

## **CHAPTER 4**

### **BUILDINGS**

#### **Part 1**

##### **Numbering of Buildings**

- §101. Buildings to be Numbered**
- §102. Numbering System**
- §103. Assignment of Numbers**
- §104. Penalty for Violation**

#### **Part 2**

##### **Historic Districts**

- §200. Authority**
- §201. Title**
- §202. Purpose**
- §203. Boundaries of Certified Local Government Historic Districts**
- §204. Interpretation of Boundaries**
- §205. Creation and Membership of Historic Architectural Review Board**
- §206. Functions of HARB**
- §207. Application Review Procedure**
- §208. Design Guidelines**
- §209. Demolition**
- §210. Routine Repairs**
- §211. Enforcement**
- §212. Enforcement Penalties**
- §213. Effective Date/Certification by Pennsylvania Historical and Museum Commission**
- §214. Definitions**
- §215. Inconsistency Between Part and Appendix**
  - Exhibit A**
  - Historic District Appendix**

#### **Part 3**

##### **Fire Loss Claims**

- §301. Legislative Intent**
- §302. Applicable Fire Loss Claims**
- §303. Amount of Proceeds to be Escrowed**

BUILDINGS

**§304. Establishment of Accounts; Use of Funds**

**§305. Penalty for Violation**

## Part 1

### Numbering of Buildings

§101. Buildings to be Numbered. The owner of every building in the Borough shall be required to affix the proper number, as hereinafter provided, upon such building, and thereafter to maintain such number in complete and legible form. Provided, the word "building," as used in this Part, shall mean any structure used or intended to be used as a dwelling or place of business or industry, but shall not include any public building or any structure built as a place of worship, or any accessory building located upon a lot where there is also a main building. (Ord. 1/24/1868; as amended by Ord. 1002, 5/19/1964, §1)

§102. Numbering System. Buildings shall be numbered according to the system set out on the "Official Street Plan of the Borough." (Ord. 1/24/1868, §2; as amended by Ord. 1002, 5/19/1964, §2)

§103. Assignment of Numbers. The Borough Engineer shall be responsible for assigning the proper numbers to each building as herein provided. Provided, upon all streets not running in a generally east-west or north-south direction or in any way not conforming to the prevalent pattern of street arrangements in the Borough, numbers shall be assigned by the Engineer at approximate twenty-foot intervals, as closely as possible to the numbers used upon neighboring streets running in an approximately parallel direction, or if the latter is not practicable, in a manner that the Engineer considers will provide a most logical means of locating a property. Any property owner may obtain the correct number for any building located upon his property, without charge, upon application to the Engineer. (Ord. 1/24/1868; as amended by Ord. 1002, 5/19/1964, §3)

§104. Penalty for Violation. If any property owner shall neglect or refuse to place the proper number as required in this Part, each digit to be at least three (3) inches high, upon the front of such building or upon a permanent standard, base or support between the front of such building and the street, in either case so as to be visible from the street, and thereafter to maintain such number as required in this Part, he shall be guilty of a violation of this Part, and for each and every such violation, upon conviction thereof shall be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and costs of prosecution. In default of payment of said fine and costs, said person may be sentenced to a term of imprisonment not to exceed thirty (30) days. Provided, each thirty (30) day period that any violation of any of the provisions of this Part shall continue shall constitute a separate offense. (Ord. 1/24/1868; as amended by Ord. 1002, 5/19/1964, §4; and by Ord. 1735, 4/12/1993)



## Part 2

### Historic Districts

§200. Authority. Based on the authority contained in the Act of June 13, 1961, Public Law 282, No. 167, and 53 P.S. § 8001 et seq. as amended, the Borough of Pottstown hereby creates Certified Local Ordinance Historic Districts within the Borough of Pottstown. (Ord. 1974, 2/9/2004, §1)

§201. Title. This Part shall be known as the “Borough of Pottstown Historic Preservation Ordinance.” (Ord. 1974, 2/9/2004, §1)

§202. Purpose. Pottstown’s Certified Local Government Historic Districts are created for the following purposes:

- A. To protect those portions of the Borough of Pottstown which most strongly reflect the cultural, economic, social, political and architectural history of the Borough of Pottstown, the Commonwealth of Pennsylvania, and the United States.
- B. To awaken among Pottstown residents, property owners and other citizens an interest in Pottstown's historic past.
- C. To encourage the restoration and maintenance of Pottstown's historic buildings.
- D. To strengthen Pottstown's economy and real estate values by stabilizing and strengthening Pottstown's most historic buildings and neighborhoods.
- E. To encourage new buildings to be compatible with existing historic buildings.

(Ord. 1974, 2/9/2004, §1)

### §203. Boundaries of Certified Local Government Historic Districts.

An official map of Pottstown's Certified Local Government Historic Districts is on file in the office of the Pottstown Building Permit Officer. The legal description of the boundaries can be found in the Certified Local Government Historic Districts Appendix, §4-A203.

Properties with the following addresses are located within the Certified Local Government Historic Districts.

