AN ORDINANCE OF THE BOROUGH OF HOLLIDAYSBURG
AMENDING PART 9, SECTIONS 905 AND 906, OF CHAPTER 27
OF THE CODE OF ORDINANCES (ZONING ORDINANCE)
WITH RESPECT TO THE MEMBERSHIP, ORGANIZATION AND PROCEDURES OF THE HISTORIC
PRESERVATION COMMISSION AND THE BOARD OF HISTORICAL ARCHITECTURAL REVIEW

ATTACHMENTS

1. March 23, 2020 Memo to HARB and HPC

2. Draft Ordinance
Memorandum

TO: Historical Architectural Review Board & Historic Preservation Commission
FROM: Gerald J. Harbison, Director of Planning, Zoning & Code Enforcement
SUBJECT: AN ORDINANCE OF THE BOROUGH OF HOLLIDAYSBURG AMENDING PART 9, SECTIONS 905 AND 906, OF CHAPTER 27 OF THE CODE OF ORDINANCES (ZONING ORDINANCE) WITH RESPECT TO THE MEMBERSHIP, ORGANIZATION AND PROCEDURES OF THE HISTORIC PRESERVATION COMMISSION AND THE BOARD OF HISTORICAL ARCHITECTURAL REVIEW

DATE: March 23, 2020

COPIES: J. Gehret, P. Duron, N. Karn, Sr., Esquire, File

Background and Ordinance Status:

Discussions have been ongoing with HARB/HPC, staff and the Pennsylvania Historical & Museum Commission’s Western PA Community Preservation Coordinator (PHMC) Bill Callihan to reassess the functionality and duties of the HARB and HPC and the historic guidelines under the Hollidaysburg Historic District Ordinance that has been in place since 1989. The consensus is the current structure of the HARB and HPC contains overlapping tasks and membership requirements creating unnecessary difficulties in retaining and recruiting members and conducting business efficiently. According to the PHMC, the common approach is having the “day-to-day” historic regulations administered through the HARB. We conjectured that the HPC was established for doing the heavy lifting of creating the Historic District and guidelines and responsible for maintaining and updating those guidelines, conduct periodic assessments of the structures, responsible for the education piece and not so much having the
administrative role going forward. It is important to note that the HPC can function as the HARB per our ordinance.

This topic was discussed at the December 5, 2019 HARB/HPC meeting and the boards passed a motion to recommend to Council that it authorize staff to proceed with a re-assessment of ordinances and restructuring of the roles of the HARB and HPC. Borough Council subsequently gave staff the go ahead to proceed. I see this task best accomplished in two phases. The first phase is to simplify the administrative process and balancing the membership of the two boards. The second task will be to re-evaluate the design guidelines and regulations with the assistance of the PHMC while possibly taking advantage of grant funding opportunities.

**Ordinance Amendments Summary:**

**Amendment 1.** Section 905.1 Establishment and Membership., shall be amended as follows: Replace the phrase “shall consist of 11 members” With “shall consist of seven members.”

§905. Creation of the Hollidaysburg Historic Preservation Commission. 1. Establishment and Membership. There is hereby established a Historic Preservation Commission which shall consist of **seven** members who shall be appointed by the Borough Council.

**AMENDMENT 1      STAFF NOTE:**

Having uneven member requirements has presented issues in conducting business for both boards, maintaining a full complement of members on the HPC, and creating role uncertainty for members. In an effort to promote efficiency in board voting and discussion, achieve a more reliable quorum outcome for conducting business, and in keeping with regulations to allow the HPC to function as the HARB adjusting to the membership of the HPC from 11 to 7 is recommended. The proposed ordinance now puts the HPC and HARB membership numbers on equal footing.
Amendment 2. Section 905.2A Officers. shall be amended as follows: Replace “The Commission shall annually elect from its membership a chairperson who will direct the activities of the Commission and such other officers as may be required for the conduct of its business.” With “The Commission shall annually elect from its membership a chairperson who will direct the activities of the Commission and such other officers as may be required for the conduct of its business and that business of the Board of Historical Architectural Review.”

§905. 2. Organization and Procedures. The Commission shall adopt bylaws or rules of procedure to govern its organization and the conduct of its business. The by-laws or rules of procedure shall be consistent with all provisions of this Part and with all applicable ordinances of the Borough and laws of regulations of the Commonwealth.

A. Officers. The Commission shall annually elect from its membership a chairperson who will direct the activities of the Commission and such other officers as may be required for the conduct of its business. The Commission shall annually elect from its membership a chairperson who will direct the activities of the Commission and such other officers as may be required for the conduct of its business and that business of the Board of Historical Architectural Review.

AMENDMENT 2  STAFF NOTE:

Under functions and duties of the HPC - §905.3D – the HPC functions as the HARB. Therefore, in following ordinance amendment protocol; the priority in slotting this amendment should be cited in the HPC guidelines with a reference to conducting the business of the HARB. This amendment is in keeping with streamlining the efficiencies of both the HPC and HARB.
Amendment 3. Section 906.1 shall be amended as follows: Replace "Establishment and Membership. There is hereby established a Board of Historical Architectural Review (HARB) which shall consist of seven members who shall be appointed by Borough Council from among the members of the Historic Preservation Commission." With "Establishment and Membership. There is hereby established a Board of Historical Architectural Review (HARB) which shall consist of seven members that have been appointed by Borough Council to serve as members of the Historic Preservation Commission."

§906. Creation of Board of Historical Architectural Review (HARB) 1. Establishment and Membership. There is hereby established a Board of Historical Architectural Review (HARB) which shall consist of seven members who shall be appointed by Borough Council from among the members of the Historic Preservation Commission—Establishment and Membership. There is hereby established a Board of Historical Architectural Review (HARB) which shall consist of seven members that have been appointed by Borough Council to serve as members of the Historic Preservation Commission.

