

CHAPTER 1101 - Historic Landmarks and Historic Districts

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CHAPTER 1101

Historic Landmarks and Historic Districts

§ 1101.01. General Provisions

- A. General Intent. This Chapter establishes a program to identify, preserve, and protect the historic buildings, historic structures, historic sites, and historic districts that represent Pittsburgh's historical, cultural, architectural, and archaeological heritage.
- B. Core Objectives. This policy is designed to achieve the following:
 - 1. Design Excellence. Ensure that alterations and new construction are compatible with the existing architectural character and maintain a high standard of design for Pittsburgh's historic neighborhoods.
 - 2. Inclusive Heritage. Honor the diverse communities, social movements, and lived experiences of all residents to ensure the City's preservation efforts reflect a complete and inclusive social history.
 - 3. Economic Vitality. Support the continued use of historic properties to strengthen the local economy, promote neighborhood-scale investment, and maintain long-term community stability.
 - 4. Environmental Sustainability. Promote the conservation of the built environment through the reuse and maintenance of existing resources.
 - 5. Civic Education. Foster a sense of place and encourage public education regarding the City's architectural evolution and diverse historical past.
 - 6. Equitable Impact. Ensure that the cultural and economic benefits of historic designation and investment are shared fairly among all Pittsburgh residents.
- C. Existing Designations. All historic landmarks and historic districts designated by City Council under previous laws are considered designated under this Chapter.

§ 1101.02. Definitions.

- A. CITY COUNCIL — The City Council of the City of Pittsburgh.
- B. CONTRIBUTING RESOURCE — A building, structure, site, or object that adds to the historical, architectural, archeological, or cultural significance of a historic district.
- C. DEMOLITION — Any act or process that destroys, removes, or razes, in whole or in part, a building, structure, or object, or that results in the loss of its structural integrity or historic character.
- A. EXTERIOR ALTERATION — Any change to the external appearance of a historic landmark or resource in historic district that is visible from a public right-of-way and that affects its historic, architectural, or visual character.
- B. HISTORIC BUILDING — Any building which individually meets one or more of the criteria for designation as listed in § 1101.06 and that is created principally to shelter or support human occupancy or activity.
- C. HISTORIC DISTRICT — A defined geographic area which includes more than one contiguous or related parcels of property, which meets one or more of the criteria for designation as listed in § 1101.06.

- D. **HISTORIC LANDMARK** — A historic building, historic structure, historic site, historic object, or public interior landmark that has been designated by City Council by ordinance which meets one or more of the criteria for designation as listed in § 1101.06.
- E. **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 or more of the criteria for designation as listed in § 1101.06.
- F. **HISTORIC SITE** — The location of a significant event, activity, or a building or structure whether standing, ruined or vanished, where the location itself maintains historical or archaeological value and meets one or more of the criteria for designation as listed in § 1101.06.
- G. **HISTORIC STRUCTURE** — Any structure which individually meets one or more of the criteria for designation as listed in § 1101.06 and that is constructed for purposes other than human occupancy.
- H. **INTERIOR ALTERATION** — Any physical change to the designated public interior landmark that modifies, removes, or obscures the architectural, artistic, or historical features specified in the designation, including but not limited to changes in materials, finishes, spatial volume, or permanent fixtures.
- I. **NON-CONTRIBUTING RESOURCE** — A building, structure, site, or object that does not add to the historical, architectural, archeological, or cultural significance of a historic district, either due to its age, design, or alterations.
- J. **MAJOR EXTERIOR ALTERATION** — Any exterior alteration that significantly alters a historic landmark or resource as defined in the Rules of Procedure.
- K. **MINOR EXTERIOR ALTERATION** — Any exterior alteration that does not significantly alter a historic landmark or contributing resource. Minor Alterations are defined in the Rules of Procedures and can be reviewed administratively.
- L. **PLANNING COMMISSION** — The City Planning Commission of the City of Pittsburgh.
- M. **PUBLIC INTERIOR LANDMARK** — The character-defining features of a portion of the interior of a publicly owned building or structure that is customarily open and accessible to the general public, including but not limited to lobbies, foyers and public gatherings spaces which are considered exceptional and meet one or more of the criteria for designation as listed in § 1101.06.

