

Council of the City of York, PA
Session 2014
Bill No.
Ordinance No.

INTRODUCED BY: **Carol Hill-Evans**

DATE: **August 19, 2014**

AN ORDINANCE

Amending Part 17, Article 1731 "Historic York" to repeal the current language and replace with a comprehensive Historic York ordinance defining the HARB District and its boundaries, providing for the appointment of a Historic Architectural Review Board (HARB) to give recommendations to the City of York regarding the issuance of Certificates of Appropriateness in connection with the granting or refusal of authorization for the erection, alteration, restoration, reconstruction, demolition of any structure within the District and for appeals from such refusals, and providing for the notification to the Pennsylvania Historical and Museum Commission (PHMC) of the adoption of this ordinance.

WHEREAS, Adopting a local preservation ordinance, appointing a preservation board, and designating historic resources is one of the best ways for a community to protect the historic character of its buildings, neighborhoods, and landmarks from inappropriate alterations, incompatible new construction, as well as outright demolition; and

WHEREAS, the York City Historical Architectural Review Board has recommended amending the City of York's current Historic York ordinance to replace with more comprehensive language;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 1731 "Historic York" is hereby amended in its entirety as set forth per the attached and incorporated herein by reference, and shall become effective in accordance with the law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____, _____

NAYS: _____.

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this _____ day of _____.

Approved: _____
Mayor Date

Vetoed: _____
Mayor Date

ARTICLE 1731
Historic York

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CROSS REFERENCES

State law provisions - see 53 P.S. §8001 et seq.

Building permit returns - see BLDG. & HSG. Art. 1721

This article shall replace article 1731 (Historic York) as amended 10-12.

1731.01 AUTHORITY, CREATION and PURPOSE.

In accordance with the provisions of the Historic District Enabling Act of June 13, 1961, P.L. 282, No. 167, 53 P.S. §8001-8006 a historic district known as “Historic York” (now known as the HARB District) is created. (Ord. 31-1970 §1)

Pursuant to Article 1, Section 27 of the Pennsylvania Constitution which states “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment.”

Now therefore it is the purpose and intent of the City of York to:

- Promote, protect, enhance, perpetuate, and preserve the core of the York Historic District for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, structures, and sites of historic interest or importance within the City;
- Preserve and protect the historical and architectural assets of the City;
- Promote preservation and appearance through the maintenance and encouragement of design compatible within the District.
- Enhance the quality of life and safeguard our historic and cultural heritage;
- Preserve and enhance the environmental quality of neighborhoods;
- Strengthen the City’s economic base by the stimulation of the tourist industry;
- Stabilize and improve property values;
- Strengthen the local economy;
- Foster civic beauty and community pride.

1731.02 DEFINITIONS

For the purpose of this ordinance, all words used in 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 word “shall” is mandatory. The word “used” includes “designated, intended, built or arranged to be used.”

Addition - Expansion of the size of a historic building or structure by construction physically connected with the existing building or structure or immediately adjacent to it.

Alteration - Any act or process requiring a Certificate of Appropriateness, building permit or zoning permit as specifically listed in this article as a reviewable action, including without limitation the repair, replacement, reconstruction, construction, demolition, relocation or other change in exterior appearance of any building, structure or portion thereof that is visible from a public way.

Applicant - An owner, whether the legal or beneficial owner, of land, building or structure; a lessee if he is authorized under the lease to exercise the rights of an owner; or a developer or agent thereof who causes to be made or filed an application for a Certificate of Appropriateness.

Architectural Historian - 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 an individual responsible for enforcing compliance with the provisions of this article, and for advising the HARB, and applicants/property owners regarding regulated activities within the HARB District.

Building - Any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is affixed to or rest upon the land.

Certificate of Appropriateness - The statement authorized by the York City Council which certifies approval of the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition of all or a part of any building or structure within the HARB District.

Compatibility - The relationship between buildings of scale, height, proportion, style and mass and their relationship to the view-scape.

Construction - The act of altering an existing structure, building an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property

Contributing - A building, structure or site that may not necessarily have architectural or historic significance as a single property, but which adds to the overall character and significance of an historic district due to its architectural or historical merit and its compatibility with other buildings, structures and sites within an architectural or historic setting such as a neighborhood. Contributing buildings, structures and sites are considered to be an integral part of a historic district.

