

The Adaptive Reuse of Existing Unique Buildings in Carlisle

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I. Introduction

Vacant or underutilized buildings provide little to no benefit to communities that the buildings are located in. Several unique buildings, such as ones that previously have housed churches and other religious structures, have become vacant over the years as the purpose they were built for is no longer needed. Due to zoning laws, these types of buildings sit empty, become dilapidated and rundown, and do not positively contribute to the community anymore. Through adaptive reuse, communities can repurpose these unique buildings and return these properties to places that contribute to the betterment of society.

There is much discussion going on in Carlisle about what to do with a vacated historical building that was home to a church on land that is zoned residential. There is value in keeping the historical exterior while simultaneously transforming the interior to keep up with what the community needs. As the value of the property goes down due to lesser economic viability, it is necessary for communities to recognize that value in the architecture and adapt the building so it can continue to benefit the community.

The best way to incorporate adaptive reuse and zoning for sustainability is to look to other cities or towns that are utilizing adaptive reuse or sustainable zoning. The following two townships are similar in size to Carlisle, and they have addressed adaptive reuse in different ways.

Whitehall Township has an adaptive reuse ordinance targeting multifamily and affordable housing.¹ This ordinance addresses market rate multifamily housing and low-income housing concerns that the township has. This ordinance allows older vacant buildings to be reutilized and revitalized into multifamily or affordable housing property. This ordinance also helps by reusing property that is at least 50 years old, vacant, or underutilized, and is at least 5,000 square feet in size.²

Uwchlan Township has a subsection under their use regulations allowing for the adaptive reuse if it coincides with historic preservation.³ This ordinance allows for the developer to create a revitalization plan and bring it to the local government for approval. This zoning ordinance is much broader compared to Whitehall's and it seems to be designed that way in order to give the local government flexibility when it comes to the adaptive reuse of buildings that fall under a historical category.

The ordinances above address the problem of finding a solution for older buildings that are vacant or being underused. The Whitehall ordinance provides social, environmental, and economic benefits. Social benefits include reducing poverty, homelessness, educational disparities, and healthcare.⁴ Environmental benefits are tied to the reuse of the building. The demolition of an old building produces a lot of waste. An adaptive reuse ordinance would provide an environmental benefit by lowering the quantity of new materials needed to increase the economic efficiency of a building. Finally, we address the economic benefits of the

¹ *Ordinance No. 3061, Article XVII Adaptive Reuse.* § 27-199.1.

² Wojcik, S., 2016. Whitehall withdraws zoning change that would help affordable housing project. *The Morning Call*, [online] Available at: <<https://www.mcall.com/news/local/whitehall/mc-whitehall-zoning-for-affordable-housing-20160614-story.html>>

³ *Ordinance No. 2016-07, Article XIV Supplemental Land Use Regulations.* § 200-72.1

⁴ Paul, C., 2017. Contemporary Housing Issues. *Social Welfare History Project*., [online] Available at: <<https://socialwelfare.library.vcu.edu/programs/housing/contemporary-housing-issues/>> [Accessed 25 September 2021]

ordinance. The Whitehall ordinance targets affordable housing, which is a growing need in most of the United States. Adaptive reuse projects are often located in historic districts which can create housing that is much closer to centers of employment.⁵ This is an economic benefit because it increases the pool of job applicants for employers. A secondary benefit is that by creating more housing there is less strain on the local government's funds for aid.

The Uwchlan Township ordinance is much more broad and less focused in comparison to the Whitehall ordinance. It functions to address the same problem while giving flexibility on what use the property can have. The terminology that gives the flexibility is "other uses of a similar nature and similar community impact."⁶

This narrative will discuss the vacant building revitalization problem that the Borough of Carlisle is facing. It will explain how the existing local zoning code cannot adequately address that problem. It will delve into how this problem has been addressed by other townships and municipalities in Pennsylvania. Finally, it will discuss recommendations that Carlisle can implement to have an effective ordinance that can benefit the community and promote sustainability. The proposed ordinance will look to build off what the other municipalities have begun to implement in their respective communities. Through special exception use zoning, Carlisle can apply the adaptive reuse ordinance to revitalize dormant buildings and create a more sustainability community.

II. Current issues with dormant structures in the Borough of Carlisle

The issue that Carlisle is facing started with a large vacant historical church located in a residential zone. The problem is that the property, as it is zoned, does not have commercial

⁵ *Id.*

⁶ *Ordinance No. 2016-07, Article XIV Supplemental Land Use Regulations. § 200-72.1*

business or residential viability. No developer wants to purchase a vacant historical church building where the zoning does not permit them to change the property use to something that will generate revenue or build equity.