**AMENDMENT 3 STAFF NOTE:**

Under functions and duties of the HPC - §905.3D – the HPC functions as the HARB. Therefore, in following ordinance amendment protocol; deference to the HPC should be given in identifying HARB membership. This amendment is in keeping with streamlining the efficiencies of both the HPC and HARB.
Amendment 4. Section 906.1A shall be amended as follows: Replace “Qualifications of Members. The membership of the HARB shall include a registered architect, licensed real estate broker and the Borough Code Official. The other members shall be persons with knowledge of and interest in historic preservation. In selecting members, Borough Council shall give first consideration to Borough residents but may nominate non-residents who have the expertise and interest required by this Section.” With “Qualifications of Members. The membership of the HARB shall be as for the Historic Preservation Commission in §905 above.”

§906.1A. Qualifications of Members. The membership of the HARB shall include a registered architect, licensed real estate broker and the Borough Code Official. The other members shall be persons with knowledge of and interest in historic preservation. In selecting members, Borough Council shall give first consideration to Borough residents but may nominate non-residents who have the expertise and interest required by this Section—Qualifications of Members. The membership of the HARB shall be as for the Historic Preservation Commission in §905 above.

**AMENDMENT 4 STAFF NOTE:**

Under functions and duties of the HPC - §905.3D – the HPC functions as the HARB. Therefore, in following ordinance amendment protocol; deference to the HPC should be given in identifying member qualifications for the HARB. This amendment is in keeping with streamlining the efficiencies of both the HPC and HARB and eliminating redundancy in the ordinance.
Amendment 5. Section 906.2A shall be amended as follows: Replace “A. Officers. The HARB shall annually elect from its membership a chairperson who will direct the activities of the Board and such other officers as may be required for the conduct of its business.” With “A. Officers. The officers of the HARB shall be as elected for the Historic Preservation Commission in §905 above for the conduct of its business.”

§906.2A. Officers. The HARB shall annually elect from its membership a chairperson who will direct the activities of the Board and such other officers as may be required for the conduct of its business. 2A. Officers. The officers of the HARB shall be as elected for the Historic Preservation Commission in §905 above for the conduct of its business.

AMENDMENT 5  STAFF NOTE:

Under functions and duties of the HPC - §905.3D – the HPC functions as the HARB. Therefore, in following ordinance amendment protocol; deference to the HPC should be given in calling out officers for the HARB. This amendment is in keeping with streamlining the efficiencies of both the HPC and HARB and eliminating redundancy in the ordinance.

If the wishes of the HPC and HARB are to continue to have their own slate of officers then Amendment Nos 2 and 5 would be removed from the proposed ordinance.

Respectfully submitted,

Gerald J. Harbison
ORDINANCE NO. ___

AN ORDINANCE OF THE BOROUGH OF HOLLIDAYSBURG
AMENDING PART 9, SECTIONS 905 AND 906, OF CHAPTER 27
OF THE CODE OF ORDINANCES (ZONING ORDINANCE)
WITH RESPECT TO THE MEMBERSHIP, ORGANIZATION AND PROCEDURES OF
THE HISTORIC PRESERVATION COMMISSION AND THE BOARD OF
HISTORICAL ARCHITECTURAL REVIEW

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF
THE BOROUGH OF HOLLIDAYSBURG AS FOLLOWS:

SECTION 1: Section 905.1 Establishment and Membership, shall be amended as follows: Replace the phrase “shall consist of 11 members” with “shall consist of seven members.”

SECTION 2: Section 905.2A Officers, shall be amended as follows: Replace “The Commission shall annually elect from its membership a chairperson who will direct the activities of the Commission and such other officers as may be required for the conduct of its business.” With “The Commission shall annually elect from its membership a chairperson who will direct the activities of the Commission and such other officers as may be required for the conduct of its business and that business of the Board of Historical Architectural Review.”

SECTION 3: Section 906.1 shall be amended as follows: Replace “Establishment and Membership. There is hereby established a Board of Historical Architectural Review (HARB) which shall consist of seven members who shall be appointed by Borough Council from among the members of the Historic Preservation Commission.” With “Establishment and Membership. There is hereby established a Board of Historical Architectural Review (HARB) which shall consist of seven members that have been appointed by Borough Council to serve as members of the Historic Preservation Commission.”

SECTION 4: Section 906.1A shall be amended as follows: Replace “Qualifications of Members. The membership of the HARB shall include a registered architect, licensed real estate broker and the Borough Code Official. The other members shall be persons with knowledge of and interest in historic preservation. In selecting members, Borough Council shall give first consideration to Borough residents but may nominate non-residents who have the expertise and interest required by this Section.” With “Qualifications of Members. The membership of the HARB shall be as for the Historic Preservation Commission in §905 above.”

SECTION 5: Section 906.2A shall be amended as follows: Replace “A. Officers. The HARB shall annually elect from its membership a chairperson who will direct the activities of the Board and such other officers as may be required for the conduct of its business.” With “A. Officers. The officers of the HARB shall be as elected for the Historic Preservation Commission in §905 above for the conduct of its business.”
SECTION 6: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinances. It is hereby declared as the intent of the Council of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7: Except as set forth herein, no other amendment is made to the Borough of Hollidaysburg Zoning Ordinance or Ordinance for Subdivision and Land Development Regulations, and the existing provisions un-amended hereby shall remain in full force and effect. All other ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 8: This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, this ___ th day of __________, 2020.

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President of Council

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Secretary

Approved by me this ___ th day of __________, 2020.

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Mayor