Council - The governing body of The City of York.

Demolition - The dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs which lead to decay and deterioration.

Demolition by Neglect – is the absence of routine maintenance and repair to a building which leads to the building's structural weakness, decay and deterioration resulting in its demolition.

Erection - The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.

Facade - An exterior wall/surface of a building.

- Primary Facade - the elevation of the building which directly faces a public street where the main entry is located. On a corner lot each wall fronting the street shall be considered a primary façade.
- Secondary Facade - the elevation of the building that is seen from a distant public street or public thoroughfare or substantially blocked from view by another building.
- Rear facade - the rear elevation of a building.

Historical Architectural Review Board (HARB) - The board that advises the City of York City Council on any requests for a Certificate of Appropriateness, and performs other duties as set forth in this article.

HARB District – is that section of the York Historic District that is under the purview of the Historic Architecture Review Board and regulated under this ordinance.

Historic Designation – is an official recognition of the significance of a building, a property or district. Designation can occur on three different levels:

- Federal - The National Register of Historic Places (for both individual buildings and entire districts);
- State - Pennsylvania Historic Landmarks (only for individual buildings) and State Archeological Landmarks; or
- Local - designated under a municipal historic ordinance either as an individual landmark or as a historic district.

Historic Preservation - The protection, conservation, improvement, renovation or reconstruction of historic districts through the implementation of design treatment levels as defined herein.

Historic Resource - Any building, structure, object or site that has been in existence more than fifty years and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and: is associated with events that have made a significant contribution to the broad patterns of our history, or is associated with the lives of persons significant in our past, or embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master or possesses high artistic values; or has yielded, or may be likely to yield, important information in prehistory or history; or has been designated as such by the Council pursuant to the provisions of this article.

In-kind repair - Repair or replacement of a component of a deteriorated building or structure, as covered by the HARB Ordinance, using parts and materials which are exactly the same as the original, in terms including, but not limited to: appearance, material, size, arrangement, proportion, dimensions, color, and texture.

Integrity - The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period.

National Register Of Historic Places - The nation's official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966(16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).

Preservation - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource. Work, including preliminary measures to protect and stabilize the resource, generally focuses on the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Public Right-of-Way - Any land dedicated to public use or passage, including but not limited to streets, alleys, parks and pedestrian rights-of-way, whether constructed, dedicated or proposed.

Reconstruction - The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.

Repair - The replacement of existing construction with the same material for the purpose of maintenance only, but not including any addition, removal or modification of the existing structural components.

Restoration - Bringing back into a former or unimpaired state or condition which existed at a date prescribed by the ordinance establishing the district or earlier. Authenticity of a restoration would require the removal of incompatible exterior elements and the replacement of all damaged or deteriorated elements with replicas of the same design and materials. A Certificate of Appropriateness applicant shall be responsible for documenting the authenticity of proposed "work" to the satisfaction of the HARB.

Rehabilitation - Putting back in good condition. This would not require the removal of all non-original materials, but would encourage the removal of non-original materials which are incompatible with the defined elements of design for the particular structure and district. The design of new construction or alteration would not require a duplication of the original design and construction, but must be compatible with the existing structures and the districts defined elements of design. The use of original materials or construction techniques would be encouraged but contemporary methods and materials may also be acceptable when compatible with the defined elements of design for the district.

Secretary Of The Interior's Standards For The Treatment Of Historic Properties - The guidelines prepared by the National Park Service for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and the standards for historic preservation projects prepared by the National Park Service with the most current Guidelines for Applying the Standards.

Sign - Any display, structure, device or object which incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs.

Site - The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Staff review - A procedure whereby a Certificate of Appropriateness for in-kind repairs and other limited work shall be issued by the HARB Architectural Historian before the regular HARB meeting, so that work can proceed and/or a building permit may be issued (if applicable), prior to the next HARB meeting.

Structure - Anything constructed or erected, having a permanent or semi-permanent location on another structure or in/on the ground, including without limitation buildings, sheds, manufactured homes, garages/carports, fences, gazebos/arbors, freestanding signs, billboards, antennas, satellite dishes, vending machines, decks, and swimming pools.

Work - Construction, addition, alteration, repair, moving, excavation, or demolition.

York Historic District – One of several historic districts now designated in the City of York, recognized by the National Park Service of the U.S Department of the Interior, and listed on the National Register of Historic Places.

