

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 determination that the historical, cultural, and aesthetic heritage of the City of Erie is among its most valued and important assets, and 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. Furthermore, the purpose of the HRC is to:
 - a. Support the City’s economic and community development strategies by stimulating revitalization of historic commercial corridors and neighborhoods.
 - b. Promote the retention of community character and provide for and promote the designation, protection, preservation, and rehabilitation of individual historic resources and historic districts.
 - c. Enhance opportunities for participation in local, federal, and state historic preservation and economic development programs and opportunities.
 - d. Mitigate any negative effects of proposed changes affecting historic resources.
 - e. Establish clear goals and priorities for the City of Erie’s historic preservation program and processes by which proposed changes affecting historic resources are reviewed.
 - f. 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 and 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.
- 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 Ordinance.
- D. The HRC shall have such authority to perform such responsibilities as are provided by the Ordinance, these bylaws, and those that, from time to time, shall be prescribed by 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 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. Issue decisions on activity regulated by the Ordinance, such as applications for Certificates of Appropriateness.
- d. See that appropriate standards and guidelines are established for each historic district with the involvement of residents and community groups in the proposed/designated district.
- e. Conduct educational activities in furtherance of the purpose of the Ordinance and historic preservation plans for the City of Erie.
- f. Act in an advisory role to City departments and agencies related to preservation matters.
- g. Encourage and facilitate the redevelopment of historic structures and districts in conjunction with the City of Erie Planning Commission and in accordance with approved development plans of the City of Erie.
- h. Act as liaison on behalf of the City with preservation organizations, professional societies, community and other groups, private property owners, and citizens, as well as the Pennsylvania State Historic Preservation Office (SHPO), 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 of Erie.
- i. Prepare plans for the conservation and development of historic resources in conjunction with the Erie Planning Commission.
- j. Undertake or encourage and facilitate the documentation of the architecture and history of the City's historic resources.
- k. Participate in ongoing training to increase and learn about important preservation activities, practices, and tools.

ARTICLE 2: Members, Terms, and Officers

- A. Per the Ordinance HRC shall consist of five (5) citizen members, the majority of whom shall reside in the City of Erie, and two (2) ex-officio members representing the City. The membership positions shall be filled by appointment by the Mayor and City Council. The Mayor shall appoint two (2) citizen members and the ex-officio members, while the City Council may appoint three (3) citizen members. The five (5) 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 position requirements, terms of members, and election of officers will be as directed by Amendment 7, Section 704 of the Ordinance.

- B. Vacancies occurring other than through the expiration of term shall be filled for the remainder of the unexpired term in the same manner as for appointment.

ARTICLE 3: Meetings

- A. The HRC shall hold the regularly scheduled monthly meeting provided there is business to conduct and shall record minutes of all resolutions, motions, transactions, and determinations. HRC meetings shall be held monthly. 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.
- B. 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.
- C. An official meeting of the HRC cannot be called to order without the establishment of a quorum of three voting HRC members.
- D. 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

ARTICLE 4: Conduct of Meetings

- A. The HRC meetings shall be open to the public, and the HRC shall conduct its meetings in accordance with the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716 and the procedures specified in these bylaws.
- 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. The agenda will be submitted for publication five days prior to the regularly scheduled monthly meeting.

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 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 following criteria in making recommendations to City Council on nominations for historic designation.
 - a. Is the resource associated with an event that is significant to the history of the municipality, commonwealth, or nation?

- b. Is the resource representative of broad patterns of development, heritage, or culture of the municipality, commonwealth, or nation?
 - c. Is the resource associated with persons of significance to the history of the municipality, commonwealth, or nation?
 - d. Does the resource embody distinctive characteristics of style, type, period or method of construction of architecture?
 - e. Is the resource the work of a notable architect, artist, craftsman, or builder?
 - f. Has the resource yielded, or may it be likely to yield, information important in prehistory or history?
- C. 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 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 City Council, which includes an inventory of historic resources within the City.
- D. The process for nominating and designating historic overlays will be as follows:
- a. Applicant meets with historic preservation planning staff to discuss the potential district or landmark and review the requirements of the nomination form and the process for creating a historic overlay district or landmark.
 - b. Applicant completes nomination packet and submits it to the historic preservation planner. The packet should include the following:
 - i. The nomination form, which 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 that includes a chronological list of significant past owners, past uses, and/or historical events, and explanations of how the structure, district, site, or object is significant to the history of the City of Erie, the Commonwealth of Pennsylvania, or the nation and 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. Labeled clear, high resolution, color photographs showing full exterior views, including all elevations, settings, 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.
 - viii. Application will not be considered complete without being accompanied by the associated fee. A fee schedule will be published and posted on the HRC website.
- c. Historic preservation planning staff determines if the nomination packet is complete within 15 days of submission. If the nomination packet is incomplete, written notice is sent to applicant requesting additional information.
 - d. 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.
 - e. 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.
 - f. For proposed districts, the HRC will schedule a public meeting on the nomination within 30 days of the 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 seven days prior to all property owners within the affected district by direct mail.
 - 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.
 - g. 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, as well as property owner(s) of the 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.
- h. 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 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. The Planning Commission shall also consider the effects of designation on adjoining properties and surrounding neighborhoods within the framework of established planning, development, and land use objectives for the City of Erie.
- i. The Planning Commission shall transmit their recommendations to City Council per the approved process used for other similar amendments to the Zoning Ordinance for the City of Erie.

ARTICLE 6: Certificates 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. 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.

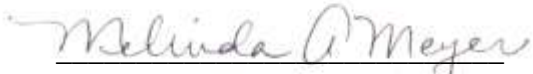
- c. Major exterior alterations that may not require a permit from the City of Erie. Major exterior alterations include, but are not limited to, the following:
 - i. Activities that change a building's overall character, including size, shape, silhouette, and window and door openings.
 - ii. Adding exterior cladding that covers or obscures existing openings and installation of ATMs or other similar features.
- C. The 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, who will then direct the application to historic preservation planning staff.
 - b. Applications shall include the following:
 - i. Complete COA application form.
 - ii. Fees associated with the COA application. A fee schedule will be published on the HRC website.
 - iii. Photographs, drawings, and a 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 date 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 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 receipt of the application, 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 an 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 or opposes the undertaking may not speak for more than three minutes. Members of the public wishing to speak at the meeting shall state the following information: name, home address, and if they are speaking as a private citizen or representative of a group or organization.
 - 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 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. 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.
- 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.

ARTICLE 7: Amendments

- A. Recommendations to make amendments to these Bylaws and Rules of Procedure may be made at any meeting of the HRC after ten (10) days advance notice in writing to all members. A majority vote of the HRC shall be required for making an amendment.

Adopted by the HRC on January 10, 2022


HRC Chairperson, Melinda Meyer