## BUILDINGS

### List of Properties Within Pottstown's Certified Local Government Historic District

Range of Ad- dresses	Street	Range of Ad- dresses	Street
See Exhibit "A" Attached	Apple Street	See Exhibit "A" Attached	S. Hanover Street
See Exhibit "A" Attached	Bailey Street	See Exhibit "A" Attached	High Street
See Exhibit "A" Attached	Beech Street	See Exhibit "A" Attached	King Street
See Exhibit "A" Attached	N. Charlotte Street	See Exhibit "A" Attached	S. Price Street
See Exhibit "A" Attached	S. Charlotte Street	See Exhibit "A" Attached	S. Roland Avenue
See Exhibit "A" Attached	Chestnut Street	See Exhibit "A" Attached	Walnut Street
See Exhibit "A" Attached	N. Evans Street	See Exhibit "A" Attached	N. Washington St.
See Exhibit "A" Attached	S. Evans Street	See Exhibit "A" Attached	S. Washington St.
See Exhibit "A" Attached	N. Franklin Street	See Exhibit "A" Attached	N. Warren Street
See Exhibit "A" Attached	S. Franklin Street	See Exhibit "A" Attached	N. York Street
See Exhibit "A" Attached	N. Hanover Street	See Exhibit "A" Attached	

(Ord. 1974, 2/9/2004, §1)

§204. Interpretation of Boundaries. Where uncertainty and/or discrepancy exists as to the boundaries of the Districts as shown on the Official Pottstown Historic Districts Map, or the written description in §A203, see §A204 for the rules of interpretation. (Ord. 1974, 2/9/2004, §1)

#### §205. Creation and Membership of Historic Architectural Review Board.

1. Membership. The Historic Architectural Review Board, hereafter referred to as "HARB," is hereby established and is composed of seven members appointed by the Borough Council. The membership of HARB shall be as follows:

- A. One member shall be a registered architect.
  - B. One member shall be a licensed real estate broker.
  - C. One member shall be a Building Inspector.
  - D. Two members shall be persons who are either residents of or owners of property within the originally created Old Pottstown Historic District with knowledge of or interest in the preservation of historic buildings and districts.
  - E. Two members shall be persons who are either residents of or owners of property within the High Street Historic District with knowledge of or interest in the preservation of historic buildings and districts.
2. Waivers. Borough Council shall have the authorization to grant a waiver in appropriate circumstances to the residency requirement.
  3. Alternates. The Borough Manager or Assistant Borough Manager may serve as an alternate member of HARB, if necessary, for the purpose of being present to facilitate the quorum requirement.
  4. Terms. The initial term of the first members shall be fixed so that no more than one member shall be replaced or reappointed during any one calendar year. Their successors shall serve for a term of five years.
  5. Change of Status. The position of any member of HARB appointed in his capacity as a registered architect, licensed real estate broker or building inspector who ceases to be so engaged shall automatically be considered vacant. In the case of a resident of the District who ceases to be either a resident of and/or owner or property in the Historic District shall be automatically considered vacant, unless Council grants a waiver. Any appointment by Borough Council to fill a vacancy shall be only for the unexpired portion of the term.
  6. Organization of HARB. HARB shall establish its own by-laws, establish officers and elect officers from its own membership. HARB may make and alter rules and regulations for its own organization and procedure provided they are consistent with the laws of the Commonwealth, and all provisions of this Part.
  7. Quorum. For the conduct of any meeting, the taking of any action of quorum shall be not less than a majority of the Board as a whole. Any action taken at any meeting shall require the affirmative vote of a majority of the HARB as a whole.
  8. Conflict of Interest and Recordkeeping. No member of HARB shall be permitted to take part in the discussion or vote of the issuance of any Certificate of Appropriateness for any property in which said member has any interest, direct or indirect. The HARB shall keep full public records of its business.

## BUILDINGS

9. Removal of Members. Any HARB member may be removed for malfeasance or misfeasance or nonfeasance (nonattendance at three consecutive meetings) in office or for any other just cause by a majority vote of Borough Council taken after the member has received fifteen days' advance notice of the intent to take such vote.
10. Expenditures for Service. Borough Council may appropriate funds for legal, secretarial, clerical, consultant and other technical assistance required to achieve the aims of this Part. HARB members shall serve without compensation, except that Borough Council may reimburse HARB members for expenses incurred in the performance of their duties.

(Ord. 1974, 2/9/2004, §1)

### §206. Functions of HARB. HARB shall:

1. Give recommendations to the Borough Council regarding the advisability of issuing any Certificate of Appropriateness in accordance with the Act of June 13, 1961, as amended, and this Part.
2. Formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about Pottstown's historic neighborhoods and buildings.
3. Cooperate with and advise Borough Council, the Borough Planning Commission and other Borough agencies in matters involving historically and/or architecturally significant sites and buildings such as historical markers, appropriate land usage, parking facilities and signs, as well as adherence to lot dimensions or regulations and minimum structural standards.
4. Meet publicly at least once a month at regularly scheduled intervals. Further, HARB may hold any additional meetings considered necessary to carry out its powers and duties. Such meetings shall be open to the public.

(Ord. 1974, 2/9/2004, §1)

### §207. Application Review Procedure.

1. Permit Required.
  - A. Except for interior alterations, no persons shall erect, construct, reconstruct, alter, restore, demolish, raze or change in appearance, in any manner, any building or structure, in whole or in part, which is visible from a public street or way, within any Certified Local Government Historic District, without first obtaining permits which have been issued on the strength of a Certificate of Appropriateness issued by Borough Council.

