

2019

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 45, 1996, AS AMENDED BY FILE OF THE COUNCIL NO. 110, 2005 UPDATING THE LIST OF HISTORIC PROPERTIES IN THE CITY OF SCRANTON, BY CREATING "THE LOCAL DOWNTOWN HISTORIC DISTRICT" TO EXPAND THE LIST OF HISTORIC PROPERTIES TO INCLUDE ALL BUILDINGS LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT AND AMENDING THE PROCESS FOR LEGISLATIVE REVIEW OF RECOMMENDATIONS MADE BY THE HISTORICAL ARCHITECTURE REVIEW BOARD.

WHEREAS, by File of the Council No. 45, 1996, the City of Scranton established a list of designated historic properties and delegated certain powers to the Historical Architecture Review Board for oversight of such properties; and

WHEREAS, by File of the Council No. 110, 2005, the City of Scranton agreed to include an updated list of historic properties; and

WHEREAS, the City now wishes to create the "Local Downtown Historic District" to expand the list of historic properties as an overlay of its Central Business District as depicted in the Map attached hereto as Exhibit "A;" and

WHEREAS, the City also desires to simplify the process for property owners who are requesting approval from the Historic Architecture Review Board so that improvements to buildings in the City are not unnecessarily delayed; and

WHEREAS, key stakeholders throughout the City have expressed support for the new historic overlay. Attached hereto are letters of support from Scranton Tomorrow, the Lackawanna Heritage Valley, and the Lackawanna Historical Society, marked collectively as Exhibit "B."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON that File of the Council No. 45, 1996 is amended as follows:

SECTION 1. File of the Council No. 45, 1996 is hereby amended to expand the list of historic properties to include those which are depicted in the Map attached hereto and marked as Exhibit "A" to create the "Local Downtown Historic District." This map indicates that the historic district will overlay the entire Central Business District as delineated in the City's Zoning Code and adopted by File of Council No. 74, 1993.

CERTIFIED COPY

L. Reed
City Clerk

referred to Committee on Community Development

November 4, 2019

L. Reed
City Clerk

Committee on Community Development reports favorably on the within ordinance

Chairman

SIXTH ORDER:
November 18, 2019

SECTION 2. Section 9(d) of File of the Council No. 45, 1996 shall be repealed in its entirety and shall read:

(d) DECISION:

The Board shall notify the applicant of its decision as soon as possible, by Certified Mail, Return Receipt Requested, but no later than thirty (30) days after the submission of the application to the Building Code Official.

If the Board decides to recommend the granting of a Certificate of Appropriateness, the Board shall, simultaneously with notifying the applicant, submit its advice/report, in writing, to the Building Code Official for issuance of a permit.

If the Board, on the basis of the information received at the meeting, and from its general knowledge and background information, decides to recommend a denial of the Certificate of Appropriateness, it shall indicate to the applicant the changes, if any, in the plans and specifications which would enable the applicant to meet the requirements of this Ordinance, and shall forward its report to the Governing Body of the City of Scranton. The Board shall withhold its report from the Governing Body of the City of Scranton for a period of five (5) days following its notice to the applicant that the Board intends to recommend against the granting of a Certificate of Appropriateness. This grace period, which is intended to allow the applicant time to decide whether or not to make the suggested changes, may be extended by an additional fifteen (15) days upon written request of the applicant. At the expiration of this grace period, the Board shall forward its advice/report denying a Certificate of Appropriateness to the Governing Body of the City of Scranton, including any pertinent information regarding suggested changes to the proposed plan/application in question, and the applicant's response(s) to said suggested changes.

SECTION 3. Section 10 of File of the Council No. 45, 1996 shall be repealed in its entirety and shall read:

In the event that the Board denies an application, the Board shall submit its advice/report, in writing, to the Governing Body of the City of Scranton within thirty (30) days of the date of the submission of the application unless the time limitation is waived, in writing, by the applicant. This thirty (30) day period shall be extended, automatically, by the number of grace period days given pursuant to SECTION 9. Should the Board fail to provide its advice/report to the Governing Body of the City of Scranton within the time limits specified herein, it shall be deemed as a matter of law that the Board has recommended that the City of Scranton issue the subject Certificate of Appropriateness, and the applicant may notify the Building Code Official accordingly.

Should the Board decide to deny the application, it shall provide its advice/report to the Governing Body of the City of Scranton, it shall be in writing, and it shall include the following:

- (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 constructed or erected.
- (3) A list of the surrounding structures with their general exterior characteristics and the names of their owners;
- (4) The effect of the proposed change(s) upon the general historical and architectural nature of the area;
- (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 the building or structure, and the relation of such factors to similar features of the buildings or structures in the area;
- (7) The opinion of the Board (pro and con) as to the appropriateness of the work proposed as it will preserve, destroy, the historical or visual aspects and nature of the area.

SECTION 4. Section 11 of File of the Council No. 45, 1996 shall be repealed in its entirety and shall read:

(a) RECEIPT OF BOARD ADVICE/REPORT:

Upon receipt of the written denial of a Certificate of Appropriateness and the advice/report of the Board, or, absent the Board's advice/report, notification to the Building Code Official of the City of Scranton, the Governing Body of the City of Scranton shall consider within forty five (45) working days the question of upholding or remanding the denial of the application to the Board.

(b) NOTICE:

The applicant shall be advised by the City Clerk of the City of Scranton, by Certified Mail, Return Receipt Requested, of the time and place of the meeting at which time the denial will be reviewed by City Council and the applicant shall be advised that they have the right to attend the meeting and be heard as to their reasons for filing the application. If the applicant is not the owner of the property, then the owner shall be notified in the same manner.

(c) CRITERIA AND PROCEDURES:

In determining whether or not to uphold the denial of a Certificate of Appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure, the Governing Body of the City of Scranton shall consider the same factors as considered by the Board, set forth in SECTION 5 (b) of this Ordinance, as well as the advice/report of the Commission. Any Hearing shall be conducted in accordance with the provisions of 53 P.S. §10908(2), (3), (4), (5), (6), (8), and (9), except that the time periods shall be those prescribed by this Ordinance.

(d) DECISION:

If the Governing Body of the City of Scranton concurs with the denial of a Certificate of Appropriateness, it shall do so in writing and copies shall be given to the applicant, the Board, and to the Pennsylvania Historical and Museum Commission, where applicable, by Certified Mail, Return Receipt Requested. The notice, rejecting the application, shall indicate what changes, if any, in the application's plans and specifications would enable the applicant to meet the requirements of this Ordinance.

If the Governing Body of the City of Scranton does not concur with the Board's denial of the Certificate of Appropriateness, it shall remand the matter to the Board, with an explanation for its rationale, and provide a copy its decision to the Board. Thereafter, the Board shall evaluate the Governing Body's recommendations, and revise its decision and report accordingly.

SECTION 5. In all other respects, File of the Council No. 45, 1996 shall remain in full force and effect.

SECTION 6. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally

enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 7. This Ordinance shall become effective immediately upon approval.

SECTION 8. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

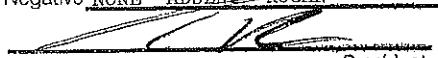
Passed by the Council

November 25, 2019

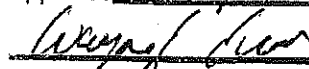
Receiving the Affirmative votes of Council Persons

PERRY, DONAHUE, DEMPSEY, GAUGHAN

Negative NONE ABSENT ROGAN


Vice - President

Approved 11/25/19

 Mayor

 City Clerk

Certified Copy