§ 1101.03. Landmarks Commission

A. Members and Organization

1. **Regular Members.** The Landmarks Commission consists of seven members, each of whom resides in the City of Pittsburgh. The positions are filled by appointment by the Mayor and approved by City Council. The positions are filled by one professional preservationist or architectural historian, two design professionals, one development professional, one landscape architect and two community representatives.
2. **Ex-officio Members.** The Directors of the Department City Planning and the Department of Permits, Licenses, and Inspections serve as ex-officio members of the Commission and are not voting members or counted for purposes of quorum.

3. Terms. After initial staggered terms of two members for one year, two members for two years, and three members for three years, each Landmarks Commission member serves a three-year term of office.
 4. Term Limits.
 - a. Landmarks Commission members may serve a maximum of three three-year terms.
 - b. If a commission member is appointed to serve the unexpired portion of a vacant term, the unexpired term does not count towards the maximum number of terms they may serve.
 5. Removal of Members.
 - a. Any appointed member of the Landmarks Commission may be removed from office by the Mayor only for just cause and with the approval of City Council. The Mayor must submit cause in writing to the Commission and to Council.
 - b. An appointment to fill a vacancy is only for the unexpired portion of the term.
 - c. A Commissioner who fails to attend three consecutive regular meetings without just cause or notice may be subject to removal from the Commission.
 6. Officers. The Landmarks Commission appoints a Chairperson, Vice Chairperson, and any other offices during the first meeting of each year.
- B. Meetings.
1. Quorum. An official meeting of the Landmarks Commission cannot be called to order without a quorum of four Commission members.
 2. Voting. All members of the Commission are entitled to vote and the decision of the Commission is determined by a majority vote of the Commission members present at the meeting.
 3. Commissioner Responsibilities.
 - a. Proposals for Designation. Investigate and report on the appropriateness of buildings, structures, sites, objects, and districts being considered by City Council for historic landmarking and to make recommendations to Council about approval or disapproval of such designations.
 - b. Rules of Procedure. Adopt changes to the Rules of Procedure.
 - c. Permit Review. Review permits involving new construction, demolitions, exterior alteration of historic landmarks or resources in historic districts and alterations to public interior landmarks and make determinations concerning the appropriateness of the work proposed.
 - d. Standards and Guidelines. Advise on and adopt appropriate standards and guidelines for each historic district.
 - e. Training. Participate in ongoing training to increase skillsets and learn about important preservation activities and tools.

§ 1101.04. Designation of Historic Landmarks and Historic Districts.

- A. Authority to File Applications. City Council may designate historic landmarks or historic districts with an application from one of the following:

1. Owner. The owner of record.
 2. City Officials.
 - a. A member of City Council or the Mayor.
 - b. An official who files an application may still participate in the review and vote on the recommendation or designation.
 3. Residents. A person presently residing in the City of Pittsburgh who has established residency in the City of Pittsburgh for at least one year prior to application for designation.
- B. Application.
1. Submissions. The application for designation for a historic landmark or historic district is submitted to the Landmarks Commission in a form established by the Landmarks Commission along with a nonrefundable fee that has been established to defray the cost of processing development applications.
 2. Completeness Review. No application is processed until City Planning Staff determines that the application is complete and the required fee has been paid.
 3. Requirements.
 - a. Requirements for a complete application can be found in the Rules of Procedure.
 - b. If an application is incomplete as submitted, the decision must describe the requirements which have not been met.
 4. Timeline. An application must be determined to be complete or incomplete within 5 days of submission.
- C. Designation of a Historic District.
1. Owner Petition. Prior to submission of an application for designation of a historic district, a petition signed by the owners of record of at least 25% of the properties within the boundaries of the proposed historic district must be submitted in a form established by the Landmarks Commission.
 2. Public Meeting. Prior to submission of an application for designation of a historic district, the Landmarks Commission must conduct at least one public meeting, that must include at least one member of the Department of City Planning and one Landmarks Commission member, to discuss the possible effects of designation.
- D. Designation of a Public Interior Landmark
1. Eligibility. Only publicly accessible spaces in publicly owned buildings may be designated as public interior landmarks.
 2. Independent Designation.
 - a. A public interior portion of a building may be designated regardless of whether the exterior of the building has been designated.
 - b. The designation of a building's exterior or as part of a historic district does not automatically protect the interior of a building.
 3. Specificity of Protection. For an interior space to be protected under this ordinance, it must be specifically identified and described in the final designating legislation. For an interior space to be protected under this ordinance, it must be specifically identified and described in the final designating legislation.
- E. Notification. The Landmarks Commission must give notice to property owners at least 7 days before the first public hearing by mailing notice to the property owner of record that is identified by the Recorders' Office of Allegheny County.

