

Chapter 155. HISTORIC DISTRICTS

Article I. Historic District

§ 155-1. Legal authorization.

A. Pennsylvania law.

This City of Lancaster Historic District Ordinance is created pursuant to the authority granted by Historic District Act 167, entitled: "An Act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

B. Power granted to governing body to certify appropriateness.

Pursuant to Act 167, §4.(b), the Lancaster City Council shall consider the following prior to issuing a certificate of appropriateness:

- (1) Any governing body in determining whether or not to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of a building, in whole or in part, shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district. The governing body shall pass upon the appropriateness of exterior architectural features which can be seen from a public street or way, only, and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the district. The governing body shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district.

§ 155-2. General provisions.

- A. Short title. This article shall be known and may be cited as the "Historic District Ordinance."
- B. Compliance. All construction, reconstruction, alteration, restoration or demolition of a building or structure, in whole or in part, located within the Historic District and visible from a public right-of-way or public alley shall hereafter be in full compliance with the terms of this article and/or other applicable regulations.

§ 155-3. Purpose.

It is the purpose of this article to:

- A. Protect and preserve historic buildings, structures and areas within the Historic District that represent distinctive elements of the City's cultural, social, economic, political and architectural history;
- B. Safeguard the specific architectural features of historic structures, including design, materials, textures, and method of construction, that define their unique character and reflect historical architectural styles;
- C. Assure that exterior alterations visible from a public way protect and enhance the historic character of existing structures;
- D. Ensure that the architectural elements of new construction are compatible with the primary architectural characteristics of existing adjoining and nearby structures; and
- E. Provide property owners with an effective tool to preserve the historic character of their neighborhoods.

§ 155-4. Scope of Ordinance.

A. Activities requiring HARB review and City Council approval.

Unless specifically addressed below in Subsection B or C, any construction, reconstruction, alteration, repair, restoration, or demolition activity on private or public property requiring a building permit for exterior work visible from a public right-of-way, or any sign visible from a public right-of-way shall require prior review and recommendation to City Council by the HARB and the issuance by City Council of a certificate of appropriateness.

B. Activities subject to administrative review and approval.

The following activities visible from a public right-of-way shall require administrative review and approval prior to the issuance of a building permit. If approved by the Building Official and Historic Preservation Specialist as an activity consistent with the Secretary of the Interior Standards, a certificate of appropriateness will not be required. Any of the following activities that are not administratively approved shall require an application for a certificate of appropriateness:

- (1) Repair or in-kind replacement of any element, in whole or in part;
- (2) Repointing and masonry repair using materials, mortar composition, color, joint profile and width that closely match historic materials;
- (3) ~~Removal of paint from any exterior surface by an approved method only;~~
- (3) Repair or replacement of slate roofing shingles, provided that the replacement shingles are asphalt, fiberglass or other approved material that closely matches the slate shingles in color, profile and design;
- (4) Repair or replacement of asphalt or fiberglass shingles, provided that the replacement shingles are asphalt, fiberglass or other approved material that closely matches a color preapproved by the HARB;

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(5) Replacement of gutters and downspouts, provided that the new gutters and downspouts match the existing features in design and materials;

(6) Installation of flower boxes, window boxes, immovable planters or other plant containers affixed to a building or porch;

(7) Installation or replacement of full-light storm doors, with color matching existing trim, provided they conform to the shape and size of the historic door;

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(8) Installation or replacement of storm windows, with meeting rails matching existing windows and color matching existing trim, provided they conform to the shape and size of the historic windows;

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(9) Repair and alteration activity visible only from unnamed public alleys.

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C. Activities not subject to HARB or administrative review.

(1) Painting of exterior walls or trim, provided ~~existing paint is not stripped and~~ repointing is not necessary prior to paint application;

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(2) Removal of paint from any exterior surface.

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(3) Maintenance;

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(4) Landscaping, ~~except that immovable planters, flower boxes, or other plant containers of a permanent nature are subject to review.~~

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§ 155-5. Definitions.

For the purpose of this article, all words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The masculine gender includes the feminine and neuter genders, and the feminine gender includes the masculine and neuter genders. The word "shall" is mandatory. The word "used" includes "designated," "intended," "built," or "arranged to be used." Words not defined below shall have the meanings given in the most recent edition of Webster's Unabridged Dictionary.

ADDITION

A building or part thereof constructed on the same lot as an existing building and which is an expansion of the volume of the existing building.

ALTERATION

Any visual or physical change to the exterior of a building or structure, including the repair, replacement, or installation of any exterior structural, decorative or accessory element, feature, or appurtenance.

APPURTENANCE

A subordinate component or structural feature erected on a lot, or attached or affixed to a principal structure.

AREA

A geographically definable area comprised of one block face, or one side of a public right-of-way located between the intersection of public rights-of-way and/or alleys which possesses a significant concentration, linkage or continuity of buildings or structures united by past events or aesthetically by plan or physical development which may also comprise individual elements separated geographically but thematically linked by association or history.

AUTHORIZED AGENT

An individual granted written permission by a property owner to file an application on his or her behalf and to represent the owner at public meetings.