A. Climate and Sustainability Issues

The Borough of Carlisle has made it a goal to combat climate change issues. Carlisle is one of 20 communities in an organization established under the Pennsylvania Department of Environmental Protection's Local Climate Action Assistance Program.⁷ The main mission of this program is to manage the risks that climate change has on these communities while also creating a climate action plan to reduce their emissions and impacts.⁸ One of the Commission's goals is to, "provide alternative pathways for reaching, and equitably implementing, the borough's climate goals."⁹ In response to the creation of this commission, the Borough of Carlisle has established a plan to reduce their greenhouse gas emissions up to 26% by 2025 and up to 80% by 2050. Vacant and dormant buildings, including those that were established for special purposes, pose environmental issues which in turn poses climate issues. Vacant buildings can negatively impact the environment due to waste leaking into the environment via flash flooding or by being an unused burdened structure too.¹⁰ Mold and asbestos can spread throughout the building and is easily spreadable to other adjoined properties.¹¹ Leaking oil tanks and other parts of the property that have not been managed in years can also contribute

⁷ Carlisle, PA, available at https://www.carlislepa.org/government/climate_action_plan.php

⁸ *Id.*

⁹ Borough of Carlisle, July 2020, available at <https://cms8.revize.com/revize/carlislepa/Climate%20Action%20Plan/Climate%20Action%20Resolution.pdf>

¹⁰ Jake Hummer, Abandoning structures to rising sea levels, what are the legal issues and solutions?, November 2020, available at <https://eelp.law.harvard.edu/2020/11/abandoning-structures-to-rising-seas/>

¹¹ Amanda Duncan, Vacant Property's Environmental Risks, November 2013, available at <https://www.propertycasualty360.com/2013/11/27/vacant-property-s-environmental-risks/?slreturn=20210829065826>

negatively to the local environment.¹² Lastly, while the historical buildings lay vacant developers focus on new structures which use new materials, displace wildlife in the community, and contribute to higher levels of pollution and emissions that harm the environment. These issues directly impact the goals that Carlisle's climate action commission was established to prevent.

Additionally, if Carlisle does not consider the reuse and revitalization of older properties the only solution that remains is the demolition of the old building and a new construction on the now vacant land. This is a large environmental issue that contributes to climate change locally. For example, waste created by the construction and demolition industry is roughly 1.25 million tons per year and 34% of that waste is sent to a landfill.¹³ Landfill waste is usually non-recyclable. Demolition is not the only thing that negatively affects the environment. These communities and developers also need to consider the transportation of new materials to the construction site. Transportation accounts for about 27% of total greenhouse gas emissions.¹⁴ By committing to revitalization via adaptive reuse Carlisle would be a sustainability leader for the surrounding communities to look to.

B. Economic and Community Damage

Vacant and dormant buildings create an economic hardship on the local community. Unused or underutilized properties lower the value of surrounding properties.¹⁵ This has the potential to impact community health standards because the property is not managed daily and poses a risk of mold growth and asbestos. These types of properties are a potential spot for

¹² *Id.*

¹³ Wilson, C. and Newburg, B., 2015. Adaptive reuse is better than new construction. *Penn State.*, [online]. Available at: < <https://sites.psu.edu/arch311w/2015/12/13/adaptive-reuse-is-better-than-new-construction/>>

¹⁴ *Id.*

¹⁵ *Berman v. Parker*, 348 U.S. 26, 32-33, 75 S. Ct. 98, 102 (1954)

crime and other activities that are not deemed socially acceptable.¹⁶ Allowing vacant buildings to sit dormant for years without any improvements or changes negatively affects the local economy because if improved they can provide space for local businesses to grow.¹⁷ Many religious buildings are situated on highly valued real-estate due to how important religious institutions were when towns were constructed.¹⁸ Allowing these properties to sit dormant hurts the local economy, damages local property prices, and it poses a risk for crime and other dangerous aspects to the community.

C. Housing and Population Concerns

Many towns in this country have an affordable housing crisis and a homelessness crisis. This matter has only been exacerbated by the damage that Covid-19 has caused globally over the last two years. In 2018, Shippensburg University Department of Social Work and Gerontology prepared a community needs assessment for the Borough of Carlisle. Of the multiple different surveys, interviews, and focus groups used, the community needs assessment consistently showed that affordable housing and shelter was a top need.¹⁹ Adaptive reuse of vacant and dormant buildings can help alleviate these issues in the Borough of Carlisle.

III. How the Borough of Carlisle's current ordinances have not addressed this issue

There is no existing ordinance in Carlisle that can adequately address the problem of vacant buildings that are of no interest to developers due to restrictions in zoning. The existing residential ordinance in Carlisle only covers special exception uses. This means that a residential

¹⁶ *Id.*

¹⁷ Johnathan Merritt, America's Epidemic of Empty Churches, November 2018, available at <https://www.theatlantic.com/ideas/archive/2018/11/what-should-america-do-its-empty-church-buildings/576592/>

¹⁸ *Id.*

¹⁹ Michael Lyman, Liz Fisher, Jessica Clark, Natalie Wismer, United Way of Carlisle & Cumberland County Community Needs Assessment, 2018, available at <https://carlisleunitedway.org/wp-content/uploads/2018/12/2018-Assessment-Highlights-Handout.pdf>

zoned property can only be converted via special use exception into places of worship, public or private schools, public utility uses, or private recreation facilities.²⁰

Other local ordinances, that will be looked at later, begin to address some of the issues that the Borough of Carlisle faces. However, these different local ordinances do not address the topic of unused historical buildings, such as religious structures, which is a topic Carlisle could benefit from addressing.

If there was an ordinance that allowed flexibility for historical buildings, such as the vacant church in Carlisle, that could greatly increase economic prosperity by increasing jobs.

IV. How other local municipalities have addressed this problem

Some local PA municipalities have attempted to address issues surrounding vacant and unused buildings, but few have been able to or did not attempt to deal specifically with unique buildings such as religious structures. However, other local municipalities have begun to address adaptive reuse ordinances as ways to help revitalize unused or underutilized buildings. These ordinances help demonstrate the possibilities that adaptive reuse on vacant and dormant structures can have on their respective communities.

