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Title: Ordinance amending the Pittsburgh Code, Title XI, Historic Preservation, Chapter 1101. Historic Structures, Districts, Sites and Objects; Subsections 1101.02 - Definitions and 1101.03 - Designation of historic structures, districts, sites and objects; by changing language.

Sponsors: Reverend Ricky V. Burgess

Indexes: PGH. CODE ORDINANCES TITLE 11 - HISTORIC DESIGNATION

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/17/2010	1	Standing Committee	Held for Cablecast Public Hearing	Pass
3/17/2010	1	Standing Committee	Referred for Report and Recommendation	Pass
3/9/2010	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title XI, Historic Preservation, Chapter 1101. Historic Structures, Districts, Sites and Objects; Subsections 1101.02 - Definitions and 1101.03 - Designation of historic structures, districts, sites and objects; by changing language.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Amending the Pittsburgh Code, Title XI, Historic Preservation, Chapter 1101. Historic Structures, Districts, Sites and Objects; Subsections 1101.02 - Definitions and 1101.03 - Designation of historic structures, districts, sites and objects; by changing language as follows:

TITLE ELEVEN: HISTORIC PRESERVATION

Ch. 1101. Historic Structures, Districts, Sites and Objects

CHAPTER 1101: HISTORIC STRUCTURES, DISTRICTS, SITES AND OBJECTS

§ 1101.01 Finding of fact and declaration of policy

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§ 1101.02 Definitions <<http://library3.municode.com/default/DocView/13525/1/99>>

§ 1101.03 Designation of historic structures, districts, sites and objects

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§ 1101.01 FINDING OF FACT AND DECLARATION OF POLICY.

(a) Finding of fact.

(1) The history of the built environment in Pittsburgh began with the construction of Fort Duquesne at the Point in 1754. Since that time, Pittsburgh has accumulated a rich and diverse architectural heritage of buildings from the 18th, 19th, and 20th centuries. There are examples of many different styles which were popular during that period, including but not limited to: early vernacular, Georgian Classical, Greek Revival, Italianate, Romanesque, Beaux-Arts and early 20th century modern buildings. Pittsburgh is also fortunate to have many buildings designed by architects who were in the vanguard of their profession. Some areas of the City and some specific buildings are also important as sites where historic events occurred. In addition, there are a number of areas of the City where concentrations of certain style or building type predominates, due to the manner in which the City grew and expanded over time.

(2) Many of these structures are in danger of being lost forever. The need to maintain and strengthen the City's residential and commercial usage of its land area mandates that the City of Pittsburgh take all the necessary steps to preserve and restore the historic structures, landmarks, sites and district within the City.

(b) Declaration of policy. The purpose of this Chapter is to promote the economic and general welfare of the people of the City of Pittsburgh; to ensure orderly and efficient growth and development of the City of Pittsburgh; to preserve and restore the qualities of the City of Pittsburgh relating to its history, culture, and traditions; to preserve and restore harmonious outward appearance of structures which attract tourists and residents to the City of Pittsburgh; and to afford the City including interested persons, historical societies, or organizations, the opportunity to acquire or arrange for the preservation of designated districts or structures.

(Ord. 25-1997, effective 8-7-97)

§ 1101.02 DEFINITIONS.

(a) **HISTORIC STRUCTURE.** Anything constructed or erected, the use of which requires directly or indirectly, a permanent location of land, including walks, fences, signs, steps and sidewalks, which meets one (1) or more of the criteria for designation as listed in § 1101.04.

(b) **HISTORIC DISTRICT.** A defined territorial division of land which shall include more than one (1) contiguous or related parcel of property, specifically identified by separate resolution, which meets one (1) or more of the criteria for designation as listed in § 1101.04.

(c) **HISTORIC SITE.** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structures and meets one (1) or more of the criteria for designation as listed in § 1101.04.

(d) **HISTORIC OBJECT.** A material thing of historic significance for functional, aesthetic cultural, or scientific reasons that may be, by nature or design, movable yet related to a specific setting of environment and meets one (1) or more of the criteria for designation as listed in § 1101.04.

(e) **EXTERIOR ALTERATION.** The alteration of exterior architectural features which can be seen from a public street or way. This shall include projects which require a building, demolition or sign permit and all exterior improvements, alterations and renovations which can be accomplished without obtaining a permit such as change of location of historic object; the kind, color and texture of building materials; the type and design of all windows, doors, lights, stair railings, and other fixtures; and the method of building cleaning.