BUILDING

A structure, enclosed and isolated by exterior walls and roof and attached or placed with the intent of permanence to the land, including principal and accessory buildings.

BUILDING PERMIT

An approval document signed by the Building Official authorizing the construction, alteration, repair or demolition of all or part of any building or structure.

BUILDING PERMIT APPLICATION

The document filed by a property owner or authorized agent with the Building Official requesting authorization to construct, alter or demolish all or part of any building or structure.

BUILDING OFFICIAL

A municipal employee of or individual retained by the City designated as the individual who enforces compliance of the City of Lancaster Building Code and Property Maintenance Code and issues permits for the construction, alteration, repair or demolition of all or part of any building or structure within the municipality, including a qualified person designated by the Building Official to perform such functions as delegated by this article to the Building Official.

CERTIFICATE OF APPROPRIATENESS

The approval ~~statement, signed~~ **authorized** by the City Council, which certifies to the historical appropriateness of a particular request for the construction, erection, reconstruction, alteration, repair, restoration, or demolition of all or part of any building or structure within the Historic District.

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CHARACTER-DEFINING

Architectural design, materials, details, forms, workmanship, or components that are important elements reflecting the distinctive design or physical characteristics of the original historical building or structure. In certain instances, alterations or additions occurring more than 50 years ago may acquire historical significance and be considered character-defining elements as well; for example, a Victorian porch added to a Federal-style building.

COMPLETED APPLICATION

An application for a certificate of appropriateness that conforms to submittal requirements for HARB review.

CONSTRUCTION

The erection, assembling, or building from components or materials of a new building or structure or part thereof, including the extension in height or area of an existing building or structure, the introduction of new elements or additions to existing buildings and structures, and the reconstruction or restoration of a demolished or destroyed building or structure or part thereof.

COUNCIL'S CONSIDERATION

The review and deliberation by City Council at a public meeting of either a City Council Committee or full City Council of an application or matter requiring formal City Council action.

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DEMOLITION

The dismantling, permanent removal, tearing down or razing of a building or structure, in whole or in part.

DEMOLITION BY NEGLECT

The absence of routine maintenance and repair which leads to a building's or structure's structural weakness, decay and deterioration to the point where the building/structure meets criteria for condemnation.

HERITAGE CONSERVATION DISTRICT

That geographic area of the City of Lancaster, identified and delineated by the City Council, pursuant to Section 2, Pennsylvania Act 167-1961, as amended, adopted by Ordinance No. 6 - 1999, as amended, and certified by the Pennsylvania Historical and Museum Commission on February 16, 2000.

HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB)

The official review board first appointed by City Council pursuant to Ordinance No. 41-1967, as amended, which is charged with the responsibility to recommend to City Council, following deliberations at public meetings, the approval, approval with conditions, or denial of certificates of appropriateness for regulated construction, reconstruction, alteration, repair, restoration or demolition activity.

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HISTORICAL COMMISSION

The official review board appointed by City Council pursuant to Ordinance No. 6 - 1999, as amended, which is charged with the responsibility to recommend to City Council, following deliberations at public meetings, the approval, approval with conditions, or denial of certificates of appropriateness for regulated demolition or construction activities within the Heritage Conservation District.

HISTORIC PRESERVATION SPECIALIST

A municipal employee or individual retained by the City meeting the professional and educational qualifications of 36 CFR 61, as required by the Certified Local Government Program, and designated as the individual responsible for advising the HARB and Historical Commission and applicants/property owners regarding regulated activities within the Historic District and Heritage Conservation District.

LANCASTER HISTORIC DISTRICT

That geographic area of the City of Lancaster created by City of Lancaster Ordinance No. 41-1967, as amended, (City of Lancaster Code Chapter 155, Article I, originally codified at Article 1763) wherein any and all changes to buildings or structures, or parts thereof, visible from a public right-of-way are subject to review and approval in accordance with the provisions of this article.

MAINTENANCE

Work that does not alter the exterior fabric or features of a building or structure and has no material effect on the historical, architectural or cultural significance of a building or structure.

NATIONAL REGISTER OF HISTORIC PLACES

The federal listing, administered by the United States Department of the Interior, of districts, sites, buildings, structures and objects significant in American history

and culture for their architecture, archaeology, contribution to the broad patterns of history, or association with lives of persons significant in the nation's past.

PLOT PLAN

A drawing or map, drawn to scale, showing existing and proposed buildings and structures and other improvements.

PRESERVATION

Actions taken to prevent the decay or degradation of a structure.

PRINCIPAL STRUCTURE

Building or structure in which has been, is, or will be conducted the principal, or primary, use or uses of a lot. More than one principal structure may exist on a lot; for example, an office and a separate fabrication shop.

PROPERTY OWNER

The owner of record of a property, including the owner of a condominium unit.

PUBLIC ALLEY

A minor right-of-way which is used primarily for vehicular or pedestrian access from a public street to the side or rear of properties and which is included in the Official City (Street) Plan.