F. Effects of Application for Designation.

1. Demolition Moratorium. From the date of receipt of a complete application for designation for a proposed historic landmark, proposed public interior landmark, or proposed historic district, no demolition permit can be issued without a Certificate of Appropriateness from the Landmarks Commission.
2. New Construction and Exterior Alteration. Two days after receipt of a complete application for designation, no new permit for new construction or exterior alterations can be issued for a proposed historic landmark or a resource located within a proposed historic district, without a certificate of appropriateness from the Landmarks Commission.
3. Interior Alterations. Two days after receipt of a complete application for designation, a new permit for interior alterations cannot be issued for a proposed public interior landmark, without a Certificate of Appropriateness from the Landmarks Commission.

G. Landmarks Commission Review.

1. Scheduling. Once the application for designation is determined complete by City Planning Staff, the Director of City Planning must schedule a public hearing to be held at the next available meeting of the Landmarks Commission.
2. Determination of Reasonable Cause. The Landmarks Commission must determine if the historic landmark or historic district meets the definitions in § 1101.02 of this Chapter and therefore has reasonable cause for designation.
 - a. Finding of Cause. If reasonable cause is determined, the restriction against new construction, demolitions or exterior alteration continues, in accordance with § 1101.04(F).
 - b. Lack of Cause.
 - i. If the Landmarks Commission finds that there is not reasonable cause for designation, the application proceeds to City Council for review without recommendations from the Landmarks Commission and the Planning Commission.
 - ii. If there is no reasonable cause, the restriction against new construction, or exterior alteration is no longer in effect
 - iii. If there is no reasonable cause, no demolition permit can be issued until City Council has voted on the proposal for designation.
3. Recommendation to Council.
 - a. Action.
 - i. The Landmarks Commission must vote on making a recommendation to City Council.
 - ii. If the Commission does not reach a decision, it will be recorded as 'no recommendation.' This is a neutral result and does not count as a vote for or against designation.
 - b. Timeline.
 - i. The Landmarks Commission must transmit their recommendation to City Council within 60 days of the date of the receipt of a complete application for designation.

- ii. If recommendations are not submitted to Council by the deadline, Council will consider the proposal without them.

H. Planning Commission Review.

1. Review Criteria.
 - a. Historic districts require Planning Commission review.
 - b. Historic landmarks do not require Planning Commission review.
2. Scheduling. Once the application for designation is determined complete by City Planning Staff, the Director of City Planning must schedule a public hearing at the next available meeting of the Planning Commission.
3. Criteria. The Planning Commission must make a recommendation to City Council based on adopted plans or other City development policies.
4. Recommendation to Council.
 - a. Action.
 - i. The Planning Commission must vote on making a recommendation to City Council.
 - ii. If the Commission does not reach a decision, it will be recorded as 'no recommendation.' This is a neutral result and does not count as a vote for or against designation.
 - b. Timeline.
 - i. The Planning Commission must transmit their recommendation to City Council within 60 days of the date of the receipt of a complete application for designation.
 - ii. In the event that said recommendations are not transmitted to Council by that time, Council proceeds to consider the proposal for designation without said recommendations.

