BYLAWS AND RULES OF PROCEDURE
OF THE
HISTORIC REVIEW COMMISSION
CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA

ARTICLE 1: Historic Review Commission, Authorization, Purpose and Responsibilities

A. The name of this commission shall be the Historic Review Commission and may be designated and referred to in these Bylaws as the "HRC."
B. The purpose of the HRC is to support the findings and determination that the historical, cultural, and aesthetic heritage of the City of Erie is among its most valued and important assets; and that preservation of the city's historic, cultural and aesthetic resources is essential to the promotion of the health, prosperity and general welfare of the people. The purposes of the HRC are to:
    a. Stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business.
    b. Enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law.
    c. Provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts to participate in federal or state programs.
    d. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources.
    e. Establish a clear process by which proposed changes affecting historic resources are reviewed.
    f. Mitigate the negative effects of proposed changes affecting historic resources.
    g. Encourage the continued use of historic resources and facilitate their appropriate rehabilitation and adaptive reuse.
    h. Encourage pleasing and harmonious relationship between old and new buildings and structures that will maintain and strengthen the architectural character of historic districts.
    i. Implement the following sections of the Pennsylvania Municipalities Planning Code: 603(g)(2) which states that "zoning ordinances shall provide for the protection of natural historic features and resources": 604(1) which states that "the provisions of zoning ordinances shall be designed to promote, protect and facilitate any or all of the following:…preservation of the natural, scenic and historic values…": and 605(2) (vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

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C. The HRC was established in accordance with City of Erie Ordinance Number 12-2021 (the "Ordinance"), amending Article 7 Historic Resource Protection of the City of Erie Zoning Code.
D. The HRC shall have such authority to perform such responsibilities as are provided by the Ordinance; these By-Laws, and those that, from time to time, shall be prescribed by the City Council.
    a. Investigate and report on the appropriateness of structures, districts, sites and objects which are being considered by City Council for historic designation and to make recommendations to the Council about approval or disapproval of such designations.
    b. Review all demolition permit, building permit, and sign permit applications involving new construction or exterior alteration of Historic Resources or structures in locally designated Historic Districts and make determinations concerning the appropriateness of the work proposed in such permit applications
    c. Issues Certificate of Appropriateness decisions on all activity regulated by the Ordinance.
    d. See that appropriate standards and guidelines are established for each proposed Historic District and see that the residents of the geographical area being considered for designation are involved in developing and amending those standard guidelines for their district.
    e. Seek recommendations from community groups on decisions involving applications for approval within the respective districts.
    f. Carry on educational activities in furtherance of the purpose of the Ordinance and historic preservation plans for the City of Erie.
    g. Act in an advisory role to City departments and agencies related to preservation matters.
    h. Facilitate the redevelopment of historic structures and districts in accordance with approved development plans of the city.
    i. Act as liaison on behalf of the City with preservation organizations, professional societies, community and other groups, private property owners, and interested citizens, concerning conservation of the historic resources of the city.
    j. Act as a liaison on behalf of the City with the State Historic Preservation Office (SHPO) in Pennsylvania, agencies of the federal government, the National Advisory Council on Historic Preservation, and the National Trust for Historic Preservation, concerning the historic resources of the city.
    k. Prepare plans for the conservation and development of historic resources in conjunction with the Erie Planning Commission.

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l. Undertake or encourage and facilitate the documentation of the architecture and history of the City's historic resources.
m. Participate in ongoing training to increase and learn about important preservation activities, practices and tools.

