved, unless the applicant waives the time limit in writing.

(Ord. _____, 4/1/2008)

Section 11-108. – Notice of Violation

The Building Inspector shall serve a notice of violation on the person in violation of this ordinance 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, and (2) failure to comply with HARB approved work. Such notice shall direct the abatement of said violation.

(Ord. _____, 4/1/2008)

Section 11-109 – 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 Ordinance.

(Ord. _____, 4/1/2008)

SECTION 11-110. Violation Penalties.

A. Any violation of the provisions of this Chapter shall constitute a summary offense and the prosecution for every such offense shall be according to the practice in the case of summary convictions before the proper district magistrate. All fines, penalties and costs imposed, unless otherwise required by law when collected, shall be payable to the Borough of Harmony.

B. Any person, firm, association or corporation which shall violate any of the provisions of this ordinance upon conviction thereof shall be sentenced to pay a fine of not less than Three Hundred (\$200.00) Dollars nor more than Six Hundred (\$600.00) Dollars and the costs of prosecution. Each day that a violation continues shall be deemed a separate offense.

(Ord. 341, 1/3/1995, §12)

SECTION 11-111. Validity of Chapter.

The invalidity of any section, paragraph, subsection, clause or provision of this Chapter, as so declared by a court of competent jurisdiction, shall not invalidate this Chapter as a whole or the parts of it not declared invalid.

(Ord. 341, 1/3/1995, §14)

SECTION 11-112. Authority.

The creation of the Harmony Historical District is pursuant to the authority contained in the Historic District Act of Pennsylvania, Act 167, 53 P.S. §8001, *et seq.*

(Ord. 341, 1/3/1995, §15)”

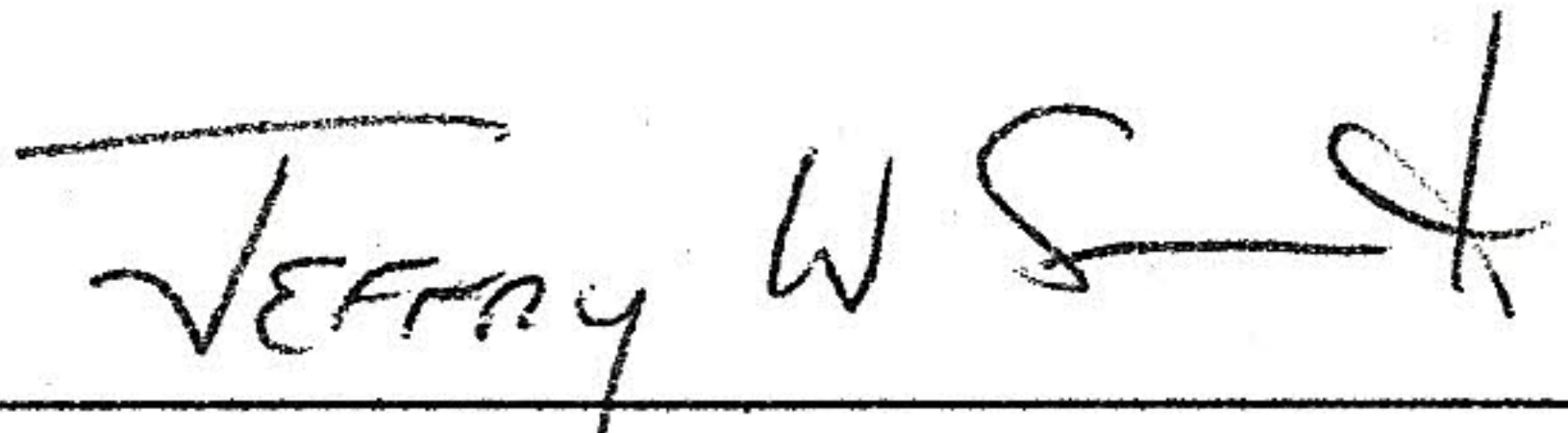
SECTION 2. Repealer. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED this 1st day of April, 2008.

BOROUGH OF HARMONY

ATTEST:


Secretary

By: 
President of Council