PUBLIC RIGHT-OF-WAY

Any land dedicated to public use or passage, including streets, alleys, and pedestrian rights-of-way placed on the Official City (Street) Plan.

RECONSTRUCTION

The rebuilding or reassembling of a building, structure or part thereof that previously has been demolished or destroyed. Reconstruction may or may not replicate the building or component being rebuilt.

REGULATED ACTIVITY

Any activity requiring review and recommendation by the HARB and approval by City Council for the issuance of a certificate of appropriateness or administrative approval in the Historic District.

REPAIR

The process of rehabilitation that warrants additional work beyond maintenance. Repair includes, but is not limited to, patching, piecing in, splicing, consolidating or otherwise reinforcing materials.

REPLACEMENT

To install materials or components in place of existing materials or components, such as removing existing windows or doors and installing other windows or doors. "In-kind replacement" means that the replacement materials or components shall be of the same design, material, texture, color, and other visual qualities as the element to be replaced.

RESTORATION

The process of accurately recovering the form and details of a building or structure as it appeared at a specific period of time by means of removal of later work or by the replacement of work missing from that specific period.

SECRETARY OF THE INTERIOR'S STANDARDS

Federal standards developed by the United States Department of the Interior to guide work undertaken on buildings listed in or eligible for listing in the National Register of Historic Places. Separate standards exist for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction.

SETBACK

The distance from a property line of a lot or parcel to the principal or secondary facade of a building or edge of a structure.

SIGN PERMIT

A permit issued by the City of Lancaster Zoning Officer for signs regulated by the Zoning Ordinance of the City of Lancaster, as amended.

STORM DOOR

A secondary door mounted outside an existing outside door for protection against severe weather.

STORM WINDOW

A secondary sash placed over an existing window as a protection against severe weather.

STREETSCAPE

The overall view of a public street and its component elements, including the street, sidewalk, buildings, street signs and furnishings, and landscaping, and also including the relationships of building setbacks, rhythms, heights, shapes, spacing, and textures that give the public street or neighborhood its distinctive visual character.

STRUCTURE

Any man-made object, including but not limited, to buildings, appurtenances, and paving having a stationary location, whether or not affixed to the land or to an existing building or structure. Examples include but are not limited to heating/cooling units, telecommunication equipment, fences, swimming pools, recreational apparatus, gazebos, animal shelters, vending machines, and advertisement distribution boxes.

USE

The specific purpose for which land, structure, building, or a unit within a structure or building is arranged, designed, intended, occupied or maintained.

~~**USE AND OCCUPANCY PERMIT**~~

~~A permit issued by the City of Lancaster Zoning Officer for activities regulated by the Zoning Ordinance of the City of Lancaster, as amended.~~

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§ 155-6. Delineation of Historic District.

A. Certification of Historic District.

The Pennsylvania Historical and Museum Commission (PHMC) has certified by resolution the historical significance of the Historic District within the limits identified below in Subsection B. Furthermore, on February 16, 2000, the PHMC certified by resolution the historical significance of the Heritage Conservation District of the City of Lancaster as delineated in Ordinance No. 6 - 1999, adopted November 9, 1999, by the Lancaster City Council. Any expansion of the Historic District into the previously certified Heritage Conservation District shall require no further certification by the PHMC. However, expansion of the Historic District beyond the limits of the Heritage Conservation District shall require the certification by resolution of the PHMC of such expansion prior to the ordinance amending the boundaries of the Historic District taking effect.

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B. Boundaries.

The boundaries of the Historic District are those established by City of Lancaster Ordinance No. 41 - 1967, adopted October 10, 1967, as amended from time to time, ~~beginning with Ordinance No. 24 - 1968 and including all amendments up to and including Ordinance No. 1 - 1990,~~ the boundaries of which are described in the attached Exhibit A, incorporated and made a part hereof by reference. *Editor's Note: Exhibit A is on file in the City offices.*

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C. Historic District Map.

Regardless of the existence of purported copies of the official Historic District Map which may from time to time be published, the official Historic District Map shall be located in the office of the Building Official.

D. Interpretation of Historic District boundaries.

Where uncertainty exists as to the boundaries of the Historic District as shown on the official Historic District Map, the following guidelines shall apply:

- (1) Boundaries indicated as following the center lines of streets or plotted lot lines shall be construed as following such lines.
- (2) Distances not specifically indicated on the official Historic District Map shall be determined by the scale of the map.
- (3) Where physical or cultural features existing on the ground are at variance with those shown on the official Historic District Map, or in other circumstances not covered by the above, City Council shall interpret the Historic District boundaries.

E. Additions to or deletions from Historic District.

(1) Requests for inclusion in or exclusion of an area from the Historic District must have the concurrence of the property owners representing at least 70% of the ~~property properties~~ located within the boundaries of the proposed area. All such requests shall be made on a form obtained from the Historic Preservation Specialist. ~~The proposed petition form~~ shall be returned to the Historic Preservation Specialist for review prior to its circulation to property owners. ~~Notwithstanding the foregoing, the owner or owners of a property that is adjacent to the existing Historic District may request inclusion in the Historic District. The review by the Historic Preservation Specialist will be completed within fifteen (15) days of the submission of the petition form; if additional review time is needed, the sponsor will be notified of the need for additional time and the anticipated date of completion.~~

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(2) -The sponsor(s) circulating a petition for inclusion or exclusion of an area from the Historic District must own property in the block or area referenced in the petition for a minimum of one year prior to circulation of the petition request.