ARTICLE 2: Members, Terms, and Officers

A. The HRC shall consist of five citizen members, the majority of whom shall reside in the City of Erie, and two ex-officio members representing the City. The membership positions shall be filled by appointment by the Mayor and by City Council. The Mayor shall appoint two citizen members and the ex-officio members, while the City Council may appoint three citizen members. The five citizen members are voting members and a majority for these purposes shall be three or more. Ex-officio members are non-voting members and act in advisory capacity to the HRC. The positions shall be filled as follows:
    a. One citizen member shall be a professional preservationist or an architectural historian active with a broad-based local organization involved with historic preservation and/or history.
    b. One citizen member shall be an architect who has an interest and background in historic preservation.
    c. One citizen member shall be a representative of the viewpoints of the real estate community as recommended by the Erie County Board of Realtors.
    d. Two citizen members shall be any two citizens who have demonstrated an outstanding interest and/or knowledge of historic preservation or community revitalization in the City of Erie. Examples of outstanding interest can include ownership and maintenance of an historic building within the City or active membership with a community core preservation organization.
    e. Ex-officio members shall be appointed by the Mayor and shall include one staff from the Department of Planning and Neighborhood Resources and one member of the Planning Commission.
B. Terms of HRC Members are as follows.
    a. After initial staggered terms of one member for one year, two members for two years, and two members for three years, each HRC member shall serve a three-year term of office. Any appointed member of the HRC may be removed from office by the Mayor for just cause with the approval of Council. The Mayor shall submit reason constituting cause in writing to the Commission and to the Council. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
    b. Ex-officio members shall serve in perpetuity unless they leave office or are replaced by the Mayor.
C. The HRC shall elect its own Chair, Vice Chair and Secretary.

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a. The officers shall serve one year terms and may succeed themselves.
b. Election of the officers will occur at the first regular meeting of the calendar year, which shall be designated as the Annual Meeting.
c. The Chair shall preside at all meetings and shall have general and active management and supervision of the Board's affairs between meetings, subject, however, to the Board's delegation of other authority. The Vice Chair shall perform these duties in the absence of the Chair. Should both be absent, the staff Secretary shall select a Board member to serve in such capacity.
d. The Chair shall be responsible for calling all meetings within the prescribed time limitations as set forth in the Bylaws. The Secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations.

ARTICLE 3: Meetings

A. The HRC shall hold the regularly scheduled monthly meeting provided that there is business to conduct, and shall record minutes of all resolutions, motions, transactions and determinations.
B. HRC meetings shall be held the first Monday of every month, at 4:00PM
    a. If the regularly scheduled meeting falls on a holiday, the meeting shall take place on the following Monday.
    b. A meeting may be cancelled by the recommendation of the Chair by written notice at least 72 hours before the scheduled time of such meeting.
C. The schedule of meetings for each calendar year as established by the HRC shall be published and posted in January of that year. Changes in the meeting schedule shall be published as required by the Pennsylvania Sunshine Act.
D. An official meeting of the HRC cannot be called to order without the establishment of a quorum of three voting HRC members.
E. All members of the HRC shall be entitled to vote and the decision of the HRC shall be determined by a majority vote of the HRC members present at the meeting
F. By virtue of accepting the appointment to the HRC, it is assumed that members will attend the regularly scheduled monthly meetings. Any member who cannot attend for any reason should notify the Chair, prior to the meeting, that they will be absent.

ARTICLE 4: Conduct of Meetings

A. The HRC meetings shall be open to the public and shall conduct its meetings in accordance with the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716, and according to the procedures specified in these Bylaws and Rules of Procedure.
B. The agenda for regular meetings shall be prepared under the direction of Historic Preservation Planning staff and the HRC Chair. Commission members or staff may add items to the agenda at the beginning of each meeting.

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a. The agenda will be submitted for publication on the Wednesday prior to the regularly scheduled monthly meeting.

C. Roberts Rules of Order shall be used to guide the conduct of business.

ARTICLE 5: Historic Overlay District, Criteria for Designation and Nomination Process

A. As identified in the Ordinance, the HRC is responsible for investigating and reporting on the appropriateness of structures, districts, sites and objects that are being considered by City Council for historic designation by ordinance and to make recommendations to the Council about approval or disapproval of said designations.

B. Structures, districts, sites and objects being considered for historic designation must meet one or more of the following specified criteria for designation, as outlined in the Ordinance. The HRC must limit its consideration to the criteria in making recommendations to the City Council on nominations for historic designation. The criteria are as follows:

   a. Is associated with an event that is significant to the history of the municipality, commonwealth, or nation.
   b. Is representative of broad patterns of development, heritage, or culture of the municipality, commonwealth, or nation.
   c. Is associated with persons of significance to the history of the municipality, commonwealth, or nation.
   d. Embodies distinctive characteristics of style, type, period or method of construction of architecture.
   e. Is the work of a notable architect, artist, craftsperson, or builder.
   f. Has yielded, or may be likely to yield, information important in prehistory or history.