1731.03 BOUNDARIES, CHANGES and CERTIFICATION.

A. Adoption of Map

The HARB District, as shown on the “Historic York Map,” which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this article.

B. Boundary Description

Appendix II contains a detailed street list of the properties located within the HARB District.

C. Identification of Map

The Official York HARB District Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official York HARB District Map referred to in Section 1731.02 of the Codified Ordinances of York, Pennsylvania,” together with the date of the adoption of this article.

If, in accordance with the provisions of this article, changes are made to district boundaries or other matter portrayed on the Official York HARB District Map, such changes shall be entered on the Official York HARB District Map promptly after the amendment has been approved by City Council, with an entry on the Official York HARB District Map as follows: “On (date), by official action of Council, the following (change) changes were made on the Official York HARB District Map: (brief description of nature of change)”, which entry shall be signed by the Mayor and attested by the City Clerk. Changes shall become effective immediately upon approval by City Council.

No changes of any nature shall be made in the Official York HARB District Map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized changes of whatever kind by any person shall be considered a violation of this article.

Regardless of the existence of purported copies of the Official York HARB District Map which may from time to time be made or published, the Official York HARB District Map which shall be located in the office of the City Clerk shall be the final authority as the current historic status of buildings and other structures in the City of York. A copy of the map shall also be filed with the Bureau of Permits, Planning and Zoning.

Where uncertainty exists as to the boundaries of the district as shown on the Official York HARB District Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as parallel to or extension of features indicated in the above, shall be so construed. Distances not specifically indicated on the Official York HARB District Map shall be determined by the scale of the map.
- (4) Where physical or cultural features existing on the ground are at variance with those shown on the Official York HARB District Map, or in other circumstances not covered by the above, City Council shall interpret the district boundaries. (Ord. 31-1970 §2.)

Appendix II shall serve to further clarify the exact HARB District boundaries.

EDITORS NOTE: The following changes have been made to the Official Historic York Map as enacted by City Council:

- Ord. No. 10-1972; Passed 3-21-72; Area extending west from Penn St. along King St. north side and Philadelphia St. south side to Hartley St. east side.
- Ord. No. 20-1975; Passed 12-16-75; Adds Historic South York and St. John's Episcopal Church.
- Ord. No. 9-2001; Passed 10-2-01; EDITOR'S NOTE: See Ordinance 9-2001 for a geographic description of the amendment to the Official Historic York Map.

1731.04 BOARD OF HISTORICAL ARCHITECTURAL REVIEW (HARB)

A. Composition - A Board of Historic Architectural Review hereinafter HARB shall be composed of nine (9) members and one (1) alternate appointed by City Council. The membership of the HARB shall be as follows:

One (1) member shall be a registered architect

One (1) member shall be a building inspector

One (1) member shall be recommended by the York County Heritage Trust

One (1) member shall be a licensed real estate broker

These designated members shall have knowledge of and experience with historic properties.

Six (6) members including the alternate shall be persons with demonstrated interest, knowledge, ability, experience, or expertise in restoration, historic rehabilitation, or neighborhood conservation or revitalization who have interest in the preservation of the Historic District and are residents and/or property owners of a property located in the district.

No less than six members must be residents of the City of York.

B. Terms - HARB terms shall be three year effective immediately with the exception of the one term which expired in January 2014 which shall be amended to terminate January 2018. This schedule will result in a 3/3/4 distribution of the HARB terms of office.

When a vacancy occurs, the alternate member shall be promoted to regular member unless the vacancy results in one of the four designated positions and the alternate fails to meet the stated requirements for the position.

Individuals appointed to fill vacancies due to the expiration of terms shall be selected by City Council prior to the expiration of the term. However, when the situation demands, a board member whose term has expired may continue in office for up to a maximum of 90 days after expiration of his/her term or until a successor has been appointed by Council whichever is less.

Vacancies on the HARB occurring midterm shall be filled through appointment by City Council as soon as possible. The appointment shall be for the balance of the term for which the appointment is made.

Individuals may serve a maximum of one partial term and two full terms unless there are no other qualified candidates interested in serving. In no case shall an individual serve for more than one partial and three consecutive full terms.

Individuals are eligible for reappointment to the Board after three full years have passed.

Members of the HARB shall serve without compensation.