I. City Council Review.

1. Process. City Council must vote within 120 days of receipt of the recommendations from the Landmarks Commission and the Planning Commission. Prior to acting to approve or deny, a public hearing on the proposed designation must be held.
2. Negative Commission Recommendation. If one or more of the Commissions provide a negative recommendation, approval of the proposed historic landmark by Council requires the affirmative vote of six members.
3. Deemed Approval. When Council fails to act within the period required and all the Commissions provided positive recommendations, the Council's lack of decision is considered a deemed approval.
4. Deemed Denial. If City Council fails to act within the period required, the application is deemed denied if any of the following occurred during the review process:
 - a. One or more of the Commissions provided a negative recommendation; or
 - b. One or more of the Commissions failed to provide any recommendation.
5. Resubmission

- a. Denied Designations. If the proposed designation is denied, then the resource may not be reconsidered for designation until three years after the Council decision was made.
 - b. Amendments or Revocation. A proposed amendment or revocation of a previous designation must not be considered until one year after its designation.
- J. Withdrawal of Application for Designation
1. Submission. An applicant may withdraw an application for designation by providing a written withdrawal request to the Landmarks Commission before their vote on recommendation of the designation.
 2. Transfer of Applicant. In the event that the applicant withdraws an application for designation, any qualified individual, as provided for in § 1101.04(A), may intervene as the applicant of record by filing a written notice with the Landmarks Commission before the vote on recommendation of the designation.

§ 1101.05. Revoking a Landmark

- A. General. City Council of the City of Pittsburgh may revoke historic landmarks or historic districts upon request or upon its own initiative.
- B. Authority to File Applications. City Council may revoke historic landmarks or historic districts with an application from one of the following:
1. Owner. The owner of record.
 2. City Officials. A member of City Council or the Mayor.
 3. Residents. For individual landmarks only, a person presently residing in the City of Pittsburgh who has established residency in the City of Pittsburgh for at least one year prior to application for revocation.
- C. Application.
1. Submissions. The application for revocation of a historic landmark or historic district is submitted to the Landmarks Commission in a form established by the Landmarks Commission along with a nonrefundable fee that has been established to defray the cost of processing development applications.
 2. Completeness Review. No application is processed until City Planning Staff determines that the application is complete and the required fee has been paid.
 3. Requirements.
 - a. Requirements for a complete application can be found in the Rules of Procedure.
 - b. If an application is incomplete as submitted, the decision must describe the requirements which have not been met.
 4. Timeline. An application must be determined to be complete or incomplete within 5 days of submission.
 5. Individual Landmarks in Historic Districts. If resources within a Historic District apply to be individual landmarks, those applications may proceed directly to City Council without recommendations from Landmarks Commission or Planning Commission.
- D. Landmarks Commission Review.

1. Scheduling. Once the application for revocation is determined complete by City Planning Staff, the Director of City Planning must schedule a public hearing to be held at the next available meeting of the Landmarks Commission.
2. Determination of Reasonable Cause. The Landmarks Commission must determine if the application meets the grounds for revocation in § 1101.05(J) and therefore has reasonable cause for revocation.
 - a. Finding of Cause. If reasonable cause is determined, the application proceeds to the recommendation phase. Previously conferred protections and restrictions regarding new construction, demolition, or exterior alteration remain in effect during the review process.
 - b. Lack of Cause. If the Landmarks Commission finds that there is not reasonable cause for revocation, the application proceeds to City Council for review without recommendations from the Landmarks Commission and the Planning Commission.
3. Recommendation to Council.
 - a. Action.
 - i. The Landmarks Commission must vote on making a recommendation to City Council.
 - ii. If the Commission does not reach a decision, it will be recorded as 'no recommendation.' This is a neutral result and does not count as a vote for or against revocation.
 - b. Timeline.
 - i. The Landmarks Commission must transmit their recommendation to City Council within 60 days of the date of the receipt of a complete application for revocation.
 - ii. If recommendations are not submitted to Council by the deadline, Council will consider the proposal without them.

