



Text File

Introduced: 1/29/2008

Bill No: 2008-0070, Version: 3

Committee: Committee on Planning, Zoning &
Land Use

Status: Passed Finally

Ordinance amending and supplementing the Pittsburgh Code, Title Eleven - Historic Preservation, Chapter 1101.03(i)(4), **§ 1101.03 DESIGNATION OF HISTORIC STRUCTURES, DISTRICTS, SITES AND OBJECTS**

Whereas, Chapter 1101.03(i)(4) states that "Council shall vote on the designation of a nominated district, structure, site or object within 90 days of the receipt of the Historic Review Commission and the City Planning Commission."; and

Whereas, these currently exists no statutory remedy or consequence contained within this statute for the failure of Council to act on historic designation legislation; and

Whereas, this could potentially lead to the infringement of due process; and

Whereas, Council has an obligation to ensure that its laws, either through commission or omission, do not result in a deprivation of rights guaranteed through the Constitutions of the United States or this Commonwealth.

Be it resolved by the Council of the City of Pittsburgh as follows:

Title Eleven: Historic Preservation

Chapter 1101.03 DESIGNATION OF HISTORIC STRUCTURES, DISTRICTS, SITES AND OBJECTS

1101.03(b) *Notification of nomination and public hearing.* After submission of a completed nomination form, the Commission shall give notice by the following methods:

- (1) Within five (5) business days of the receipt of a nomination of a Historic Structure, Site, or Object, by mailing such notice to the property owner of record, tax address, and street address for the nominated property.
- (2) Within ten (10) business days of receipt of a nomination of a Historic District, by mailing such notice to each owner of record, tax address, and street address for every property in the District.

1101.03(c) *Effects of nomination to the Historic Review Commission.*

- (1) a. No exterior alterations, as defined in § 1101.02(e) shall be undertaken upon a nominated structure, or a structure located within a nominated district, or a nominated site or object, beginning two (2) business days after mailing of the notice of nomination by the Commission until a final determination

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about the designation has been made by Council, or until the elapse of one hundred twenty (120) days after Council's receipt of the Historic Review Commission and Planning Commission's recommendations, or for eight (8) months from the date of the original nomination, without the review and approval by the Historic Review Commission and the issuance of a Certificate of Appropriateness, as detailed in § 1101.05; provided, however, that no demolition permit shall be issued beginning with the date of receipt of the nomination form.

1101.03(i)(4) City Council shall vote on the designation of a nominated district, structure, site or object within ~~ninety (90)~~ one hundred twenty (120) days of Council's receipt of the recommendations of the Historic Review Commission and the City Planning Commission.

1101.03(j)(1) The designation of a nominated district, structure, site or object shall require the affirmative vote of six (6) members of Council if either the Historic Review Commission or the City Planning Commission (or both) recommends against designation. The lack of a recommendation from either Commission shall not be considered as a recommendation that Council either designate or not designate the nominated district, structure, site or object.

(2) The designation of a nominated structure, site, or object shall require the affirmative vote of six (6) members of Council if the owner of record of the property has submitted to Council his or her written and signed opposition to the designation of the property.

(3) Where Council fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within one hundred twenty (120) days from the date of the Historic Review Commission and the Planning Commission's recommendations, the failure of Council to act shall be a deemed approval if both the Historic Review Commission and the Planning Commission gave affirmative recommendations for the historic designation.

(4) If the proposed historic designation received a negative recommendation from either the Historic Review Commission or the Planning Commission, then the failure of City Council to act will be a deemed denial.

(5) If the proposed historic designation did not receive any recommendation from the Historic Review Commission or the Planning Commission, then the failure of City Council to act will be a deemed denial.

1101.03(k) The Historic Review Commission shall not reconsider a proposed designation within five (5) years of its previous nomination unless petitioned to do so by the owners of at least fifty-one (51) percent of the lots of record being nominated, or unless the previous nomination was withdrawn by its nominator(s) in accordance with § 1101.03(e). The Historic Review Commission # shall not consider a proposed amendment or ~~recession~~ rescission of designation within one (1) year of its previous ~~nomination~~ designation. The restrictions of this paragraph shall not apply to deemed denials under § 1101.03(j)(4)-(5).

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1101.03(m) The Historic Review Commission shall not reconsider a proposed designation within five (5) years of its previous nomination unless petitioned to do so by the owners of at least fifty-one (51) percent of the lots of record being nominated, or unless the previous nomination was withdrawn by its nominator(s) in accordance with § 1101.03(e). The Historic Review Commission shall not consider a proposed amendment or rescission of designation within one (1) year of its previous designation.