C. Conflict of Interest - It shall be the duty of each HARB member to remain conscious of and sensitive to any possible conflict of interest (including but not limited to financial considerations) that may arise by virtue of her/his membership on the HARB; A member shall disqualify herself/himself from participating when her/his own or family financial or other personal interests are directly or indirectly involved, and prior to any vote being taken, publicly announce and disclose the nature of her/his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken.

D. Removal – All HARB members shall serve at the pleasure of Council and may be removed at any time, with or without cause. Attendance at regularly scheduled meetings shall be mandatory and any member failing to attend three consecutive regularly scheduled meetings shall automatically be deemed to no longer be a member of the HARB.

E. Responsibilities of HARB - In its advisory capacity, HARB or the consulting Architectural Historian shall do and perform the following:

- Give recommendations to Council as to the advisability of issuing any Certificate of Appropriateness required to be issued in accordance with the said Act of June 13, 1961. Such counsel shall at all times be consistent with the provisions of all ordinances of the City of York. For this purpose, the HARB may adopt and alter rules and regulations for its own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth.
- HARB also advises owners of the benefits of historic preservation regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
- Cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission and other agencies, public and private from time to time, concerned with the preservation of historic buildings, structures and sites.
- Make an annual report of their transactions to Council.
- Employ secretarial assistance pursuant to appropriations by Council.

Certain work visible from a public way shall be reviewed and approved by or commented upon by the Architectural Historian by means of a Staff Review and shall not require initial review by the HARB including:

- In-kind repair, replacement or rebuilding of any element in part or in whole
- Repair, repointing, and paint removal/pressure cleaning of brick, stone, cast stone, concrete block, terra cotta, structural glass, tile, and other masonry surfaces
- In-kind repair and/or replacement of roofing material

- Repair or replacement of any slate roofing shingles provided that the replacement shingles are asphalt, fiberglass or other appropriate replacement material that closely replicates the slate shingles in color, profile and design
- Mechanical vents installed through roof surfaces
- Shutters, window grates, planters attached to the building, and light fixtures
- Antenna, satellite dishes, mailboxes, detached mechanical units, window air conditioning units, vending machines, and other modern accessories, devices or fixtures
- Signs unless exceeding size restrictions or unusual/controversial in some way
- Repair or replacement of any items on the rear façade
- Chimney caps
- Exterior paint colors
- Fencing except along the primary facade of the building or public right-of-way
- Gutters and downspouts
- Storm windows and storm doors

Any completed applications not approved through the Staff Review process will be scheduled for review by the HARB Board at their next regularly scheduled meeting.

F. Review Criteria –In determining the counsel to be presented to City Council concerning the issuing of a Certificate of Appropriateness of authorization for the erection, reconstruction, alteration, restoration, demolition of all or a part of any building within the HARB District, the HARB shall consider the guidelines set forth in this ordinance and the following matters:

- (a) The effect of the proposed change upon the general historic and architectural nature of the HARB District and the York Historic District as a whole.
- (b) The appropriateness of exterior architectural features which can be seen from a public street or right-of-way.
- (c) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the York Historic District.

G. Written Report of the Board - The HARB, in submitting to City Council in writing, its counsel concerning the issuance of a Certificate of Appropriateness shall set out the following matters:

The HARB shall render a decision and recommendation on any application under its reviews no later than 3 working days after the meeting provided for in this article and shall submit in writing to Council, its recommendations concerning the issuance of a Certificate of Appropriateness. The written report shall set out the following matters:

- (a) The exact location in which the work is to be done.
- (b) The exterior changes to be made or the exterior character of the structure to be erected.
- (c) A general description of the exterior characteristics of the surrounding buildings and structures.
- (d) The effect of the proposed change upon the general historic and architectural nature of the HARB District and the York Historic District as a whole.
- (e) The appropriateness of exterior architectural features which can be seen from a public street or way.

(f) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the HARB District and the York Historic District as a whole.

(g) The opinion of the HARB (including any dissent) as to the appropriateness of the proposed work as it will preserve or negatively impact the historic aspect and nature of the HARB District and the York Historic District as a whole.

(h) The specific counsel of the HARB as to the issuance by City Council of a Certificate of Appropriateness or denial with supported written reason(s).