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(3) When the required signatures have been obtained, the signed petition requests shall be submitted to the Historic Preservation Specialist for review and verification that

signatures were obtained from the owners of at least 70% of the properties located within the boundaries of the proposed area.

(4) All requests shall be considered in accordance with the procedures set forth herein in §§ ~~155-6~~ 155-9 and 155-10 regarding applications for certificates of appropriateness. Verified petition requests will be placed on the HARB's meeting agenda. All owners of properties located within the boundaries of the proposed area shall be informed in writing of the time and place of the HARB meeting at which the petition request will be considered. The sponsor(s) of the request shall be advised to appear before the HARB to explain the request on behalf of the petitioners. The recommendation of the HARB shall be rendered within seventy-five (75) days of the meeting at which the request is first considered, unless the sponsor(s) agrees, in writing, to grant the HARB additional time to render a recommendation. At the time of its decision on the request, the HARB shall orally advise the sponsor(s) of its recommendation and shall also advise the sponsor(s) of the time and place of the meeting of City Council when the request will be considered.

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(5) Petition requests are subject to approval or authorization by the City Council. City Council shall, within sixty (60) days following the Council's first consideration of the request at a Council meeting, either approve or disallow the request, unless granted additional time by the sponsor(s) to render a decision. In determining whether to approve or disallow the request, City Council shall consider the HARB's recommendation and the purpose of the Historic District ordinance as set forth in § 155-3.

(6) Within thirty (30) days following the decision of City Council to approve or disallow the request, the City shall send written notification to all property owners within the boundaries of the proposed area(s) advising them of the decision of City Council.

(7) Any appeals of a City Council decision regarding a petition for inclusion or exclusion of an area from the Historic District shall be made in accordance with Section 155-16.B.

(8) Any area or property which is removed from the Historic District shall automatically be incorporated into the Heritage Conservation District in accordance with Chapter 155, Article II, §155-21C of the City Code.

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§ 155-7. Board of Historical Architectural Review.

A. Appointment by City Council.

A Board of Historical Architectural Review (HARB) is hereby established and shall be composed of seven members, appointed by City Council, in accordance with Section 8002 of Act 167. The HARB shall be composed of seven members, one of whom shall be a registered architect, one a licensed real estate broker, one the City Building Official, and the remaining four members shall be persons with knowledge of and interest in the preservation of historic districts. With the exception of the registered architect, licensed real estate broker and Building Official, all members must own property or reside in the

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City of Lancaster, and, of these six members, at least three shall own property or reside within the Historic District.

B. Term and vacancies.

The term of each member shall be three years, or until his or her successor is appointed, except that the terms of the members appointed pursuant to this article shall be so fixed that no more than three members shall be reappointed or replaced during any one calendar year. The position of any member appointed in his or her capacity of architect, real estate broker, Building Official, resident or property owner who ceases to fulfill this requirement of membership shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

C. Removal of members.

Any Commission member may be removed for misconduct or wrongdoing, unlawful execution of this article, or failure to perform his or her responsibilities pursuant to this article, or for other just cause by a majority vote of the City Council, but not before he or she has been given the opportunity of a hearing before an executive session of City Council to defend himself or herself against any alleged infractions of this article.

§ 155-8. Powers, duties and responsibilities of the HARB.

A. Advisory role.

The HARB shall be charged with the responsibility for the review of applications for exterior work to buildings and structures or demolition, in whole or in part, of buildings or structures within the limits of the Historic District which require the issuance of a certificate of appropriateness prior to the issuance of a building permit, sign permit or demolition permit, in accordance with the provisions of this article, and for forwarding written recommendations to the City Council regarding the issuance of a certificate of appropriateness for such work. Furthermore, the HARB shall review and recommend to City Council appropriate action upon petitions submitted by property owners of given areas of the City requesting the inclusion of their area in or its withdrawal from the Historic District. In addition, the HARB is charged with the responsibility of recommending to the City, and participating in, the establishment of programs and actions that will promote public interest in the purpose of this ordinance and the preservation of buildings and structures within the Historic District.

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B. Meetings and quorum.

The HARB shall meet publicly at regularly scheduled meetings, and, if determined necessary, at special meetings, advertised in accordance with the Pennsylvania Sunshine Act, Act of October 15, 1998, P.L. 729, 65 Pa.C.S.A. § 701 et seq. A majority of the appointed members shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of a majority of the HARB members present at the meeting. Except that, if one or more positions are vacant at the time of official action, a quorum shall be no less than three people; and, in the case of an even number of members present because of vacancy or absence, a tie vote shall indicate denial.