E. Planning Commission Review.

1. Review Criteria.
 - a. Revocation of historic districts requires Planning Commission review.
 - b. Revocation of historic landmarks does not require Planning Commission review.
2. Scheduling. Once the application for revocation is determined complete by City Planning Staff, the Director of City Planning must schedule a public hearing at the next available meeting of the Planning Commission.
3. Criteria. The Planning Commission must make a recommendation to City Council based on adopted plans or other City development policies.
4. Recommendation to Council.
 - a. Action.
 - i. The Planning Commission must vote on making a recommendation to City Council.
 - ii. If the Commission does not reach a decision, it will be recorded as 'no recommendation.' This is a neutral result and does not count as a vote for or against revocation.
 - b. Timeline.

- i. The Planning Commission must transmit their recommendation to City Council within 60 days of the date of the receipt of a complete application for revocation.
- ii. In the event that said recommendations are not transmitted to Council by that time, Council proceeds to consider the proposal for revocation without said recommendations.

F. City Council Review.

1. Process. City Council must vote within 120 days of receipt of the recommendations from the Landmarks Commission and the Planning Commission. Prior to acting to approve or deny, a public hearing on the proposed revocation must be held.
2. Negative Commission Recommendation. If one or more of the Commissions provide a negative recommendation, approval of the proposed revocation by Council requires the affirmative vote of six members.
3. Deemed Approval. When Council fails to act within the period required and all the Commissions provided positive recommendations, the Council's lack of decision is considered a deemed approval.
4. Deemed Denial. If City Council fails to act within the period required, the application is deemed denied if any of the following occurred during the review process:
 - a. One or more of the Commissions provided a negative recommendation; or
 - b. One or more of the Commissions failed to provide any recommendation.
5. Resubmission.
 - a. Denied Revocations. If the proposed revocation is denied, then the resource may not be reconsidered for revocation until three years after the Council decision was made.

G. Withdrawal of Application for Revocation.

1. Submission. An applicant may withdraw an application for revocation by providing a written withdrawal request to the Landmarks Commission before their vote on recommendation of the revocation.
2. Transfer of Applicant. In the event that the applicant withdraws an application for revocation, any qualified individual, as provided for in § 1101.05(B), may intervene as the applicant of record by filing a written notice with the Landmarks Commission before the vote on recommendation of the revocation.

H. Voting Requirement. Because revocation removes previously conferred protections, approval of revocation requires a two-thirds vote of the members of City Council.

I. Effects of Revocation. The resource will no longer be subject to review under this Chapter. Revocation does not affect obligations or violations incurred prior to the effective date of revocation.

J. Grounds for Revocation.

1. Loss of Integrity: The landmark or district has undergone such substantial alteration, demolition, or deterioration that it no longer retains sufficient historic integrity to convey its significance.
2. Error in Original Designation: The original designation was based upon factual error.
3. Loss of Significance: Subsequent information demonstrates that the landmark or district does not meet the designation criteria established in this Chapter.
4. Economic Hardship: Economic hardship alone does not constitute grounds for revocation.

§ 1101.06. Criteria for Designation.

A. Criteria. A historic landmark or a historic district must meet one or more of the following criteria to be eligible for designation:

1. Historic Events. It is directly associated with an event that has made a significant contribution to the broad patterns of history in the City, Commonwealth, or Nation.
2. Significant Persons. It is directly associated with the life of a person or persons whose primary contributions were significant to the development of the City, Commonwealth, or Nation.
3. Architectural Style. It embodies the distinctive physical characteristics of a specific architectural style, building type, period, or method of construction.
4. Notable Work. It exemplifies the work of a recognized architect, landscape architect, designer, engineer, artist, craftsman, or builder, or it represents an important planning or urban design technique distinguished by innovation, rarity, or exceptional quality of detail.
5. Archeological Potential. It has yielded, or is likely to yield, specific archaeological, physical, or cultural data important to the understanding of the region's prehistory or history.
6. Cultural Significance. It is directly associated with important cultural or social aspects or events in the history of the City, Commonwealth, or Nation.
7. Neighborhood Development. It exemplifies a pattern of neighborhood development or settlement significant to the cultural history or traditions of the City, Commonwealth, or Nation.
8. Thematic Unity. It represents a unified historical, cultural, or architectural theme expressed through resources that may or may not be contiguous.
9. Visual Landmark. It occupies a unique location or possesses a singular physical characteristic, representing an established and familiar visual feature of the neighborhood, community, or City.
10. Public Interior. It is a publicly owned interior space, or a defined portion thereof, that possesses exceptional historical, cultural, or architectural significance, and is customarily open to or invites the general public.

B. Integrity. To be eligible for designation, a proposed historic landmark or historic district must meet at least one of the criteria listed above and retain sufficient historic integrity. A resource retains integrity if it possesses sufficient original location, design, materials, and workmanship to effectively convey its historical, cultural, or architectural significance.

§ 1101.07. Certificate of Appropriateness.

A. Review Criteria.

1. If new construction, demolition or exterior alterations on a historic landmark or resource in a historic district is visible from a public right-of-way, a Certificate of Appropriateness must be obtained before undertaking that work.
2. If new construction, demolition, or interior alterations on a public interior landmark impact the character-defining features, a Certificate of Appropriateness must be obtained before undertaking that work.
3. A Certificate of Appropriateness is required regardless of whether building or zoning permits are required.

- B. Department Notification. When an application for a permit involving new construction, demolitions, exterior alteration of historic landmarks or resources in historic districts or involving alterations to a public interior landmark is received by any department, said department must notify the Landmarks Commission for approval prior to issuing a permit.
- C. Application.
1. Submissions. The application for a Certificate of Appropriateness is submitted to the Landmarks Commission in a form established by the Landmarks Commission along with a nonrefundable fee that has been established to defray the cost of processing development applications.
 2. Completeness Review. No application is processed until City Planning Staff determines that the application is complete and the required fee has been paid.
 3. Requirements. Requirements for a complete application can be found in the Rules of Procedure. If an application is incomplete as submitted, the decision must describe the requirements which have not been met.
 4. Reviewers and Decision Makers.
 - a. Over The Counter Review. An application for minor exterior alterations, as defined in the Rules of Procedure, is reviewed and acted on by City Planning Staff.
 - b. Landmarks Commission Review. Unless specified in the Rules of Procedure, an application for all other work is reviewed and approved by the Landmarks Commission.
- D. Denial. In the event of its denial, the Landmarks Commission must indicate what changes in the plans and specifications would meet its conditions for protecting the distinctive character of the historic landmark or resource in a historic district.
- E. Deemed Approval. If the Landmarks Commission does not make a decision within 60 days of its first meeting regarding the application, the application is automatically approved.

§ 1101.08. Criteria for Evaluation.

- A. Design Guidelines
1. Until such time that the Landmarks Commission adopts separate and distinct guidelines, the standards as established by the Secretary of the Interior Standards and Guidelines for Preservation, Rehabilitation, Restoration and Reconstruction prevail
 2. The Landmarks Commission must adopt design guidelines that convey how new construction or exterior alterations may be designed so that they are compatible with the historic and architectural nature of the historic landmark or historic district.
 3. Review Criteria. The guidelines are adopted by the Landmarks Commission for the evaluation and approval or denial of Certificate of Appropriateness applications.
- B. New construction or exterior alteration.
1. Effect on Qualities. In considering whether to issue a certification of appropriateness for the construction of a new building or of exterior alterations, the Landmarks Commission considers the effect of the proposed project on the qualities of the historic resource that made it eligible for designation within this article.

2. Visual Compatibility. The Landmarks Commission considers the exterior architectural features which can be seen from a public right-of-way, and may consider the general design, arrangement, texture, and material, of the proposed building, along with the relationship to similar features of buildings and structures in the historic district. The Commission considers the project's effects on the historic integrity of the resource as defined in **§ 1101.06(B)**.