H. Meetings – The HARB shall meet regularly and publicly at regularly scheduled intervals at least once a month, and may hold special meetings when deemed necessary. Such meetings shall be open to the public and shall comply with the requirements of the Pennsylvania Sunshine Law. A majority of five (5) HARB members shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present but in no instance, less than four (4) affirmative votes. Any completed application for a Certificate of Appropriateness regulated by this article and submitted five (5) working days prior to the meeting shall be considered by the HARB at its next regularly scheduled meeting, or at any special meeting of the HARB called for such purpose.

Special Meetings may be called by the HARB Chair or upon request of any four (4) members.

I. Training - HARB members shall be required to complete at least eight (8) hours of training annually by attendance at approved seminars, conferences or workshops related to historic preservation and HARB administration.

J. Notice to Applicant - The owner of record or his representative(s) applying for a Certificate of Appropriateness and/or building permit shall be advised of the time and place of such meeting and invited to appear to explain his reasons therefor. If an applicant chooses not to appear before the HARB Board at such meeting; the Board shall proceed to review and vote on said application as submitted.

1731.05 DUTIES OF BUREAU OF PERMITS, PLANNING & ZONING / BUILDING OFFICIAL

Application for the Certificate of Appropriateness shall be filed with the Bureau of Permits, Planning and Zoning at least five (5) days prior to the next HARB meeting.

Upon receipt of a complete application for a Certificate of Appropriateness or building permit for work to be completed within the HARB District, the Bureau for Permits, Planning and Zoning/Building Official or his designees shall act in accordance with regulations and procedures in effect with regard to the issuance of a Certificate of Appropriateness and/or building permit except for those procedures that are necessarily modified by the following requirements:

- He/she shall immediately forward to the HARB Architectural Historian a copy of the application for a Certificate of Appropriateness for any work which is regulated by the provisions of this article together with a copy of the plot plan for the building and specifications filed by the applicant.
- He/she shall maintain in the office a record of all such applications and his/her handling and final disposition of the same, which shall be appropriately cross-referenced to other Bureau records.

- He/she shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a Certificate of Appropriateness or building permit with such information and materials as may be reasonably required by the regulations of the HARB in order to facilitate compliance with the foregoing requirements.
- He/she shall inform all applicants desiring to initiate projects in the HARB District that change to the exterior appearance of a property (even though the project does not require a building or any other permit) requires the submission of a HARB application and subsequent review by the HARB Architectural Historian or the HARB.

No one employed or contracted by the City of York shall issue a permit or give verbal approval for any repair, erection, reconstruction, alteration, restoration, demolition of a building in the HARB District which will affect the exterior historic or architectural features or the nature of the building, until the project is reviewed by the HARB Architectural Historian, the HARB and City Council which will authorize a Certificate of Appropriateness.

Appeals

Any decision by the Bureau of Permits, Planning and Zoning/Building Official may be appealed. The appeal process requires submission of an HARB application and subsequent review by the HARB Architectural Historian, the HARB and City Council as appropriate.

(Ord. 31-1970 §8)

1731.06 ACTIVITIES REQUIRING A CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness shall be required for any erection, construction, reconstruction, exterior alteration, restoration, or demolition of an existing building or any structure/building to be constructed in the HARB District where such work will affect the exterior of the building, structure or site which can be seen from a public way.

Signs

Signs intended to be installed, repaired or replaced on properties located within the HARB District shall be subject to review by HARB and approval by City Council prior to any permits or Certificates of Appropriateness being issued. The City of York Zoning ordinance states that only *ONE* sign is permissible for each business unless the property is located on a corner when two signs are allowed – one on each facade. Furthermore, flashing message signs or any type of neon signs are not permissible on or inside the window of any building located within the HARB District. Applicants should check the Codified Ordinances of York, Part Thirteen – Planning and Zoning Code Article 1308 for additional specifications concerning signage.

Antenna, Satellite Dishes and Other Modern Accessories, Devices or Fixtures

No satellite dishes, antenna, air conditioners, heat pumps, outdoor grills, vending machines, trash receptacles, interior furniture or other similar modern devices shall be installed or placed in the front of buildings or along their facades within the HARB District. All air conditioners, heat pumps, outdoor grills or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes may be installed in the rear or on the roof of the main dwelling unit. A roof-mounted satellite dish or antenna shall not be visible from public right-of-ways.