C. Voting and conflicts of interest.

It shall be the duty of each HARB member to publicly announce any conflict of interest, including but not limited to financial consideration, in connection with any application or other official action before the HARB. When a conflict of interest has been identified, the member shall not participate in the deliberation or voting on the matter.

D. Bylaws.

The HARB shall adopt rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth and provisions of this article.

E. Annual reports.

The HARB shall make an annual report to City Council and to the PHMC, summarizing actions and accomplishments for the previous calendar year.

F. Compensation.

HARB members shall serve without compensation; ~~however, costs for training or local travel shall be compensated by the City if prior approval has been granted.~~

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G. Training.

As required by the PHMC for all certified local governments, HARB members shall participate in eight hours of training each year on matters related to historic preservation.

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§ 155-9. Hearings before HARB Meetings.

A. Hearing Meeting.

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At the time a completed application is filed, the applicant shall be informed of the time and place of the HARB meeting at which his or her application will be considered. The applicant shall be advised to appear before the HARB to explain the application. ~~Such hearing shall be concluded and~~ The recommendation of the HARB shall be rendered within 75 days of the meeting at which the application is first considered, unless the applicant agrees, in writing, to grant the HARB additional time to render a decision. Failure of the HARB to make a recommendation within this 75-day period or any extension thereof shall be considered a recommendation of unconditional approval.

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B. Public notification.

Public notification shall occur for all applications. The applicant shall post the property where the activity is to occur with the placard provided by the City at least 10 days prior to the HARB meeting. In addition, the City shall submit the HARB agenda to a newspaper of general circulation for publication prior to the meeting, and will post the HARB agenda on the City of Lancaster website.

C. Recommendations regarding certificates of appropriateness.

In determining the recommendation to be presented to City Council concerning the issuing of a certificate of appropriateness authorizing a permit for the construction, reconstruction, alteration, repair, restoration, or demolition of all or part of any building or structure within the Historic District, the HARB shall consider the following matters:

- (1) Standards promulgated by the Secretary of the Interior;
- (2) Historical and/or architectural significance of the building or structure;
- (3) Effect of the proposed change upon the general historic and architectural character of the Historic District;
- (4) Appropriateness of exterior architectural features that can be seen from a public right-of-way;
- (5) General design, arrangement, texture, material, ~~and color of materials~~ of the building or structure and the relation of such factors to similar features of buildings or structures in the Historic District, and, in the case of new construction, consistency with the design standards set forth in § 155-12 herein;
- (6) Written report of the Historic Preservation Specialist regarding the appropriateness of the proposed activity; and
- (7) Applicant's justification for the proposed activity, including financial feasibility and cost estimates.

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D. Findings of ~~hearing meeting~~.

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The HARB, following the ~~hearing meeting~~ provided for in § 155-9A, shall submit to City Council, in writing, its recommendation concerning the issuance of a certificate of appropriateness. The written report shall include the name and address of the applicant, the location of the property under consideration, description of the proposed work, the specific Secretary of the Interior's Standards upon which the HARB recommendation is based, and any other pertinent information. The written report also shall contain one of the following recommendations:

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- (1) The issuance of a certificate of appropriateness authorizing the issuance of a building permit for the proposed activity; or
- (2) The issuance of a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which, in the opinion of the HARB, would protect the distinctive historic character of the building or structure or the area where the change is to occur; or
- (3) The denial of a certificate of appropriateness with respect to the proposed activity as set forth and described in the application.

E. Withholding recommendation of denial.

In the event that the HARB votes to counsel against the issuance of a certificate of appropriateness, it shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the HARB, would protect the distinctive historical character of the Historic District. The HARB shall withhold its written recommendation to City Council if the applicant agrees at the conclusion of the ~~meeting~~ or ~~meetings~~ to appear

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before the HARB at its next regularly scheduled meeting with a revised application for its consideration.

§ 155-10. Decisions of City Council.

~~A. Council decision.~~

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~~City Council shall, within 10 days following the receipt of a recommendation from HARB, take formal action on the issuance of certificates of appropriateness for work covered by applications reviewed by the HARB. In determining whether or not to certify to the appropriateness of the proposed construction, alteration, repair, restoration, or demolition of all or part of any building or structure within the Historic District, Council shall consider the same factors as the HARB, as set forth above in § 155-9C, as well as the written recommendation of the HARB.~~

~~B. Approval of certificate of appropriateness.~~

~~If City Council approves the completed application, subject to conditions recommended by the HARB, it shall issue a certificate of appropriateness authorizing the Building Official to issue a permit for the work recommended for approval by the HARB. The City Clerk shall give written notice to the Building Official and Historic Preservation Specialist of City Council's decision. The Historic Preservation Specialist shall notify the applicant of City Council's motion of approval.~~

~~C. Disapproval of certificate of appropriateness.~~

~~If City Council disapproves the application, its motion shall state the reason for the disapproval. City Council shall also indicate what changes in the applicant's plans and specifications would meet its conditions for protecting the distinctive historical character of the Historic District. The City Clerk shall give written notice to the Building Official and Historic Preservation Specialist of City Council's decision. The Historic Preservation Specialist shall notify the applicant and the PHMC of City Council's motion of disapproval.~~