Of the two ordinances discussed below, there were important elements from each that should be adopted for Carlisle. From the Whitehall ordinance we took that the “adaptive reuse for affordable housing and multifamily housing shall be permitted by right in all residential zoning districts.” The second important Whitehall provision to consider is that the buildings eligible for adaptive reuse were “originally constructed and used for principal commercial, institutional, or industrial uses, which may or may not be considered or designated as blighted,

²⁰ Ordinance No. 2152, Article VI Town Center Residential District. § 255-40.

pursuant to Whitehall township blight certification provisions, into dwelling units.” The Uwchlan ordinance is important because it specifically targets historical buildings and allows for developers and the local government to decide what can be done with it. The building in Carlisle that prompted adaptive reuse discussion was a historical building.

A. Whitehall Ordinance

Whitehall has addressed this problem by creating an ordinance that uses adaptive reuse in a targeted way by making it exclusively for affordable housing and multifamily. There are many key elements of the ordinance that can be used as a starting point for Carlisle to consider because they align as solutions for the facts of Carlisle’s situation.

The first is that the Whitehall ordinance applies to all residential zoning districts. The ordinance reads “adaptive reuse for affordable housing and multifamily housing shall be permitted by right in all residential zoning districts.”²¹ The vacant church in Carlisle is in a residential zone as well.

Next, the Whitehall ordinance focuses on buildings that were “originally constructed and used for principal commercial, institutional, or industrial uses, which may or may not be considered or designated as blighted, pursuant to Whitehall township blight certification provisions, into dwelling units.”²² The Carlisle building in question was used as a church which is considered institutional use.

This ordinance clarifies that adaptive reuse is not the razing and redeveloping of an entire structure. It can include selective demolition of up to 50% of the existing structure and

²¹ WHITEHALL, PA., ARTICLE XVII ADAPTIVE REUSE. § 27-199.1A.

²² *Id.*

reconstruction of these demolished areas and includes minor additions that keep the original nature and character of the structure.²³ This is one of the most important sections for Carlisle to focus on because the building in question is historical. This part of the ordinance does not allow razing or demolition and specifically mentions that any additions must be kept in nature and character with the original structure.²⁴ This ordinance limits the applicability to buildings over 5,000 square feet. It provides restrictions on the type of property that can be eligible. Such stipulations include the following, the original structure to be at least 50 years old as of the ordinance adoption, and the building must have been vacant or underutilized in that time period, and at least 50% of structure has to have been vacant for a minimum of 3 consecutive years.²⁵ These restrictions are necessary to prevent developers from taking advantage of adaptive reuse for properties that still have economic viability. This ordinance clearly defines what affordable housing and what multifamily is and what the building requirements are to make affordable housing or multifamily adaptive reuse. This is important because if they do not define what affordable housing is, any developer can take advantage of the loophole by saying they are creating affordable housing and only lowering rent marginally under the market rental rate. By defining affordable housing as housing that targets households earning at or below 60% of the area median income and requiring that the developer sign a regulatory agreement setting rent and income limits for at least 15 years, the ordinance ensures that no developer can take advantage of adaptive reuse outside of the scope that the local government is working to enact.²⁶ Another key aspect of the ordinance is that it states plainly that exterior changes shall be compatible with the

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ WHITEHALL, PA., ARTICLE XVII ADAPTIVE REUSE. § 27-199.1B.

current design of the building and neighborhood.²⁷ The local government requires that the applicant present renderings of any proposed exterior changes to the structure for review by the Township.²⁸ This is important because the property would be at risk of losing its historical architecture through renovation and that architecture provides character to the neighborhood without this stipulation. The ordinance lays out guidelines for the minimum square feet each apartment unit must have, and the amount of square feet required increases as the number of bedrooms in the unit increases.²⁹ It allocates parking spaces designated for future multifamily or affordable housing tenants.³⁰ Finally, the general guidelines that the local government has created are still key concepts to include in the ordinance. The Whitehall ordinance includes complying with current building codes, structural setbacks, and the requiring of a site plan by a registered design professional.³¹ It's very important not to lose sight of these provisions because they serve a vital purpose. Without including these general provisions, the applicant developer could take advantage of loopholes that are outside of the scope that the local government intends.

B. Uwchlan Ordinance

Another ordinance that has a key concept to consider for Carlisle is the Uwchlan ordinance. This ordinance specifically targets historic preservation. This ordinance permits in subsection B that subject to conditional approval, a professional or business office, cultural studio, day-care center, bed and breakfast, and other uses of a similar nature and similar community impact can go on a residential zoned property.³² This is a key concept because it allows the local government to define what is similar in nature and similar in community impact.

²⁷ WHITEHALL, PA., ARTICLE XVII ADAPTIVE REUSE. § 27-199.1D.

²⁸ *Id.*

²⁹ WHITEHALL, PA., ARTICLE XVII ADAPTIVE REUSE. § 27-199.1E.

³⁰ WHITEHALL, PA., ARTICLE XVII ADAPTIVE REUSE. § 27-199.1F.

³¹ WHITEHALL, PA., ARTICLE XVII ADAPTIVE REUSE. § 27-199.1H.

³² *Ordinance No. 2020-01, Article XIV Supplemental Land Use Regulations.* § 200-72.1.