- B. The Certificate shall not be limited to work requiring a building permit according to the presently enacted Building Code of the Borough of Pottstown, but shall include all work affecting general design, arrangement, texture and material which can be seen from a public street or way, including utility installations or other public improvements. This includes, but is not limited to, the following: sandblasting, chemical cleaning, stucco or other applied textures, replacement or major repair of windows, cornices, trim or other nonstructural elements, signs and other work affecting the visual appearance of the structure as defined in this Part.
2. Application Procedure. Upon receipt of an application for a building permit for work to be done in the District, the Building Permit Officer shall act in accordance with the procedures then being followed in that office, except those procedures that are necessarily modified by the following requirements:
- A. He shall forward copies of the application for any building permit, together with copies of any plot plan and building plans and specifications filed by the applicant, to HARB.
  - B. He shall not issue a permit for any construction, alteration, reconstruction, repair, restoration or demolition of all or a part of any structure in the District until Borough Council has issued a Certificate of Appropriateness.
  - C. He shall require applicants to submit a sufficient number of additional copies of materials required to be attached to an application for a building permit so that the information needed to make a determination of appropriateness shall be available to all HARB members.
  - D. In the case of routine repairs that are minor and clearly meet the design guidelines in §208 of this Part, the Building Permit Officer may issue a Certificate of Appropriateness in conformance with the provisions of §210 of this Part.
  - E. He shall maintain, in his office, a record of all applications and their final disposition.
3. HARB Review of Applications. Upon receipt of any building permit application under the jurisdiction of this Part, HARB shall consider the application at its next regularly scheduled meeting or special meeting. Applications submitted within 8 days of the scheduled meeting may be considered at the next meeting thereafter at the discretion of HARB.
4. Notification of Applicant of HARB Meeting. The person(s) applying for a permit shall be advised of the time and place of the HARB meeting to consider his application and shall be encouraged to attend. HARB may invite such other persons as it desires to attend its meeting.

## BUILDINGS

5. Design Guidelines. In determining the recommendations to be presented to Borough Council concerning the issuing of a Certificate of Appropriateness, HARB shall consider the design guidelines set forth in §208.
6. Time Frame for HARB Decision. HARB shall render a decision and recommendation on any application for a building permit under its review no later than one month after the hearing/meeting provided for in this section, and shall submit, in writing to the Borough Council, recommendations concerning the issuance of a Certificate of Appropriateness.
7. Application Disapproval by HARB. If the HARB decides to advise against the granting of a Certificate of Appropriateness, it shall indicate such to the applicant. The disapproval shall indicate the changes in plans and specifications, if any, which would protect the distinctive historic character of Pottstown's Certified Local Government Historic Districts.
8. Contents of Written Report. The written report to Borough Council concerning HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the following matters:
  - A. The exact location of the area in which the work is to be done.
  - B. The exterior changes to be made or the exterior elements of the structure to be erected.
  - C. A current list and/or photographs of the surrounding structures with their general exterior characteristics.
  - D. The effect of the proposed change upon the general historic and architectural nature of the District.
  - E. The appropriateness of exterior architectural features of the building which can be seen from a public street or way.
  - F. The general design arrangement, texture, material and color of the building or structure, and the relation of such factors to similar features of buildings or structures in the Certified Local Government Historic Districts.
  - G. The opinion of HARB (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the District.
  - H. The specific recommendations of HARB as to the issuance by the Borough Council, or its refusal to issue, a Certificate of Appropriateness.

9. Notification of Applicant by Borough Council of its Decision. Upon receipt of the written report from HARB as provided in Subsection 6 of this Section, the Borough Council shall consider, at the next regularly scheduled or special meeting, the question of issuing to the Building Permit Officer a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Borough Secretary of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing his application.
10. Design Guidelines. In determining whether or not to grant a Certificate of Appropriateness, the Borough Council shall consider the same factors as HARB as set forth in §208 of this Part, and the report of HARB.
11. Approval by the Borough Council. If the Borough Council approves the application, Council shall issue a Certificate of Appropriateness.
12. Disapproval by the Borough Council.
  - A. If the Borough Council disapproves, it shall do so in writing, and copies shall be given to the Building Permit Officer, the applicant and the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District and the structure, so that the applicant may prepare such changes.
  - B. Upon receipt of a written disapproval of the Borough Council, the Building Permit Officer shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law.
13. Final Notice by Borough Council. In either case, the Borough Council shall notify the applicant within five days of its meeting at which the application was considered.

(Ord. 1974, 2/9/2004, §1)

§208. Design Guidelines. In determining the recommendation to be presented to Borough Council concerning the issuing of a Certificate of Appropriateness, HARB shall consider the following factors:

1. The purposes of this Part.
2. The design guidelines in Pottstown's Zoning Ordinance for the Conservation Overlay District.
3. Pottstown's Certified Local Government Historic Districts Maintenance and Renovation Guidelines.

## BUILDINGS

4. The United States Secretary of the Interior's Standards for Rehabilitation.
5. The appropriateness of exterior architectural features which can be seen from a public street or way.
6. The general design, arrangement, texture and material of the building or structure in question and its appurtenant fixtures, including its facade, any or all signs, and paving materials around the property, and the relationship of such features to similar features of other buildings or structures in the Certified Local Government Historic Districts.
7. The effect of the proposed change upon the general historic, architectural and aesthetic nature of the Certified local Government Historic Districts.
8. HARB shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or districts.

(Ord. 1974, 2/9/2004, §1)

### §209. Demolition.

1. The demolition of any existing building of historic value should be considered a last resort, only after the applicant can either:
  - A. Demonstrate that no other viable alternatives for reuse of the building exist. This would include
    1. An analysis of the building's adaptive re-use feasibility,
    2. Evidence that no feasible re-use has been found within an 18-month period,
    3. Evidence that no sales or rentals have been possible during an 18-month period of significant marketing, or
  - B. Demonstrate that demolition of a building is an unavoidable and integral part of a construction scheme affecting a larger area than the building in question, which will, in the opinion of the Borough Council, provide substantial public benefit.
2. No building shall be demolished until a plat and design review of any proposed new buildings or other use for the lot has been conducted by the Pottstown Planning Commission and approved by Borough Council.

3. In cases where applications for proposed demolition occur, HARB may recommend to the Borough Council that the proposed demolition be postponed for a period not to exceed nine months. The moving of a building shall be encouraged as an alternative to demolition if there is no other way to preserve the building. Any matter of immediate threat to health and safety shall override any postponement of demolition.

(Ord. 1974, 2/9/2004, §1)

§210. Routine Repairs.