A. Deliberations of City Council

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Following the HARB's provision of its recommendation concerning issuance of a certificate of appropriateness as set forth in §155-9D, City Council may consider the written recommendation of the HARB, any additional presentation by representatives of the HARB, and the presentation of evidence by the applicant at a regularly scheduled meeting of City Council. In its discretion, City Council may refer the matter to such City Council committee or committees as it deems appropriate either before or after its first consideration of the application at a Council meeting. The committee or committees to which the matter is referred shall consider the recommendation of the HARB, any additional presentations by the HARB, and evidence by the applicant at a public meeting of the committee. The committee shall make a report to the full City Council at its next regularly scheduled meeting. City Council may schedule a presentation of committee reports or recommendations, the presentation of testimony or documents from all

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interested parties and, if deemed necessary, from the public at such meeting or meetings as it shall consider appropriate.

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B. Decision of City Council

City Council shall, within sixty (60) days following the Council's first consideration of the application at a Council meeting, take formal action on the issuance of a Certificate of Appropriateness for work covered by applications reviewed by the HARB. In determining whether or not to certify to the appropriateness of the proposed construction, alteration, repair, restoration or demolition of all or part of any building or structure within the Historic District, Council shall consider the same factors as the HARB, as set forth in § 155-9(C) as well as the written recommendation of the HARB. Council shall either:

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- (1) Issue a certificate of appropriateness authorizing a building permit for the proposed regulated activity;
- (2) Issue a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historic character of the building, structure or area which is proposed to be changed; or
- (3) Issue a written denial to the applicant, with a copy to the Pennsylvania Historical and Museum Commission, setting forth the reasons for the disapproval. City Council shall also indicate what changes in the applicant's plans and specifications would meet its conditions for protecting the distinctive historical character of the Historic District.

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C. Notification to Applicant

Within thirty (30) days following the decision of City Council, the City shall send written notification to the applicant of the decision of City Council. Failure of the City to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within fifteen (15) days after receiving a written copy of the decision, give written notice of his, her or its refusal to accept all of the conditions, in which case City Council shall be deemed to have denied a certificate of appropriateness. In the event the applicant does not, within the said period, notify the City in writing of his or her or its refusal to accept all of the conditions, the approval, with all conditions, shall stand as granted.

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D. Legal Status of City Council's Decision

Any building permit, sign permit or demolition permit issued pursuant to a certificate of appropriateness shall be subject to any conditions made part of the certificate of appropriateness issued by City Council. Failure of the applicant to meet all conditions shall subject him or her or it to revocation of the building permit and to all sanctions and penalties as provided for in § 155.16.1 Notice of Violation and § 155-16.2 Enforcement.

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§ 155-11. Application procedure.

A. General procedure.

Applications for certificates of appropriateness shall be filed with the Building Official by the owner, equitable owner or authorized agent. The application shall be accompanied by information and documentation required in § 155-11 B. Demolition, § 155-11 C. Alterations and Appurtenances and/or § 155-11 D. New Construction. ~~in accordance with the application schedule posted in the office of the Building Official.~~ Applications filed after the submittal deadline will be scheduled for the following month's HARB meeting. ~~Only a property owner or authorized agent of the owner may file an application for a certificate of appropriateness.~~ All applications shall be in writing on a form provided by ~~the Building Official~~ City staff or downloaded from the City of Lancaster website. Incomplete applications shall not be accepted and shall be returned to the applicant for completion.

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B. Demolition.

- (1) Applications for certificates of appropriateness to authorize demolition shall be accompanied by information required by the City or HARB, which may include but not be limited to the following:
 - (a) Name and address of property owner;
 - (b) Date of acquisition by current owner;
 - (c) Name and address of equitable owner, if applicable;
 - (d) Current use of property, and, if vacant, number of years vacant and year and description of most recent use;
 - (e) ~~Thirty five mm (required for demolition only)~~ Color photographs of the building or structure proposed for demolition;
 - (f) Photographic evidence and written description of the exterior and/or interior deteriorated condition of the building or structure;
 - (g) Reason(s) for the demolition;
 - (h) Explanation why rehabilitation, reuse, plan alteration, or stabilization is not feasible or desirable, including financial feasibility and a minimum of two current, market value cost estimates of alternatives, if appropriate;
 - (i) Proposed future use of the lot or part thereof occupied by the building or structure proposed for demolition;
 - (j) Design of any proposed construction;
 - (k) Timeline for construction and occupancy of proposed future use;
 - (l) Statement on disposition of architectural features/building materials; and
 - (m) Any additional information required by the HARB as relevant to its decision.

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~~No building permit for the proposed demolition shall be issued prior to City Council issuance of a certificate of appropriateness for any new building or structure proposed on the property, and/or, if applicable, approval of a new land use or development by appropriate City officials, and, in the case of plans requiring City Planning Commission approval, recording of approved~~ unconditional approval of plans. Building permits issued without a certificate of appropriateness or other necessary approvals due to administrative or clerical error shall be voided.