C. Demolition.

1. A Certificate of Appropriateness for the demolition of a historic resource may be issued when one or more of the following conditions have been met.
 - a. Economic Hardship. Denial of the Certificate of Appropriateness and retention of the resource would result in economic hardship as defined in Section **§ 1101.10**.
 - b. Safety Threat. The resource poses an imminent threat to the health, safety, or welfare of its occupants, adjacent properties, or the public. A certified structural engineering report must be submitted by the applicant and reviewed and approved by the Landmarks Commission.
 - c. Loss of Integrity. The resource has lost the historic integrity that warranted its designation.
 - d. Special Merit. A plan or proposed building having significant benefits to the City by virtue of exemplary architecture, specific features of land planning, adopted plans, or social or other benefits having a high priority for community services. When reviewing a project of special merit, the Director of City Planning may specify any documents or assurances the applicant must submit in order to demonstrate the ability to complete the project, as required for demolition and building permit issuance.

§ 1101.09. Exceptions to the Effects of Designation.

- A. Health and Safety Orders. The limitations upon the issuance of demolition or building permits in any historic landmark or resource in a historic district, do not apply when the work involved in the permit has been ordered by the Department of Permits, Licenses and Inspections or the Allegheny County Health Department for the preservation of the public health or safety.
- B. Decision Delay.
 1. If the Allegheny County Health Department or the Department of Permits, Licenses and Inspections has ordered work on or the demolition of a historic landmark or resource in a historic district, the Landmarks Commission must be notified concurrently with the property owner of the proposed work or demolition.
 2. If the Landmarks Commission disagrees, the Commission has the right to delay the order by 30 days to allow for exploration of alternatives by submitting a delay request. Alternatives must be presented at the next Commission meeting.
 3. The delay may be extended for two additional 30-day periods.

§ 1101.10. Certificate of Economic Hardship.

- A. If, following the denial of a Certificate of Appropriateness by the Landmarks Commission, the applicant believes they will suffer economic hardship they may, within thirty (30) days of the denial, file a Notice of Intent to apply for a Certificate of Economic Hardship. Following

the filing of this Notice, the applicant shall have an additional sixty (60) days to submit a complete application containing the required documentation.

B. Application.

1. Submissions. The application for a Certificate of Economic Hardship is submitted to the Landmarks Commission in a form established by the Landmarks Commission along with a nonrefundable fee that has been established to defray the cost of processing development applications.
2. Completeness Review. No application is processed until City Planning Staff determines that the application is complete and the required fee has been paid.
3. Requirements.
 - a. For Demolition. The affidavit submitted to the Landmarks Commission must include the following:
 - i. Property Data. Acquisition date, purchase price and the current market value.
 - ii. Mortgage History. Mortgage history of the resource, including current mortgage.
 - iii. Equity. Equity in the resource.
 - iv. Ownership and Investment. Documentation of the purchase price, date of acquisition, and any capital improvements made to the property by the current owner.
 - v. Market Value. Professional appraisals evaluating the property's value in its current condition compared to its value if the proposed work were approved.
 - vi. Property Performance. For income-producing properties, a summary of the property's financial performance, including gross income and operating expenses for the previous two years.
 - vii. Feasibility of Alternatives. Evidence of "good faith" efforts to sell or lease the property at a fair market price, or studies demonstrating that alternative uses of the resource are not technically or economically viable.
 - viii. Condition and Cost. A structural engineer's report on the physical condition of the resource and at least two competitive bids for the cost of the required historic rehabilitation.
 - ix. Additional Information. The Landmarks Commission may require that an applicant provide additional relevant information and may receive and consider studies and economic analyses from other sources relevant to the resource in question.
 - b. For Alterations and Replacements. The affidavit submitted to the Landmarks Commission must include the following:
 - i. Property Data. Acquisition date, purchase price and the current market value.
 - ii. Cost Estimates. At least two competitive, itemized bids from qualified contractors for the cost of the required historic repair or rehabilitation versus the cost of the proposed alteration or replacement.