1. Purpose. There are many instances of repairs and restorations of structures, and paving materials around structures, that are minor and clearly meet the Design Guidelines in §208 of this Part. Such repairs might include the repair of a wooden window or cornice with new wood material that will look exactly like the original, or the cleaning of brick walls to standards clearly permitted by the Secretary of Interior's Standards for Rehabilitation. In those cases, Borough Council wishes to avoid the inconvenience that property owners experience while waiting for a meeting of the HARB and Borough Council before a Certificate of Appropriateness is issued.
2. Therefore, after reviewing the application required in §208 of this Part, if the Building Permit Officer determines the proposed work is minor and clearly meets the Design Guidelines set forth in §208 of this Part, he shall issue a Certificate of Appropriateness notwithstanding any other section of this Part.
3. In cases of substantial renovations or other construction work, or in cases where the Building Permit Officer, in his discretion, questions whether the proposed work meets the Design Guidelines in §208 of this Part, the Building Permit Officer shall forward copies of the application and other materials to HARB for its review in accordance with §207 of this Part.
4. The Building Permit Officer shall forward all Certificates of Appropriateness and substantiating materials for applications he has approved to both HARB and Borough Council for ratification at their next scheduled meetings.

(Ord. 1974, 2/9/2004, §1)

§211. Enforcement. The Building Permit Officer shall have the power to institute any proceedings at law or in equity for the enforcement of this Part in the same manner as in his enforcement of the Borough Building Permit Ordinance as enacted, and may be amended from time to time. (Ord. 1974, 2/9/2004, §1)

§212. Enforcement Penalties. Any person, partnership or corporation who or which shall violate the provisions of this Part shall, upon conviction thereof, be sentenced to a fine

## BUILDINGS

not to exceed one thousand dollars plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. The Borough shall give official written notice to the violator, by certified/registered mail, that he is committing a violation, and each day that a violation is continued shall constitute a separate offense. (Ord. 1974, 2/9/2004, §1)

§213. Effective Date/Certification by Pennsylvania Historical and Museum Commission. Immediately upon the adoption or amendment of this Part, the Borough Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Part shall take effect immediately upon:

- A. The certification by resolution, to the historic significance of the Pottstown Historic Districts by the Pennsylvania Historical and Museum Commission.
- B. Immediately upon the appointment of the Historic Architectural Review Board.

(Ord. 1974, 2/9/2004, §1)

§214. Definitions. All definitions for this Part are also contained in the definitions section of Pottstown Subdivision and Zoning Ordinances.

ALTERATION - HISTORIC DISTRICT - as applied to Pottstown's Certified Local Government Historic Districts, an alteration is any change, modification or addition to a part or all of the exterior of any building or structure which can be seen from a public right of way.

BOROUGH COUNCIL - the governing of Pottstown. It includes the term "Town Council."

BUILDING - any structure, either temporary or permanent, having a roof or other covering, and designed or used for shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

BUILDING PERMIT - An approval statement signed by the Code Enforcement Officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building within Pottstown.

BUILDING PERMIT APPLICATION - the request filed by any person with the Code Enforcement Officer that seeks authorization to construct, alter, reconstruct repair, restore, demolish or raze all of any part of any building within Pottstown.

**BUILDING PERMIT OFFICER/CODE ENFORCEMENT OFFICER** - the officer designated by Pottstown Borough Council as the person who issues permits for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building in Pottstown.

**CERTIFICATE OF APPROPRIATENESS** - a statement signed by Pottstown Borough Council that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building within one of Pottstown's Certified Local Historic Districts, and authorizes the issuance of a building permit for said request.

**CERTIFIED LOCAL GOVERNMENT HISTORIC DISTRICT** - the areas in the Borough of Pottstown created by ordinance of the Borough of Pottstown as authorized by the Act June of June 13, 1961, P.L. 282, No. 167, as amended.

**COMMISSION or PLANNING COMMISSION** - the Borough of Pottstown Planning Commission, unless context indicates clearly otherwise.

**COMMONWEALTH** - the Commonwealth of Pennsylvania.

**COMPATIBLE** - when used to describe the relationship among buildings, "compatible" means having characteristics that are similar to the majority of existing historic buildings on the block. These characteristics include, but are not limited to:

- A. Constructed of the same original materials, such as wood, brick or stucco, as existing buildings on the block, or constructed of materials that are very similar in appearance to the original materials, such as dark gray asphalt shingles to replace slate shingles, cut to the same size and shape.
- B. Contain structural details that are similar to other buildings on the block, such as:
  - (1) Decorative shingles.
  - (2) Cornices and fascia.
  - (3) Lintels over windows and doors.
  - (4) Shape, size and placement of windows.
  - (5) Thickness and placement of mullions in the sash of windows.
  - (6) Shape and placement of porches and columns.

**CONSTRUCTION** - any or all work necessary for the erection of any building or structure from a combination of materials to form safe and stable structures.

## BUILDINGS

**COUNCIL** - the Borough Council of Pottstown.

**DEMOLITION** - the dismantling or tearing down of all or part of any building.

**DEVELOPMENT PLAN** - the provisions for development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "the provisions of the development plan" when used in this Part shall mean the written and graphic materials referred to in this Part.

**FENCE or WALL** - a structure that permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

**FRONT YARD** - the area between the front lot line (a line dividing a lot from any public street) and the setback required, with the exception of corner lots used for residential purposes.

**HARB/HISTORIC ARCHITECTURAL REVIEW BOARD** - the Historic Architectural Review Board regulating properties in Pottstown's Certified Local Ordinance Historic Districts.

**HISTORIC NEIGHBORHOOD** - an area judged by the Pennsylvania Bureau for Historic Preservation as eligible for the National Register of Historic Places.