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C. Alterations and appurtenances.

- (1) Applications for certificates of appropriateness to authorize alterations or installation of appurtenances shall be accompanied by the following:
 - (a) Name and address of property owner;
 - (b) Color photographs of building or structure proposed for alteration;
 - (c) Color photographs of location on building or structure where alteration is to occur;
 - (d) Drawing or other illustration of proposed alteration or appurtenance; and
 - (e) Reason(s) for proposed alteration or appurtenance.
- (2) No building permit for any proposed alteration or appurtenance nor sign permit for any proposed sign shall be issued prior to City Council issuance of a certificate of appropriateness. Building or sign permits issued without a certificate of appropriateness due to administrative or clerical error shall be voided.

D. New construction.

- (1) Applications for construction permits shall be accompanied by the following:
 - (a) Scaled, dimensioned plot plan and drawings with appropriate notes indicating proposed materials and conformity with the design standards listed below in § 155-12;
 - (b) Color photographs of the lot or structure where the construction is to occur and streetscapes adjacent to and directly across the public street from the proposed construction activity; and
 - (c) Reason(s) for any deviations from design standards listed in § 155-12, including financial feasibility and a minimum of two current, market value cost estimates of alternatives, if appropriate.
- (2) No building permit for any proposed construction shall be issued prior to City Council issuance of a certificate of appropriateness, and/or, if applicable, approval of a new land use or development by appropriate City officials, and, in the case of plans requiring City Planning Commission approval, ~~recording of approved~~ unconditional approval of plans. Building permits issued without a certificate of appropriateness or other necessary approvals due to administrative or clerical error shall be voided.

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§ 155-12. Design standards.

- A. The general design, arrangement, texture, and material of a new building or structure, an addition to or alteration of an existing building or structure and the relation of such factors to similar features of buildings or structures in the immediate neighborhood and in the Historic District shall be detailed in the application. New buildings or additions to existing buildings should be designed in a manner that clearly distinguishes the new building or addition from existing buildings. Consideration shall be given but not limited to the following:
 - (1) **Size, scale, proportion.** New construction shall relate to the dominant proportions, size and scale of buildings and structures of the streetscape.

- (2) **Rhythm and patterns.** Design elements of ~~principle~~ principal facades should reflect neighborhood patterns. Examples include prevalent number of bays; door and window placement; floor-to-floor and cornice heights; spacing between windows and doors and between windows and cornices or rooflines; and dimensions of the façade's base and cornice. Where the use of the structure prevents maintaining the prevalent rhythms and patterns, ~~incorporate~~ incorporation of detailing to suggest them is recommended.
- (3) **Materials and textures.** Building materials, textures and treatments shall be compatible with those of surrounding buildings. Where traditional materials, such as brick, wood or stone are common in the immediate neighborhood, use of these materials on front façades and secondary façades on corner properties is recommended.
- (4) **Architectural details.** Use of architectural details reflecting the character-defining features of the streetscape is recommended.
- (5) **Streetscapes.** New construction should reflect prevailing setbacks, orientation, and physical elements that define streetscapes.
- (6) **Secretary of the Interior's Standards.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property and shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

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- B. The HARB shall consider the proposed activity's consistency with the design standards set forth above in Subsection A when deliberating and counseling City Council regarding the issuance of a certificate of appropriateness.

§ 155-13. Demolition by neglect.

- A. All buildings and structures within the Historic District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration, as per the City of Lancaster Property Maintenance Code (Chapter 223, Property Maintenance).
- B. Any unresolved notice of violation to the property owner shall be considered prima facie evidence of demolition by neglect.

§ 155-14. Unreasonable economic hardship.

When a claim of unreasonable economic hardship is made due to the effect of this article, the property owner must prove that he cannot realize a reasonable return on the property. The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by City Council.

A. Recommended denial of demolition application.

When the applicant desires to make a claim of unreasonable economic hardship due to the recommendation of the HARB, the owner of record must file with the City Clerk 14 days prior to Council's consideration of the application sufficient evidence to prove that

the HARB's recommendation will prevent him or her from obtaining a reasonable return or a reasonable beneficial use from the property. The property owner shall submit to City Council the following information, if applicable:

- (1) Name and address of property owner.
- (2) Date property was acquired by current owner.
- (3) Purchase price.
- (4) Name and address of equitable owner and sale price, if applicable.
- (5) Equity in the property by current property owner.
- (6) Assessed value.
- (7) Current market value of the property.
- (8) Property expense and income statements for previous two years.
- (9) Evidence of consideration of alternatives to demolition, including alteration of plans or change of use.
- (10) Efforts to lease or sell the property during previous 12 months.
- (11) Estimated future costs of retaining structure and maintaining it in accordance with City codes.
- (12) Any other information the applicant considers appropriate.