This makes it possible for a developer to make an argument for adaptive reuse of a historical building that will provide greater benefits to the local community while providing greater returns for the developer as well. This ordinance is useful for Carlisle because it doesn't explicitly disallow any specific use of the historic building. It leaves it up to the developer to create a plan to revitalize the building and allows the local government to review and accept or reject the proposal.

C. Benefits of the enacted Ordinances

The ordinances discussed above were created to address the problem of vacant buildings with historical purpose located in residential zones. It allows developers to improve the existing structure in a way that is economically prosperous, socially beneficial, and environmentally friendly. These ordinances create economic benefits by lifting resident earnings, increasing local tax revenue, and supporting job creation and retention.³³

It's important to consider the tax incentives available for developers when creating the ordinance because those incentives will work to entice developers to build the community. One incentive that all developers look for, especially when considering a historic property, is the federal historic tax credit. Subsection 47 of the U.S. Code allows for 20% of the qualified rehabilitation expenditures.³⁴ Developers use this because it decreases their time to break even on a property therefore making it more attractive. This is a massive community revitalizer and creator of economic development. Throughout the nation, it created around 100,000 jobs.³⁵ This

³³ Campaign for Housing and Community Development Funding., 2017. A place to call home. *CHCDF.*, [online], p.10. Available at: <<http://nlihc.org/sites/default/files/A-Place-To-Call-Home.pdf>>

³⁴ 26 U.S. C. § 47 (2017).

³⁵ Statistical Report and Analysis., 2017. Federal Tax incentives for rehabilitating historic buildings. *US Dept of the Interior.*, [online], p.5. Available at: <<https://www.nps.gov/tps/tax-incentives/taxdocs/tax-incentives-2016statistical.pdf>>

federal tax credit is responsible for many of the low- and moderate-income housing units. Over a 40-year span, it has helped create approximately 153,255 units.³⁶ This shows how developers can harness these tax credits provided by the government and assist in revitalizing properties that are historic and can continue to contribute to the local economy. On a large scale it was proven that shortages of affordable housing costs the American economy about \$2 trillion a year in lower wages and productivity, which in turn causes slower GDP growth.³⁷ Local businesses can prosper as well because the affordable housing residents will have more spending power and that money will circulate into the local economy.³⁸ It also creates social benefits for the local community by reducing childhood poverty in the US and improving health outcomes for seniors. Long-term housing subsidies which are primarily tenant focused instead of developer focused, reduced proportion of families that were homeless or doubled up in the previous 6 months by 50%.³⁹ These subsidies are providing roofs over the heads of Americans and a very important social aspect of sustainable adaptive reuse is that it can help create stability. A study centered on affordable housing and multifamily development found that children who moved to less poverty-stricken neighborhoods saw their earnings as adults increase by approximately 31%.⁴⁰ This study also showed that it increased the likelihood of living in better neighborhoods as adults, and even a lowered likelihood of becoming a single parent.⁴¹ Children are also more likely to thrive in an educational setting and have greater opportunities to learn inside and outside the

³⁶ *Id.* at 12.

³⁷ *Id.*

³⁸ Wardrip, K., Williams, L. and Hague, S., 2011. The Role of Affordable Housing in Creating Jobs and Stimulating Local Economic Development. *Center for Housing Policy.*, [online], p.3. Available at: < <https://providencehousing.org/wp-content/uploads/2014/03/Housing-and-Economic-Development-Report-2011.pdf>>

³⁹ Campaign for Housing and Community Development Funding., 2017. A place to call home. *CHCDF.*, [online], p.5. Available at: < <http://nlihc.org/sites/default/files/A-Place-To-Call-Home.pdf>>

⁴⁰ National Low Income Housing Coalition., 2021. [online], Available at: < <https://nlihc.org/explore-issues/why-we-care/problem>>

⁴¹ *Id.*

classroom.⁴² Finally, there are environmental benefits to adaptive reuse of a vacant building, specifically unique dormant buildings, for multifamily and affordable housing. In general, households living in multifamily properties with five or more units use about half as much energy as other types of homes.⁴³ This is a great benefit because reducing energy usage means that production of energy will decrease and that is a positive environmental outcome. Another major benefit to the environment from the adaptive reuse of a property is that it has a much lower carbon load. For a new construction of an energy efficient building, it can take between 10 and 80 years to pay back the carbon created, and that time is just for construction.⁴⁴ These ordinances are creating an economic, social, and environmental benefit.

V. Recommendations

In the proposed ordinance that will be drafted for the Borough of Carlisle, it will look to address all three of the problems that have been identified by the vacant and dormant buildings. Specifically, the purpose of this ordinance is to alleviate the impact vacant buildings have on the environment, bolster the local economy and property prices in the community, and finally help create affordable housing and community businesses by adaptively reusing the unique buildings located in Carlisle.

A. Uses

Our Model Ordinance for Carlisle incorporated permitted principal uses, conditional uses, and most importantly special exception uses. This section of the model ordinance was heavily influenced by the Whitehall and Uwchlan ordinances that were discussed above. For example, in

⁴² *Id.*

⁴³ U.S. Energy Information Administration., 2013. Apartments in buildings with 5 or more units use less energy than other home types. [online]. Available at: < <https://www.eia.gov/todayinenergy/detail.php?id=11731>>

⁴⁴ Heiser, T. and Ward, B., 2020. Adaptive reuse strategies for a Net-Zero Future. *Gensler.*, [online], Available at: < <https://www.gensler.com/publications/dialogue/35/adaptive-reuse-strategies-for-a-net-zero-future>>

reviewing the Whitehall ordinance it was clear that the drafters wanted to ensure that this ordinance was not abused by developers. We understood that to be important for Carlisle as well and made sure that the conditional and special exception uses were drafted in a way such that developers would not be able to take advantage of what the local government intended. Finally, we identified that a developer with a large amount of funding could purchase large swaths of prime residential land and petition for reuse and we specifically incorporated language to prevent that.