C. The City Council may nominate historic structures, districts, sites or objects upon request or by its own initiative, which will act as an official request for amendment to the Zoning Ordinance for the City of Erie as outlined in Article 4 of said ordinance.

   a. For historic districts, the nominator may be the owner of record for at least one property within the nominated district or by a community based organization representing the district. Nominations for historic designation may also be an outcome of a historic preservation plan completed by the HRC and duly adopted by the City Council, which includes an inventory of historic resources within the City.
   b. For individual structures, sites and objects, the nominator may be the owner of record. Nominations may also be an outcome of a historic preservation plan completed by the HRC and duly adopted by the City Council, which includes an inventory of historic resources within the City.

D. Process for nominating and designating historic overlays will be as follows:

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a. Applicant completes nomination packet and submits it to City of Erie Historic Preservation Planner. The packet should include the following:
    i. Nomination form that includes a written description of the boundaries of the proposed district or location of the structure, site or object.
    ii. A map illustrating the boundaries of the proposed district or the location of the proposed structure, site or object.
    iii. A statement of significance explaining the following:
        1. A chronological list of significant past owners, past uses and significant historical events.
        2. How the structure, district, site or object is significant to the history of the City of Erie, the Commonwealth of Pennsylvania, or the nation.
        3. How the structure, district, site or object meets the criteria for designation, as outlined in the Ordinance.
    iv. A statement explaining the potential impact, if any, that designation of the structure, district, site or object may have on the owners, surrounding residents and other property owners in the area.
    v. Clear, high resolution, colored, labeled photographs showing full exterior views, including all elevations, setting, outbuildings, and details of structural and landscape features.
    vi. Copies of any historical photographs.
    vii. Site plan outlining the geographic boundaries of the proposed area and showing the location/placement of all buildings, structures, and landscape features to be included in the historic designation. The site plan must also include locations of property lines.
b. Historic Preservation Planning staff determines if nomination packet is complete within 15 days of submission. If nomination packet is incomplete, written notice is sent to applicant requesting additional information.
c. If the nomination packet is determined to be complete, the Historic Preservation Planning staff sends a notification letter to the owner(s) of record acknowledging receipt of the nomination packet.
d. Historic Preservation Planning staff will draft a recommendation relating to the nomination for historic designation. Copies of the completed nomination packet and staff recommendations will be sent to HRC members.
e. For proposed districts, the HRC will scheduled a public meeting on the nomination within 30 days of nomination packet being determined to be complete. Notice of the time, place, and purpose of such meeting shall be given by the HRC at least 7 days prior to all property owners within the affected district.

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i. The owner of any property within a nominated district shall be afforded an opportunity to be heard at the public meeting.
ii. The HRC shall consider all comments or evidence relating to the nomination for historic designation from any person who makes written submissions or appears at the public meeting.

f. Within 30 days of the public meeting for a District, or within 30 days of receiving a completed nomination packet for an individual resource, the HRC shall consider the completed nominations at a regularly scheduled public meeting and shall vote on whether or not the proposed district or individual historic resource meets the designation criteria and should be designated as a historic overlay district.
    i. The HRC shall decide if there is reasonable cause to determine that the nominated structure, district, site or object will meet the criteria for designation as noted above. An affirmative decision of the HRC must be supported by the votes of the majority of the members of the HRC present, provided that there is a quorum.
    ii. The recommendation of the HRC shall be made in writing and shall contain findings and the reasons for recommendation and shall be delivered to the applicant for and property owner(s) of a nominated structure, district, site or object, or their counsel, personally or by mail.
    iii. The HRC shall transmit a report detailing its recommendations to the Planning Commission within 30 calendar days.
g. Within 30 days following the conclusion of the HRC's recommendation, the Planning Commission shall consider the application at a regular or special meeting. The Planning Commission shall consider whether or not the designation is consistent with the municipality's comprehensive plan and other development plans and policies and transmit a report detailing its recommendations to City Council within 30 days of the meeting.
    i. The Planning Commission shall consider the effects of designation on adjoining properties and surrounding neighborhoods within the framework of established planning, development, and land us objectives for the City of Erie.
h. The Planning Commission shall transmit their recommendations to the City Council according to the process used for other similar amendments to the Zoning Ordinance for the City of Erie.