B. Recommended denial of alteration or appurtenance.

When a claim of unreasonable economic hardship is made due to a recommendation of denial of an alteration or appurtenance, the applicant must present sufficient evidence to City Council to prove that as a result of the HARB's recommendation, he or she will be unable to undertake the alteration or install the appurtenance as recommended by the HARB or obtain a reasonable return or reasonable beneficial use from the property. The property owner shall submit to City Council, prior to Council's consideration of the application, the information below, if applicable:

- (1) Name and address of property owner.
- (2) Date property was acquired by property owner.
- (3) Purchase price.
- (4) Assessed value.
- (5) Two bona fide estimates of cost of alteration or installation of appurtenance as proposed by owner.
- (6) Two bona fide estimates of cost of alternative treatment recommended by HARB.
- (7) Any other information the applicant considers appropriate.

C. Recommended denial of construction application.

When a claim of unreasonable economic hardship is made due to a recommendation of denial of a construction application, the applicant must present sufficient evidence to City Council to prove that as a result of the HARB's recommendation, he or she will be unable to undertake the construction activity and/or obtain a reasonable return or reasonable beneficial use from the property. The applicant shall submit to City Council, prior to Council's consideration of the application, the information below, applicable:

- (1) Name and address of property owner.
- (2) Date property was acquired by current owner.
- (3) Purchase price.

- (4) Name and address of equitable owner and sale price, if applicable.
 - (5) Two bona fide estimates of total costs of project as proposed by owner.
 - (6) Two bona fide estimates of total costs of project with revisions recommended by HARB to meet the design standards.
 - (7) Maximum feasible cost for proposed project, based on market values, available financing, estimated sale or lease revenues, or other acceptable criteria.
 - (8) Any other information the applicant considers appropriate.
- D. City Council may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
- E. City Council may receive and consider studies, economic analyses, and proposals to relieve the owner's economic hardship from other interested parties.
- F. Should the applicant prove to the satisfaction of City Council that he or she will suffer an unreasonable economic hardship if a certificate of appropriateness is not approved, and should City Council be unable to develop a solution which can relieve the owner's economic hardship, which may include consultation with appropriate local, statewide and national organizations, foundations, groups or individuals, ~~a solution which can relieve the owner's economic hardship~~, City Council must approve the application and issue a certificate of appropriateness for the proposed work, subject to any modifications requested by City Council and accepted by the applicant.

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§ 155-15. Hazardous structures/emergency conditions.

In the event that the subject building has been rendered unfit for habitation because of fire, explosion or other similar causes, the terms of this article may be waived to the extent that the applicant can proceed to secure, protect or render the subject property habitable under the terms of the Building Code of the City. However, any permanent exterior changes visible from the public right-of-way must be approved in accordance with this article.

§ 155-16. Appeals.

- A. Any person aggrieved by failure of the Building Official or Zoning Officer to issue a permit for the activity proposed by his or her application for a certificate of appropriateness by reason of the disapproval of the City Council may appeal the nonissuance of the permit as follows and in accordance with City ordinances: for nonissuance of a building permit, the appeal is made to the City of Lancaster Building Code Board of Appeals; for the nonissuance of a zoning permit, the appeal is made to the City of Lancaster Zoning Hearing Board.
- B. Any person desiring to appeal City Council's disapproval of a certificate of appropriateness may file an appeal to the Lancaster County Court of Common Pleas as provided for by laws of the commonwealth.

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§ 155-16.1. Notice of violation.

~~The Building Official shall serve a notice of violation on any person in violation of this article. Actions that would result in a notice of violation include but shall not be limited to failure to apply for a certificate of appropriateness or a building permit required for the construction, reconstruction, alteration, restoration, demolition, or razing of any building or structure that can be seen from a public right of way, demolition by neglect, and undertaking work that fails to comply with City Council approved activities. Such notice shall direct the abatement of said violation.~~

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The Building Official or the Historic Preservation Specialist shall serve a notice of violation on any person in violation of this Chapter. The Building Official and the Historic Preservation Specialist shall be authorized to issue a notice to stop all work on a property that is in violation of this Chapter.

Actions that would result in a notice of violation or stop work order to be issued include:

1. Failure to apply for a certificate of appropriateness through submittal of an application for a building or sign permit and an application for HARB review as required for the alteration, reconstruction, erection or demolition of a building or structure that can be seen from a public right-of-way.
2. Commencement of exterior work prior to completion of a review of the work by the HARB and final action by City Council authorizing issuance of a certificate of appropriateness.
3. Failure to comply with specific conditions related to design and/or material specifications cited in the HARB recommendation to City Council or the certificate of appropriateness issued by City Council
4. Performing work outside of the scope of the work approved in the certificate of appropriateness.
5. Such notice of violation shall indicate all measures required to abate said violation and shall be in addition to, but not in lieu of, the Building Official's enforcement powers specified in § 155-16.2 of this Ordinance, and any penalties or remedies directed by the Building Official relevant to violations of this Chapter and Chapter 116 of the City Code, as amended.

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§ 155-16.2. Enforcement.

The Building Official shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article in the same manner as in his enforcement of the Building Code and the Property Maintenance Code of the City of Lancaster as presently enacted and as the same may from time to time be amended. In addition, the Historic Preservation Specialist shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article.

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