B. Fees

The administration of this proposed ordinance for Carlisle will be paid for by the application fees. The application fees will be supervised by Carlisle Borough, and they'll be able to adjust it to compensate for expenses incurred for administration. The Zoning hearing board will spend time reviewing the proposal package that the developer creates. These applications will not require significant extra work for the Borough because it's not a new construction and the fee structure represents that.

VI. Conclusions

Vacated historical buildings were once staples of many of the communities they now sit dormant and dilapidated in. These buildings are a risk to the local environment, to the safety of the community, and a detriment to the economy and livelihood of the communities they once helped create. The pandemic has only hastened the need for more affordable housing as people have been displaced from their homes, their offices, and their jobs. Meanwhile, in high value, centrally located real estate, these unused historical buildings have the potential to address the needs of the Borough.

Carlisle would benefit from the adoption of an adaptive reuse ordinance designed with a focus on repurposing unique buildings. This ordinance can help solve local issues and provide support to a community through buildings that were once important structures in this community.

Adaptive Reuse of Existing Unique Buildings in Carlisle

By: Jack Kennelly and Shazi Raza

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CARLISLE OF CUMBERLAND

COUNTY,

PENNSYLVANIA, TO ESTABLISH REGULATIONS RELATED TO THE

ADPATIVE REUSE OF BUILDINGS ⁴⁵

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the authority of the

[Council/Board] of the _____ Borough of _____ County,

Pennsylvania.⁴⁶

Chapter 1

Preliminary Provisions

Section 101. Title.

This ordinance shall be known and may be cited as the Adaptive Reuse of Buildings for the Borough of Carlisle.

Section 102. Purpose.

This ordinance shall use adaptive reuse through special exception use zoning to vacant or underutilized buildings that currently provide little to no benefit to communities in which the

⁴⁵ Electric Vehicle Charging Infrastructure and Parking Model Ordinance, Jacqueline Lynette Carter and Samantha Craley, <https://widenerenvironment.wordpress.com/students/ordinances/>.

⁴⁶ *Id.*

buildings are located. Several unique buildings, such as ones that previously have housed churches and other religious structures, have become vacant over the years as the purpose the buildings were built for has economically phased out. Due to zoning laws, these types of buildings sit empty, become dilapidated and rundown and do not positively contribute to the community anymore. To address this issue, this ordinance will employ adaptive reuse so that the community can repurpose these unique buildings and return these properties to places that contribute to the betterment of society. The purpose of this ordinance shall be the following:

- (a) to reduce the community's negative environmental impact;
- (b) to apply adaptive reuse practices and provided new uses for underutilized structures.
- (c) to use special exception use zoning to allow for greater flexibility with adaptive reuse and promote Carlisle's community to adopt this practice.
- (d) to promote and contribute to the Borough of Carlisle's Climate Action Commission goal of reducing their environmental footprint;
- (e) to improve the property values of the local communities by revitalizing underused buildings through adaptive reuse practices;
- (f) to create economic opportunities in the form of new jobs, new places of business, and provide affordable housing opportunities for residents by allowing for adaptive reuse to be implemented in Carlisle;
- (g) to eliminate the need for the creation of new properties from the destruction of the local environment by the implementation of adaptively reusing older, vacant lots and properties for new use; and

- (h) to accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.⁴⁷
- (i) to establish an authoritative oversight process through which adaptive reuse can be achieved by granting this power to Carlisle’s zoning hearing board.

Section 103. Legal Authority.

This ordinance is authorized under:

- (a) 8 Pa. C.S.A. § 1202 (relating to specific powers).⁴⁸
- (b) 8 Pa. C.S.A. § 3301.1 (relating to ordinances and resolutions).⁴⁹
- (c) Section 601 of the act of July 31, 1968 (P.L. 805, No. 247), known as the Pennsylvania Municipalities Planning Code.⁵⁰

Section 105. Definitions.

For the purposes of this ordinance, the following words and language used herein shall carry the meaning assigned to them throughout the entire ordinance as established in this section:

“Adaptive reuse.” Adaptive reuse is the process of reusing an old site or building for a purpose other than that for which it was built or designed. It is the conversion of a principal building that was originally constructed and used for principal uses other than the new designation, which may or may not be considered or designated as blighted pursuant to the Borough of Carlisle blight certification provisions. Adaptive reuse is not the razing and redeveloping of an entire structure; however, it may include selective demolition of up to 50% of

⁴⁷ Susquehanna Township, Pa., Municipal Code § 27-103 (2003).