(f) **CERTIFICATE OF APPROPRIATENESS.** Approval by the Historic Review Commission of the City of Pittsburgh of the appropriateness of any new construction, demolition, exterior alteration or change of location of a Historic Structure, or a structure located within a Historic District, or an Historic Site or an Historic Object, which certification is required prior to the issuance of a building permit, demolition permit or sign permit by the Bureau of Building Inspection of the City of Pittsburgh and other non-permit items as defined by the Guidelines for the Issuance of Certificates of Appropriateness. The Commission may incorporate in any Certificate of Appropriateness such conditions as the Commission may find necessary or desirable to effect the purposes of this resolution. The Commission may authorize the issuance of a Certificate of Appropriateness for certain routine kinds of exterior work applications, as specified by the Commission, without formal review and approval of the Commission itself.

(g) **GUIDELINES FOR THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS FOR REHABILITATION AND NEW CONSTRUCTION IN HISTORIC DISTRICTS.** Guidelines which establish standards which the Commission can utilize in determining the appropriateness of applications. The Commission shall use the Secretary of the Interior's Standards for Rehabilitation after a property is nominated for historic designation, until it develops guidelines specifically for a structure, district, site, or object, with recommendations from the community. These Guidelines cover the treatment of all work requiring a building, demolition, or sign permit, and may cover non-permit projects as defined under Exterior Alteration. The Guidelines may be amended from time to time upon affirmative resolution of the Historic Review Commission.

[(h) RELIGIOUS STRUCTURE. Any or all of the following: church, cathedral, mosque, temple, rectory, convent, or similar structure used as place of religious worship. (Ord. 25-1997, effective 8-7-97; Ord. 6-2003, § 1, eff. 2-25-03)]

- (h) RELIGIOUS EXERCISE. Any exercise of religion, whether or not compelled by, or central to, a system of religious belief.**
- (i) RELIGIOUS ORGANIZATION. A group or body of persons which is created and which exists for the predominant purpose of regularly holding or conducting religious activities or religious education, without pecuniary benefit to an officer, member or shareholder except as reasonable compensation for actual services rendered to the organization. (61 Pa. Code § 32.1)**
- (j) SUBSTANTIAL RELIGIOUS BURDEN STATEMENT. A statement, attested to by a duly authorized official of a religious organization owning and using a property for religious exercise that is subject to designation as an historic structure or a contributing building to an historic district, that such a designation or proposed designation by City Council pursuant to this Ordinance would impose a substantial burden on that organization's religious exercise.**

§ 1101.03 DESIGNATION OF HISTORIC STRUCTURES, DISTRICTS, SITES AND OBJECTS.

(a) The Council of the City of Pittsburgh may designate Historic Structures, Historic Districts, Historic Sites and Historic Objects upon request or upon its own initiative **provided, however, that City Planning, the Historic Review Commission and the Planning Commission shall not accept, process or consider a nomination to designate and Council shall not designate property owned and used by a religious organization as an historic structure or as a contributing building to an historic district if the religious organization submits, at least ten (10) days prior to any scheduled hearing or vote on said designation, a substantial religious burden statement objecting to such designation. Any property owned and used by a religious organization that was designated as an historic structure or as a contributing building to an historic district after September 22, 2000, over the objection of the religious organization based on the substantial burden such designation would impose on its religious exercise shall be rescinded and shall be exempt from the subsequent provisions of this Ordinance provided that said religious organization submits a substantial religious burden statement to the City Clerk within ninety (90) days after the effective date of this subsection.**

(1) *Nomination.*

a. Nomination of an area, property, site, structure, or object for consideration and designation as a Historic Structure, Historic District, Historic Site, or Historic Object shall be submitted to the Historic Review Commission on a form prepared by the Commission, and may be submitted by any of the following:

1. The Mayor of the City of Pittsburgh.
2. A member of the Historic Review Commission.
3. A member of the City Planning Commission.

4. A member of the Pittsburgh City Council.
5. In the case of a nomination as a Historic Structure, Site, or Object, by the owner of record, or any person presently residing in the City of Pittsburgh whom has established residency in the City of Pittsburgh for at least one (1) year prior to nomination.
6. In the case of a nomination as a Historic District, by community-based organizations or by any individual, but in either event the nomination shall be accompanied by a petition signed by the owners of record of twenty-five (25) percent of the properties within the boundaries of the proposed District, or by any of the persons named in paragraphs A through D of this subsection.
- [7. Nomination of a religious structure shall only be made by the owner(s) of record of the religious structure.]**

Section 2. All subsequent language contained in this Section remains unchanged.