- iii. Property Performance. For income-producing properties, a summary of the property's financial performance, including gross income and operating expenses for the past year.
 - iv. Additional Information. The Landmarks Commission may require that an applicant provide additional information as required in § **1101.10(B)(3)(a)**.
- C. Timeline. An application must be determined to be complete or incomplete within 5 days of submission.
- D. Scheduling. Once the application for a Certificate of Economic Hardship is determined complete by City Planning Staff, the Director of City Planning must schedule a public hearing to be held at the next available meeting of the Landmarks Commission.
- E. Review Criteria.
 - 1. The Landmarks Commission must consider the claim of economic hardship at a regular or special meeting, and determines, based on the evidence provided by the applicant and relevant testimony, whether denial of the Certificate of Appropriateness has resulted in economic hardship as defined in this chapter.
 - 2. City Planning Staff may also consider whether there are financial or tax incentives available for the resource that would alleviate the hardship.
 - 3. Standard of Financial Review. The Landmarks Commission will adopt and maintain specific financial evaluation criteria, including standardized thresholds for determining a reasonable rate of return and evaluating mortgage debt, within its official Rules of Procedures. All financial documentation submitted pursuant to § **1101.10(B)(3)** shall be evaluated in strict accordance with these adopted rules to ensure objective and consistent determinations of economic hardship.
- F. Issuance of Certificate. The Landmarks Commission will determine whether an economic hardship exists. If a hardship is proven, the Commission will issue a Certificate of Economic Hardship, which will serve as the authorization for the applicant to apply for a Certificate of Appropriateness for the proposed work.
- G. Decision Delay. The Landmarks Commission may delay its final decision on a Certificate of Economic Hardship for demolition for up to thirty (30) days.
 - a. Purpose of the Delay: This time is provided to allow the city and the applicant to explore alternatives to demolition, such as finding a preservation-minded buyer or securing financial incentives. If demolition cannot be avoided, this delay also provides time to formally document the historic resource (through photographs, measurements, and historical records) or salvage architectural features before the structure is demolished.

§ 1101.11. Enforcement and Penalties.

- A. Any person who violates the terms of this article is subject to the penalties provided in **Title 10 Chapter 1001 § 1001.10**.
- B. Violations and Fines. Anyone who breaks the rules of this Title can be taken to court and, if convicted, must pay the following:
 - 1. Fines. A fine of up to \$1,000.00 plus court costs for each violation.
 - 2. Daily Fines. Every day the violation continues counts as a new and separate offense.

3. Non-Payment. If the fine and costs are not paid, the person responsible may be jailed for up to 90 days for each offense.
 4. Business Liability. If a business or organization breaks the rules, the individual partners, members, or officers can be held responsible for these penalties.
- C. Legal Remedies. Paying a fine does not mean the violation is allowed to stay. In addition to fines, the City has the authority to go to court to:
1. Stop Unauthorized Work. Halt any illegal building, repairs, or changes as they are happening.
 2. Require Fixes. Force the owner to correct or remove any illegal work.
 3. Block Use. Prevent anyone from living in or using a building or land that is in violation of these rules.

§ 1101.12. Amendments.

- A. Process for Amendment. City Council can only change this ordinance after the proposal goes through the following steps:
1. Landmarks Commission Review: The Landmarks Commission will review the proposed change at a public meeting and recommend that City Council either approve or deny it.
 2. Planning Commission Review: If the change affects zoning, land use, or the city's overall plan, the Planning Commission must also review it and send their recommendation to City Council.
 3. Public Hearing: Once City Council receives the recommendations, they will hold a public hearing to get feedback from the community.
 4. City Council Vote: After listening to the public, City Council will vote to approve, change, or reject the amendment.

§ 1101.13. Appeals

- A. Any party aggrieved by a decision of the Landmarks Commission, may, within 30 days, appeal the decision to the Court of Common Pleas of Allegheny County.