⁴⁸ 8 Pa. Cons. Stat. §1202 (2021)

⁴⁹ 8 Pa. Cons. Stat. §3301.1

⁵⁰ 247 Pa. Cons. Stat §101 (1968)

the existing structure and reconstruction of these demolished areas and minor additions that are in keeping with the nature and character with the original structure.⁵¹

“Developer.” A person involved in the buying and selling of buildings, land and arranging for old buildings to be purchased with the specific intent to use the adaptive reuse process established in this ordinance. ⁵²

“Eligible building.” A building 5,000 square feet or above within a project incentive area that was constructed in accordance with building and zoning codes 50 year prior to the adoption of this ordinance and has been at least 75% vacant for the last two years or which has been determined to be a historically significant building. ⁵³

“Historically significant building.” A building that is listed on the National Register of Historic Places, considered to be historically significant by the Borough of Carlisle⁵⁴ or is eligible for listing based on the criteria of each respective listing process. ⁵⁵

“Project incentive area.” An area in the Borough of Carlisle eligible for an adaptive reuse project. The areas include properties located in any portion of the Borough. ⁵⁶ The project incentive area will be decided by the zoning hearing board and is at the discretion of their professional judgment. This area may remain the same or may evolve at the discretion of the zoning hearing board.

⁵¹ Language taken from Whitehall Township, Pa., Municipal Code § 27-199.1 (E) (2016).

⁵² Cambridge Dictionary., 2021. [online]. Available at:
<<https://dictionary.cambridge.org/us/dictionary/english/property-developer>>

⁵³ City of Santa Ana: Adaptive Reuse Ordinance., 2014. *Planning and building* Agency., [online], p.1. Available at:
<<https://www.santa-ana.org/sites/default/files/Documents/AdaptiveReuseOrdandMap.pdf>>

⁵⁴ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-160 (1993)

⁵⁵ *Id.*

⁵⁶ *Id.*

“Public hearing.” An official meeting where members of the local public hear the facts about the proposed adaptive reuse project and give their opinions about it. ⁵⁷

“Unique building.” A building that is very unlike in kind and character from the surrounding buildings' design. The Borough of Carlisle Council will define the parameters for what classifies as a unique building in Carlisle.

“Zoning hearing board.” A quasi-judicial board appointed by Borough Council for the purpose of hearing and determining appeals on the validity of zoning regulations, or any decision made by the zoning officer, deciding on exceptions the regulations, and authorizing variances or special exceptions from the terms of the zoning ordinance. ⁵⁸

Chapter 2

Adaptive Reuse

Section 201. Adaptive reuse of existing buildings.

Adaptive reuse is the process of reusing an old site or building for a purpose other than that for which it was built or designed. It is the conversion of a principal building that was originally constructed and used for principal uses other than the new designation, which may or may not be considered or designated as blighted pursuant to the Borough of Carlisle blight certification provisions. Adaptive reuse is not the razing and redeveloping of an entire structure; however, it may include selective demolition of up to 50% of the existing structure and

⁵⁷ Cambridge Dictionary., 2021. [online]. Available at:
<<https://dictionary.cambridge.org/us/dictionary/english/public-hearing>>

⁵⁸ Borough of Carlisle., 2021. [online]. Available at:
<https://www.carlislepa.org/government/boards___commissions/zoning_hearing_board.php>

reconstruction of these demolished areas and minor additions that are in keeping with the nature and character with the original structure.⁵⁹

Section 202. Permitted principal uses and special exception uses.

(a) **Permitted principal uses.** Permitted uses for adaptive reuse buildings are permitted by right, the same as what are enumerated in chapter 255 in the Borough of Carlisle code. A proposed adaptive reuse project shall, by right, be permitted to be zoned for what the property’s designation is already established. The permitted uses for the adaptive reuse building shall be any of the following provided the property in question already has the zoning right:

- (1) § 255-15 known as “Low Density Residential District - Uses permitted by right”,⁶⁰
- (2) § 255-23 known as “Medium Density Residential District - Uses permitted by right”,⁶¹
- (3) § 255-31 known as “Nigh Density Residential District - Uses permitted by right”,⁶²
- (4) § 255-38 known as “Town Center Residential District - Uses permitted by right”,⁶³
- (5) § 255-44 known as “Traditional Residential District - Uses permitted by right”,⁶⁴
- (6) § 255-50 known as “Office Residential District - Uses permitted by right”,⁶⁵

⁵⁹ Language taken from Whitehall Township, Pa., Municipal Code § 27-199.1 (E) (2016).

⁶⁰Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-15 (1993).

⁶¹ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-23 (1993).

⁶² Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-31 (1993).

⁶³ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-38 (1993).

⁶⁴ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-44 (1993).

⁶⁵ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-50 (1993).

- (7) § 255-60 known as “Central Business District - Uses permitted by right”,⁶⁶
- (8) § 255-69 known as “Shopping Center/Mixed Use District - Uses permitted by right”,⁶⁷
- (9) § 255-76 known as “General Commercial District - Uses permitted by right”,⁶⁸
- (10) § 255-83 known as “Neighborhood Commercial district - Uses permitted by right”,⁶⁹
- (11) § 255-90 known as “Entranceway Business District - Uses permitted by right”,⁷⁰
- (12) § 255-96 known as “General Industrial District - Uses permitted by right”,⁷¹
- (13) § 255-105 known as “Light Industrial District - Uses permitted by right”,⁷²
- (14) § 255-114 known as “Industrial Commercial District - Uses permitted by right”,⁷³
- (15) § 255-120 known as “Urban Mixed Use District - Uses permitted by right”,⁷⁴
- (16) § 255-128 known as “Institutional District - Uses permitted by right”,⁷⁵
- (17) § 255-134 known as “Open Space District - Uses permitted by right”, or⁷⁶

⁶⁶ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-60 (1993).