**RECONSTRUCTION** - any or all work need to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

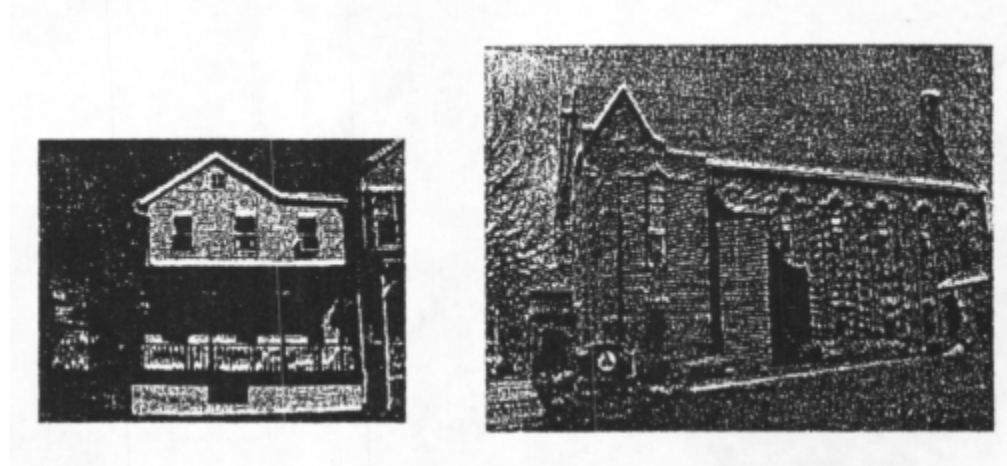
**REHABILITATION** - the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

**REPAIRS** - any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction.

**REPORT** - Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESTORATION** - any or all work connected with the returning to or restoring a building or part of any building to its original condition through the use of original or nearly original materials.

**SCALE** - the size, or apparent size, of a building in relationship to the size of a human being.



Left, small scale two-story building.  
Right, large scale two-story building.

**SIGN** - a lettered board, structure or other surface, or any other device used to visually announce, advertise or convey information to the public for any purpose. This definition hereby incorporates the definitions contained in Pottstown's Zoning Ordinance, Sign Definitions, Chapter 27, § 702.

**STORAGE SHED** - an accessory building with four sides and a roof, not exceeding 100 square feet or eight feet in height, for the storage of lawn, garden and swimming pool equipment or similar domestic items.

**STREET** - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways, whether public or private, used or intended to be used by vehicular traffic or pedestrians. Streets are further classified by function in Appendix A5 of the Pottstown Subdivision and Land Development Ordinance. A "half street" is a street of less than required right-of-way width.

**STREET LINE** - a line determining the limit of pedestrian or vehicular rights, either existing or contemplated, of the public.

**STRUCTURE** - any constructed, erected or placed material or combination of materials in or upon the ground or water, including, but not by way of limitation, buildings, mobile homes, radio towers, sheds, signs, storage bins, tents and pools.

**YARD** - the area between any lot line and the setback required from the lot line.

## BUILDINGS

(Ord. 1974, 2/9/2004, §1)

§215. Inconsistency Between Part and Appendix. To the extent there are any inconsistencies between §§ 200 through 214 of this Part, and those provisions that comprise the Appendix, the provisions of the Appendix shall control. It is the specific intent of the Borough Council to create a user friendly, easy to read Part with the actual District Boundaries and formal Rules of Interpretation contained in the Appendix. (Ord. 1974, 2/9/2004, §2)

**EXHIBIT A**

**East to West:**

High Street (south side)

16 High through 602 High  
642 High through 1314 High

High Street (north side)

29 High through 559 High  
631 High through 1239 High  
1319 High through 1333 High

King Street

17 King through 455 King

Apple Street

414 Apple through 456 Apple

Chestnut Street

148 Chestnut through 307 Chestnut

Walnut Street

150 Walnut through 312 Walnut

Beech Street

216 Beech through 272 Beech

**South to North:**

York Street

15 N. York through 63 N. York

Hanover Street

28 S. Hanover through 175 N. Hanover

Charlotte Street

28 S. Charlotte through 180 N. Charlotte

Evans Street

23 S. Evans through 16 N. Evans

Franklin Street

26 S. Franklin through 62 N. Franklin

Washington Street

26 S. Washington through 19 N. Washington

(Ord. 1974, 2/9/2004, §1)



## HISTORIC DISTRICTS APPENDIX

§A200. Authority. There are no additional regulations. (Ord. 1974, 2/9/2004, §1)

§A201. Title. There are no additional regulations. (Ord. 1974, 2/9/2004, §1)

§A202. Purpose. There are no additional regulations. (Ord. 1974, 2/9/2004, §1)

§A203. Boundaries of Certified Local Government Historic District. The official Pottstown Certified Local Government Historic District is hereby amended and described verbally as follows:

1. Old Pottstown Historic District.

Beginning at a point at the centerline of High Street at its intersection with the eastern curb line of Manatawny Street; thence, easterly along the centerline of High Street approximately two hundred seventy-two (272) feet to the western property line of 29 High Street (Lot No. 2 of Block 13), as extended; thence, northerly along the eastern property line of 29 High Street and continuing along the western property line of 24 King Street (Lot No. 33 of Block 13) approximately three hundred eighty (380) feet to the centerline of King Street; thence, westerly along the centerline of King Street approximately sixty (60) feet to the western property line of 17 King Street one hundred seventy-five (175) feet to the center of Leshner Alley; thence, easterly along the centerline of Leshner Alley approximately five hundred sixty-five (565) feet to the centerline of York Street; thence, southerly along the centerline of York Street approximately twenty-nine (29) feet to the southern property line of 68 York Street (Lot No. 31 of Block 14), as extended; thence, easterly along the southern property line of 68 York Street, as extended, one hundred ten (110) feet to the eastern property line of 68 York Street; thence, easterly along a line coincident with the northern property line of 113 King Street (Lot No. 35 of Block 14) and parallel to Chestnut Street, as extended, approximately three hundred fifty two (352) feet to the western property line of 148 Chestnut Street (Lot No, 17 of Block 14), as extended; thence, northerly along the western property line of 148 Chestnut Street, as extended, approximately one hundred seventy-five (175) feet to the centerline of Chestnut Street.