ARTICLE 6: Certificate of Appropriateness

A. Prior to any undertaking or activities on properties within a locally designated historic district or on any property designated as a historic resource within an historic overlay district, the property owner or responsible party must obtain a Certificate of

Appropriateness if the activity or resulting construction is visible from a public right of way. A Certificate of Appropriateness shall be required regardless of whether a building or zoning permit is required.

a. Applications for building and zoning permits shall not be considered complete unless and until accompanied by a Certificate of Appropriateness from the HRC

B. The following undertakings require a Certificate of Appropriateness:
   a. Demolition, in whole or in part, of a contributing resource(s) within a locally designated historic overlay district or individual historic resource.
   b. New Construction of principal or accessory buildings within locally designated historic districts.
   c. Major exterior alterations that may not require a permit from the City of Erie. Types of alterations include, but are not limited to, the following activities:
      i. Activities that change a building's overall character; including size, shape, silhouette, and fenestration pattern.
      ii. Adding exterior cladding that covers or obscures existing openings, installation of ATMs or other similar features
      iii. Addition or removal of the number of windows or removal of dormers.

C. Process for submitting applications for Certificates of Appropriateness (COA) shall be as follows:
   a. Applications for a COA shall be submitted to the City of Erie Zoning Officer/Historic Preservation Planning staff.
   b. Applications shall include the following:
      i. Completed COA application form.
      ii. Fees associated with the COA application
      iii. Photographs, drawings and detailed scope of work for the proposed undertaking.
   c. An application shall not be officially accepted until the Historic Preservation Planning staff determines that the application is complete. Historic Preservation Planning staff has 15 days from the time of receipt of the application to determine if the application packet is complete.
      i. If applications are deemed to be incomplete written notice will be sent to the applicant requesting additional information.
      ii. Historic Preservation Planning Staff and members of the HRC may schedule a site visit to the location of the undertaking prior to the public meeting where the application will be considered.
   d. Historic Preservation Planning staff will review the application and make a written preliminary recommendation. The completed application packet and written preliminary recommendation shall be forwarded to the HRC members

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no later than five days before the public meeting where the application will be considered.

e. The HRC shall consider all technically complete applications at a regularly scheduled meeting within 30 calendar days of application acceptance, unless an extension or deferral is agreed to by both the applicant and the HRC. A sign will be posted on the property notifying the public of the meeting date.
    i. The applicant will be given written notice of the time and place of the public meeting where the application will be considered. The applicant will be granted the opportunity to present the application to the HRC.
    ii. The HRC may consider comments from the public as well as persons and organizations with expertise and experience in matters relevant to the application.
f. Procedures for considering application at a public meeting shall be as follows:
    i. Historic Preservation Planning staff will thoroughly describe the undertaking and any issues it raises, including the written preliminary recommendation by staff.
    ii. The applicant, or their representative, including a lawyer, architect, engineer, or other advisor, may have up to 10 minutes to present the proposed undertaking.
    iii. Any member of the public who either supports the undertaking, or opposes the undertaking, may not speak for more than 3 minutes. Members of the public wishing to speak at the meeting shall state the following information
        1. Name
        2. Home address
        3. Person or organization they represent, or that they are speaking as a private citizen.
    iv. Any member of the HRC, or staff, upon recognition from the Chair, may briefly question the applicant or any speaker. Members and speakers shall be requested not to debate over these questions.
    v. The HRC considers the application and whether or not it warrants a Certificate of Appropriateness
    vi. The HRC shall vote in public to approve (with or without conditions), deny, or postpone consideration of the application. An affirmative decision of the HRC must be supported by the votes of the majority of the members of the HRC present, provided that there is a quorum.
        1. If the HRC fails to take action within 60 days of the regular public meeting at which the application was first considered, then the application shall be deemed to be approved.

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g. Within 30 calendar days following the public meeting where the application has been discussed and voted on, the HRC shall provide the applicant with a written report detailing the findings, conclusions and recommendations of the HRC. The report issued by the HRC shall include, but need not be limited to the following matters:
    i. The address of the undertaking
    ii. The name of the applicant
    iii. A description of the undertaking
    iv. The findings and conclusions of the HRC as to whether the undertaking meets the applicable criteria and guidelines for issuance of a Certificate of Appropriateness
    v. An approval or denial of a Certificate of Appropriateness.

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