⁶⁷ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-69 (1993).

⁶⁸ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-76 (1993).

⁶⁹ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-83 (1993).

⁷⁰ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-90 (1993).

⁷¹ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-96 (1993).

⁷² Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-105 (1993).

⁷³ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-114 (1993).

⁷⁴ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-120 (1993).

⁷⁵ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-128 (1993).

⁷⁶ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-134 (1993).

(18) § 255-141 known as “Floodplain Area (Overlay) - Uses permitted by right”.⁷⁷

(b) **Special exception uses.** The following shall apply:

(1) Special exception uses permitted for adaptive reuse buildings if they fall within an area deemed by the zoning hearing board to be a project incentive area. The adaptive reuse building under a special exception use must meet the adaptive reuse requirements under section 203 of this ordinance and fulfill all the requirements provided under section 301, 302, 303, 304, and 305 of this ordinance.

(2) Special exception uses are subject to approval by the Zoning hearing board.

Section 203. Applicability of special exception use. The special exception use process is designed to allow a careful review of uses that have some potential conflicts with adjacent uses or areas.⁷⁸

Section 204. Eligibility.⁷⁹

For a building to be eligible for adaptive reuse, it must meet the following:

- (a) Projects shall meet the following criteria to be an eligible Adaptive Reuse Project.⁸⁰
- (b) The project shall be in one of the project incentive areas.⁸¹
- (c) The building shall be an eligible building.⁸²

⁷⁷ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-141 (1993).

⁷⁸ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-197 (1993).

⁷⁹ City of Santa Ana: Adaptive Reuse Ordinance., 2014. *Planning and building Agency.*, [online], p.1. Available at: <<https://www.santa-ana.org/sites/default/files/Documents/AdaptiveReuseOrdandMap.pdf>>

⁸⁰ *Id.*

⁸¹ *Id* at 2.

⁸² *Id.*

Section 205. Building requirements.

To allow the adaptive reuse of buildings, the requirements are as follows:

- (a) Abide by the special exception use associated with the approved classification assigned to the new structure by the Zoning hearing board.
- (b) Be able to pass inspection that is required for all buildings of its type must pass.
- (c) Abide by any other provisions that the Zoning hearing board requires of the adaptive reuse structure.

Section 206. Exceptions.

A developer applying for adaptive reuse may not purchase multiple adjacent low density residential zoned properties for the purpose of aggregating land for a large-scale project unless the developer receives approval from the Zoning hearing board.

Chapter 3

Procedural Requirements

Section 301. Applicability of this chapter.

This chapter provides the requirements that shall be met for adaptive reuse of existing buildings in the Borough of Carlisle.

Section 302. Procedure⁸³

⁸³ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-197 (1993).

For the procedure of the adaptive reuse project to be met, the following conditions must be followed:

- (a) The Zoning Officer shall not grant a permit under this chapter for a proposed special exception use until written approval of the Zoning hearing board is obtained.
- (b) All applicants for a special exception use shall submit eight sets of required submittal materials for the proposed use to the Zoning Officer, or the Zoning Officer's authorized agent, as part of the application for a special exception use. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
- (c) Site plan, subject to compliance with § 255-253 to determine whether a detailed site plan is required.
- (d) The Zoning Officer should, prior to the next Zoning hearing board meeting where the application will be discussed, review the plan to determine compliance with this chapter and submit a report to the Zoning hearing board.
- (e) The Board shall review any reports received from the Zoning Officer and Planning Commission.
- (f) The Board shall hear and decide such requests for a special exception use under the procedures of Article XXVIII and the Municipalities Planning Code, as amended. The Municipalities Planning Code shall preempt any section of Article XXVIII that might be directly in conflict.
- (g) The decision of the Board shall be in writing and shall be communicated to the applicant in accordance with the Municipalities Planning Code.

Section 303. Standards.⁸⁴

Special exception standards. Each special exception use shall comply with all the following standards:

- (a) Other laws. It shall not be in serious conflict with other Borough ordinances or state or federal laws or regulations that the Zoning hearing board has clear knowledge of.
- (b) Comprehensive Plan. It shall be generally consistent with the adopted Comprehensive Plan.
- (c) Traffic. It shall not result in or significantly add to a serious traffic hazard or serious traffic congestion.
- (d) Safety. It shall not create a significant public safety hazard, including fires, toxic or explosive hazards.
- (e) Neighborhood. It will not significantly negatively affect the desirable character of an existing residential neighborhood.
- (f) Design. It will involve adequate sight design methods, including evergreen screening, setbacks, and traffic control, to avoid serious negative influences on adjacent uses.

Section 304. Fees.

Applications to the Zoning hearing board for the proposed new use shall cost the following: (1) \$300 for all residential and open space uses; (2) \$500 for all commercial and

⁸⁴ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-197 (1993).

institutional uses; (3) \$900 for all industrial uses.⁸⁵ The fees shall be used for administrative purposes and will be supervised by the Borough of Carlisle.

Section 305. Approval.⁸⁶

- (a) The Zoning hearing board shall approve any proposed special exception use if it finds adequate evidence that any proposed use will meet:
 - (1) All of the standards listed in this section.
 - (2) All of the specific standards for the proposed use listed in §§ 255-199 and 255-200.⁸⁷
 - (3) All other applicable requirements of this chapter.
- (b) In granting a special exception, the Board may require such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.