Thence, easterly along the centerline of Chestnut Street eighteen (18) feet to the western property line of 149 Chestnut Street (Lot No. 24 of Block 12), as extended; thence, northerly along the western property line of 149 Chestnut Street and continuing along a line parallel to and one hundred twenty (120) feet from the western right-of-way line of Hanover Street approximately eight hundred fifty-five (855) feet to the southern line of an unnamed alley between Beech Street and East Third Street; thence, easterly along the southern line of said alley approximately twenty-five and one-half (25.5) feet to the western property line of 213 Hanover

## BUILDINGS

Street (Lot No. 24 of Block 26); thence, northerly along the western property line of 213 Hanover Street ten (10) feet to its northwestern property line; thence, northeasterly along the northwestern property line of 213 Hanover Street approximately eight and nine-tenths (8.9) feet to its northern property line; thence, easterly along the northern property line of 213 Hanover Street, as extended, approximately two hundred five and one-half (205.5) feet to the centerline of Hanover Street; thence, southerly along the centerline of Hanover Street approximately one hundred seventy-six (176) feet to the centerline of Beech Street; thence, easterly along the centerline of Beech Street approximately eight hundred ninety-two (892) feet to the eastern property line of 176 Charlotte Street (Lot No. 161 of Block 4), as extended.

Thence, southerly along the eastern property line of 176 Charlotte Street, as extended, approximately eighty-four (84) feet to the northern property line of 174 Charlotte Street (Lot No. 71 of Block 4); thence, easterly along the northern property line of 174 Charlotte Street approximately one-half (0.5) foot to the eastern line of that property; thence, southerly along the irregular eastern property line of 174 Chestnut Street approximately twenty-three and four-fifths (23.8) feet to the southern line of that property; thence, westerly along the southern property line of 174 Charlotte Street approximately one and one-tenth (1.1) feet to the eastern property line of 172 Charlotte Street (Lot No. 153 of Block 4); thence, southerly along the eastern property line of 172 Charlotte Street approximately twenty-five and seven-tenths (25.7) feet to the northern property line of 170 Charlotte Street (Lot No. 151 of Block 4); thence, easterly along the northern property line of 170 Charlotte Street twenty (20) feet to the eastern line of that property; thence, southerly along the eastern property line of 170 Charlotte Street, as extended, approximately forty-two and one-fifth (42.2) feet to the centerline of Union Alley.

Thence, westerly along the centerline of Union Alley approximately forty-nine and one-half (49.5) feet to the eastern property line of 162 Charlotte Street (Lot No. 41 of Block 4), as extended; thence, southerly along the eastern property lines of 162 and 160 Charlotte Street, as extended, approximately seventy-eight and one-fifth (78.2) feet to the northern property line of 307 Walnut Street (Lot No. 43 of Block 4); thence, westerly along the northern property line of 307 Walnut Street approximately two (2) feet to the western line of that property; thence, southerly along the western property line of 307 Walnut Street approximately ninety-seven (97) feet to the centerline of Walnut Street; thence, easterly along the centerline of Walnut Street approximately two (2) feet to the eastern property line of 306 Walnut Street (Lot No. 36 of Block 4), as extended; thence, southerly along the eastern property line of 306 Walnut Street seventy-five (75) feet to the northern property line of 124 Charlotte Street (Lot No. 38 of Block 4); thence, easterly along the northern property line of 124 Charlotte Street approximately sixty (60) feet to the eastern line of that property thence, southerly along the eastern property lines of 124 Charlotte Street and 118 Charlotte Street (Lot No. 39 of Block 4), as extended, approximately ninety (90) feet to the centerline of Rowan Alley; thence, westerly along the centerline of Rowan Alley approximately eighty-five (85) feet to

the eastern property line of 114 Charlotte Street (Lot No 4 of Block 4), as extended; thence, southerly along the eastern property line of 114 Charlotte Street, as extended, and continuing along the eastern property lines of 112 Charlotte Street (Lot No. 3 of Block 4) and 305 Chestnut Street (Lot No. 2 of Block 4) approximately one hundred seventy-five (175) feet to the centerline of Chestnut Street; thence, easterly along the centerline of Chestnut Street approximately fifty-four (54) feet to the eastern property line of 80 Charlotte Street (Lot No 47 of Block 3), as extended; thence, southerly along the eastern property line of 80 Charlotte Street, as extended, and continuing along the eastern property lines of 74-76 Charlotte Street (Lot No. 46 of Block 3) and 68-72 Charlotte Street (Lot No. 45 of Block 3) approximately one hundred seventy-five (175) feet to the centerline of Leshar Alley.

Thence, easterly along the centerline of Leshar Alley approximately one thousand five hundred four (1,504) feet to the centerline of Washington Street; thence, southerly along the centerline of Washington Street approximately three hundred fifty and three-fifths (350.6) feet to the centerline of Buttonwood Alley; thence, easterly along the centerline of Buttonwood Alley approximately six hundred forty-one (641) feet to the eastern property line of 559 High Street (Lot No. 78 of Block 8), as extended; thence, southerly along the eastern property line of 559 High Street approximately two hundred (200) feet to the centerline of High Street; thence, easterly along High Street approximately one hundred fifty-six (156) feet to the eastern property line of 604 High Street (Lot No. 19 of Block 25); thence, southerly along the eastern property line of 604 High Street approximately two hundred twenty (220) feet to the northern line of an unnamed alley between High Street and Queen Street.

Thence, westerly along the northern line of said alley, as extended, approximately seven hundred ninety-seven (797) feet to the centerline of Washington Street; thence, northerly along the centerline of Washington Street approximately thirty (30) feet to the northern curb line of Apple Street, as extended; thence, westerly along the northern curb line of Apple Street, as extended, approximately one thousand one hundred seven (1,107) feet to the western curb line of Evans Street; thence, southerly along the western curb line of Evans Street approximately one hundred forty-six (146) feet to the northern curb line of Queen Street; thence, westerly along the northern curb line of Queen Street approximately four hundred seventy-two (472) feet to the eastern curb line of Charlotte Street; thence, northerly along the eastern curb line of Charlotte Street approximately one hundred thirty-seven (137) feet to a point one hundred fifty (150) feet south of the southern right-of-way line of High Street; thence, westerly along a line parallel to High Street and one hundred fifty (150) feet south of its southern right-of-way line approximately six hundred sixty (660) feet to the eastern property line of 212 High Street (Lot No. 19 of Block 18); thence, southerly along the eastern property line of 212 High Street approximately one hundred fifty (150) feet to the northern curb line of Queen Street; thence, westerly along the northern curb line of Queen Street approximately eight hundred seventy-two and four-fifths (872.8) feet to the western right-of-way line of York Street.

## BUILDINGS

Thence, continuing westerly following along the irregular northern property line of the Consolidated Rail Corporation (Conrail) approximately eight hundred sixty-three and one-half (863.5) feet to the southeastern curb line of Manatawny Street; thence, northeasterly along the southeastern curb line of Manatawny Street approximately one hundred ninety-five (195) feet to the centerline of High Street and the point of beginning.

### 2. High Street Historic District.

The official High Street Historic District is hereby created and described verbally as follows:

Beginning at a point at the intersection of the northern curb line of High Street and the eastern curb line of Adams Street; thence, northerly along the eastern curb line of Adams Street approximately one hundred fifty-five (155) feet to the southern line of Buttonwood Alley; thence, easterly along the southern line of Buttonwood Alley, approximately five hundred (500) feet to the end of Buttonwood Alley and the northwestern property line of The Hill School (Lot No. 1 of Block 115); thence, southwesterly along the northwestern property line of The Hill School, approximately one hundred thirty-eight (138) feet to a point five (5) feet north of the northern right-of-way line of High Street thence, easterly and northeasterly along a line five (5) feet north from and parallel to the northern right-of-way line of High Street, approximately one thousand six hundred three (1,603) feet to the western yard line of 911 High Street; thence, northerly along a line perpendicular to High Street, seventy (70) feet to a line parallel to and seventy-five (75) feet north of the northern right-of-way line of High Street; thence, easterly along a line parallel to and seventy-five (75) feet from the northern right-of-way line of High Street, approximately two hundred twenty (220) feet to the eastern curb line of Green Street.

Thence, northerly and northeasterly along the eastern curb line of Green Street, approximately one hundred thirty-four (134) feet to the southern line of Buttonwood Alley; thence, along the southern line of Buttonwood Alley, approximately four hundred nine (409) feet to the western curb line of Edgewood Street; thence, southerly along the western curb line of Edgewood Street, approximately eighty-eight (88) feet to the southern curb line of High Street; thence, easterly along the southern curb line of High Street, approximately three hundred thirty (330) feet to the bend in High Street, then continuing easterly along the southern curb line, approximately ninety-one (91) feet to the eastern curb line of Keim Street.

Thence, northeasterly along the southeastern curb line of Keim Street, approximately two hundred thirty-six (236) feet, to the southern line of Buttonwood Alley; thence, along the southern line of Buttonwood Alley, as extended approximately eight hundred seventy (817) feet, to the southeastern curb line of Cedar Street; thence, jogging northeasterly along the southeastern curb line of Cedar Street, approximately twenty-seven (27) feet to the southern line of Buttonwood Alley; thence, easterly along the southern line of Buttonwood Alley, approximately two

hundred forty-nine (249) feet to the end of said alley and the eastern property line of 1157 High Street (Lot No. 5 of Block 132); thence, southerly along the eastern property line of 1157 High Street, as extended approximately two hundred twenty-eight (228) feet to the southern curb line of High Street.

Thence, easterly along the southern curb line of High Street, approximately seven hundred seventy-two (772) feet to the eastern property line of 1304 High Street (Lot No. 11 of Block 101), as extended; thence, northerly along a line perpendicular to High Street, approximately sixty-eight (68) feet to the northwestern property line of 1319 High Street (Lot No. 4 of Block 139); thence, northeasterly along the northwestern property line of 1319 High Street, approximately two hundred fifty-one (251) feet to the southern line of Buttonwood Alley; thence, easterly along the southern line of Buttonwood Alley, approximately three hundred fifteen (315) feet, to the western curb line of Rosedale Drive; thence, southerly along the western curb line of Rosedale Drive, approximately one hundred fifty-five (155) feet, to the northern curb line of High Street.