Section 306. Denial.⁸⁸

The Zoning hearing board may deny any application for the adaptive reuse of a building for any of the following reasons:

- (a) there is objective, substantial data and evidence supporting opposition to the adaptive reuse of a specific building from local businesses and residents,

⁸⁵ Ordinance No. 2322, Article II General Fee Schedule. § 120-24.

⁸⁶ Language taken from Borough of Carlisle, PA, Chapter 255 Zoning, §255-44 (1993).

⁸⁷ Reference to Borough of Carlisle, PA, Chapter 255 Zoning, §255-199. §255-200 (1993).

⁸⁸ Language adopted from Repurposing of Commercial Parking Model Ordinance, Harsharan Kaur and Mengyin Chen (Fall 2020), available at <https://widenerenvironment.files.wordpress.com/2021/01/repurposing-of-commercial-parking.pdf>

- (b) the applicant failed to comply with the standards and requirements established in this ordinance, or
- (c) the Zoning hearing board may exercise caution and deny application based off their experience and training for projects that would be detrimental to the purpose of this ordinance.⁸⁹
- (d) the Zoning hearing board shall deny an application if the proposed project fails to conform to the purposes of this ordinance.

Chapter 4

Enforcement and Incentives

Section 401. Enforcement division.

The Zoning hearing board shall have a duty to enforce the provisions established in this ordinance. The Zoning hearing board of the Borough of Carlisle shall have the power to hear, and rule on all claims brought before them and enforce the powers in this ordinance should the Zoning hearing board see fit. These claims will consist of adaptive reuse proposals and valid opposition or support from the community about the proposed adaptive reuse project. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents and make such reports as the Carlisle Borough may require.⁹⁰

⁸⁹ The purpose of this ordinance “Repurposing the Existing Unique Buildings in Carlisle” can be found in Section 102.

⁹⁰ Language adopted from TOWNSHIP OF SUSQUEHANNA, PA, Municipal Code, §27-2602

Section 402. Adoption, administration, and enforcement of standards.

The Pennsylvania Construction Code, 35 P.S. § 7210.101 et seq., and regulations promulgated thereunder by the Pennsylvania Department of Laboring and Industry (collectively referred to in this chapter as the “code”) are hereby adopted and incorporated herein by reference as the building code of the Borough of Carlisle.⁹¹

Section 403. Enforcement process.⁹²

If it appears to the Borough that a violation of this chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, to the developer of the property and to any other person requested in writing by the owner of record.

Section 404. Notice Requirements.

The notice shall contain the following:

- (a) The name of the owner of the record and any other person against whom the Borough intends to act.
- (b) The location of the property in violation.
- (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

⁹¹ Language taken from BOROUGH OF CARLISLE, PA, General Legislation §89-1

⁹² TOWNSHIP OF SUSQUEHANNA, PA, Municipal Code, §27-2621

- (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (e) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of days.
- (f) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

Section 405. Appeals.

Applicants may petition the Zoning hearing board for an appeal should there be disapproval with any part of the process established in this ordinance. A petition to the Zoning hearing board must be made within 60 days of denial of a project. Notice must be provided to the Zoning hearing board.

Section 406. Incentives.

Adaptive reuse projects that are in the project incentive areas and are an eligible building shall be eligible for the following project incentives: ⁹³

- (a) Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback. ⁹⁴
- (b) The height of the structure, if it exceeds the maximum height of the zoning district, may remain, and shall be considered legal nonconforming. ⁹⁵

⁹³ City of Santa Ana: Adaptive Reuse Ordinance., 2014. *Planning and building Agency.*, [online], p.2. Available at: <<https://www.santa-ana.org/sites/default/files/Documents/AdaptiveReuseOrdandMap.pdf>>

⁹⁴ *Id.*

⁹⁵ *Id.*

- (c) New parking spaces shall not be required for any converted use within the building, but any new square footage added shall require additional parking at a rate to be determined by the Borough Council.⁹⁶
- (d) The Zoning hearing board may waive the public hearing required if the owners of all properties abutting, across the street or alley from, or having a common corner with the building have expressed in writing no objections to the adaptive reuse project.⁹⁷

Chapter 5

Additional Provisions

Section 501. Severability.

All provisions of this ordinance are severable. If any provision of this ordinance or its application is held invalid, such invalidity shall not affect any other provision of application of this act which can be given effect without the invalid provision or application.⁹⁸

Section 502. Repeals.

No other sections of the ordinances of the Borough shall be repealed. All parts of the ordinance of the Borough are to be read together. To the extent that there are inconsistencies that cannot be read together, this ordinance shall be construed as to supersede other ordinances for purposes relevant to the provisions and purpose of this ordinance.⁹⁹

⁹⁶ *Id.*

⁹⁷ City of Los Angeles, Adaptive reuse Ordinance, 2001, available at https://www.ladbs.org/docs/default-source/publications/ordinances/adaptive-reuse-ordinance---1-a-downtown-incentive-areas.pdf?sfvrsn=d68deb53_7

⁹⁸ Electric Vehicle Charging Infrastructure and Parking Model Ordinance, Jacqueline Lynette Carter and Samantha Craley, <https://widenerenvironment.wordpress.com/students/ordinances/>.

⁹⁹ *Id.*

Section 503. Effective Date.

This ordinance shall be effective in 90 days after enactment and approval.¹⁰⁰

¹⁰⁰ *Id.*