Thence, westerly along the northern curb line of High Street, approximately two hundred fifty (250) feet; thence, southerly along a line perpendicular to High Street and coincident with the eastern property line of 1318 High Street (Lot No. 57 of Block 101); as extended, approximately one hundred fifty-five (155) feet, to the northern line of an unnamed alley between High Street and Queen Street, thence, westerly along the northern line of said unnamed alley, approximately five hundred fifty (550) feet, to the eastern property line of 1200 High Street (Lot No. 7 of Block 98); thence, southerly along the eastern property line of 1200 High Street, approximately one hundred seventy (170) feet to the northern curb line of Queen Street; thence, westerly along the northern curb line of Queen Street, approximately five hundred fifty (550) feet, to the eastern curb line of Roland Street; thence, northerly along the eastern curb line of Roland Street, approximately one hundred seventy (170) feet, to the northern line, as extended, of an unnamed alley between High Street and Queen Street.

Thence, westerly along the northern line of said alley, approximately one thousand two hundred ninety (1,290) feet, to the southeastern right-of-way line of Keim Street; thence, southwesterly along a line extending approximately seventy-four (74) feet to the point of intersection of the northwestern right-of-way line of Keim Street and the northwestern line of an unnamed alley between High Street and Queen Street; thence, southwesterly along the northwestern line of said unnamed alley, approximately one thousand eight hundred ten (1,810) feet, to the eastern right-of-way line of Madison Street; thence, westerly along a line extending approximately fifty-one (51) feet, to the point of intersection of the western right-of-way line of Madison Street and the northern line of an unnamed alley between High Street and Queen Street; thence, along the northern line of said unnamed alley, approximately one hundred eighty-one (181) feet to the eastern property line of 758 High Street (Lot No. 6 of Block 90).

Thence, southerly along the eastern property line of 758 High Street, ten (10) feet to the southern property line of 758 High Street; thence, westerly along the south-

## BUILDINGS

ern property line of 758 High Street, 60 feet, to the eastern property line of 740 High Street (Lot No. 5 of Block 90); thence, southerly along the eastern property line of 740 High Street, approximately one hundred sixty (160) feet, to the northern curb line of Queen Street; thence, westerly along the northern curb line of Queen Street, approximately six hundred seven (607) feet, to the western property line of 642-644 High Street (Lot No. 13 of Block 89); thence, northerly along the western property line of 642-644 High Street, approximately three hundred eighty-six (386) feet, as extended to the northern curb line of High Street; thence, westerly along the northern curb line of High Street, approximately one hundred forty (140) feet, to the eastern curb line of Adams Street and the point of beginning.

(Ord. 1974, 2/9/2004, §1)

§204. Interpretation of Boundaries. Where uncertainty and/or discrepancy exists as to the boundaries of the District(s) as shown on the Official Pottstown Historic District(s) Map, and/or as described in §A202, above, the following rules shall apply:

- A. Where Historic District lines are indicated as approximately following the centerline or street line, or streets with the centerline or alley line of alleys, such lines shall be construed to extend to the centerlines of said street or alleys.
- B. Where Historic District lines are so indicated where they are approximately parallel to the street lines of streets, the alley lines of alleys, with the limits of rights-of-way, such lines shall be construed as being parallel thereof, and at such distance therefrom, as indicated on the Official Pottstown Historic District(s) Map. If no distance is given, such dimension shall be determined by the use of the scale on the Map.
- C. Where Historic District lines are indicated as approximately following lot lines, such lot line shall be construed to be said boundaries.
- D. Where physical or cultural features exist on the ground which are at variance with those shown on the Official Pottstown Historic Districts Map, or in other circumstances not covered by the above, the Borough Council shall interpret the boundaries of the District.

(Ord. 1974, 2/9/2004, §1)

§A205 through A214. There are no additional regulations. (Ord. 1974, 2/9/2004, §1)

### Part 3

#### Fire Loss Claims

§301. Legislative Intent. This Part is enacted pursuant to Act. No. 1992-98, House Bill No. 1028, and is intended to establish procedures for the escrowing of fire insurance proceeds. (Ord. 1721, 1/11/1993, §1)

§302. Applicable Fire Loss Claims. No insurance company, association or exchange doing business in this Commonwealth shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000.00), unless there is compliance with the procedures set forth in this Part. Ord. 1721, 1/11/1993, §1)

§303. Amount of Proceeds to be Escrowed. When the loss agreed to between the named insured and the company, association or exchange equals or exceeds sixty (60) percent of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the Borough Code Enforcement Officer two thousand dollars (\$2,000.00) for each fifteen thousand dollars (\$15,000.00) and each fraction of that amount of a claim. However, if, at the time of a proof of loss agreed to between the named insured and the insurance company, association or exchange, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the Borough shall be disbursed in accordance with the policy terms. The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the Code Enforcement Officer shall return the amount of the fund in excess of the estimate to the named insured if the Borough has not commenced to remove, repair or secure the building or other structure. (Ord. 1721, 1/11/1993, §1; as amended by Ord. 1856, 9/8/1997, §1)

§304. Establishment of Accounts; Use of Funds. Upon receipt of the proceeds by the Borough, the Code Enforcement Officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Borough. When transferring the funds as required in §303, an insurance company, association or exchange shall provide the Borough with the name and address of the named insured, whereupon the Borough shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this Part shall be followed. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received by the Code Enforcement Officer if

## BUILDINGS

the Borough has not incurred any costs for repairs, removal or securing. In the event the Borough has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and, if excess funds remain, the Borough shall transfer the remaining funds to the named insured. (Ord. 1721, 1/11/1993, §1)

§305. Penalty for Violation. Any person violating any of the provisions of this Part shall be guilty of the offense charged and, upon conviction thereof in summary proceedings, shall be sentenced to pay the costs of prosecution and a fine of not more than one thousand (\$1,000.00) dollars to the use of the Borough and, in default of the payment thereof, shall be imprisoned for a period not to exceed ninety (90) days. (Ord. 1721, 1/11/1993; as added by Ord. 1726, 4/12/1993, §1)