Purpose: The City established the HARB District in part to protect the beauty of the architecture within the district. The installation of satellite dishes and other modern accessories, devices or fixtures without proper oversight can specifically damage properties and buildings and destroy the historic integrity of the District. The purpose of this ordinance is to allow use of such devices in the HARB District, while protecting the beauty and physical structure of buildings in the area.

Exceptions: Portable window air conditioners, outdoor grills and similar devices that are to be used for a *temporary* period shall be exempt from the requirements of this ordinance as long as those devices are not stored in the front of buildings and are not visible from the public right-of-ways when they are not in use.

Removal of Existing Satellite Dishes.

Any satellite dishes installed in the front of buildings after the enactment of the ordinance as amended 18 April 2006 shall be removed immediately to meet the requirements of the ordinance. Satellite dishes installed prior to the 18 April 2006 amendment must also be removed if and when the device requires replacement or when the owner or tenant who installed the device no longer owns or inhabits the property. Dishes may be installed elsewhere on the property with approval of the HARB.

1731.07 REVIEW BY CITY COUNCIL

Upon receipt of a written report from HARB, Council shall consider the recommendations of the HARB at its next regular meeting. The applicants shall be advised by the HARB Architectural Historian of the time and place of the meeting at which HARB recommendations regarding his/her application will be considered by Council and shall have the right to attend and be heard.

In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, and demolition of all or any part of a building within the HARB District, Council shall consider the same factors as the HARB which are set forth in this article and the report of the HARB.

- A. If Council accepts the recommendation of the HARB, it shall authorize the HARB Architectural Historian either to issue a Certificate of Appropriateness authorizing the work proposed or to notify the applicant of the denial of a Certificate of Appropriateness.
- B. If Council rejects the recommendation of the HARB, it shall do so in writing and copies shall be given to the Pennsylvania Historical and Museum Commission. A written disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the HARB District. Council shall not consider any matter, not pertinent to the historical aspect and nature of the historic district in their decision.
- C. In any event, Council shall render its decision no later than 30 working days (30) after the receipt of the written recommendations of the HARB unless the applicant agrees to an extension of time.

- D. Upon receipt of the written disapproval of City Council, the HARB Architectural Historian shall promptly advise the applicant of Council's decision and suggest alternatives that may result in approval of a subsequent applicant.

A fee for the Certificate of Appropriateness may be established by resolution of City Council.

Any permits or approvals (verbal, written or implied) issued without a Certificate of Appropriateness due to an administrative or clerical error shall be void.

1731.08 DEMOLITION

It is the intent of this section to ensure that the historic resources located within the HARB District are not destroyed unless, under applicable laws, there are no reasonable alternatives. Demolition of buildings within the York Historic District and thereby the HARB District is considered a drastic action that permanently alters the character of the streetscape.

A building regulated by this section shall not be demolished, in whole or in part, unless the applicant proves by credible evidence to the satisfaction of the HARB and City Council that one or more of the following conditions exists:

- The applicant proves that the demolition is needed to clear the land for a project of special public benefit that would greatly out-weigh the loss of the historic resource.
- The existing building cannot feasibly and reasonably be reused or is structurally unsound, and that such situation is not the result of intentional neglect or demolition by neglect by the owner.
- The applicant proves that no reasonable beneficial use of the building is possible.
- The applicant proves that the denial of the demolition would greatly result in unreasonable economic hardship and the hardship was not self-created as determined by applicable law and the provisions of this ordinance.

For consideration of a demolition, the standards of this section shall apply. In reviewing the application, Council shall consider the following:

1. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring historic buildings and on the historic character of the surrounding neighborhood.
2. The feasibility of other alternatives to demolition.
3. An application for partial or complete demolition of a building regulated by this ordinance shall not be approved unless all of the requirements have been met. A partial demolition could include, but is not be limited to: removal of an attached porch roof, removal of porch columns and removal of architectural features.
4. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following, if applicable:
 - a. The name, mailing and email address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.

- d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
 - f. The proposed disposition of materials. The applicant shall show that debris will be disposed in a legal manner. Salvage of building materials is strongly encouraged to preserve historic features.
5. Procedures: The applicant shall be informed of meeting dates where the application is intended to be discussed and is required to be present to discuss the proposed demolition.
 6. Evidence: The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused. Evidence that the applicant, owner or other affiliated parties has intentionally destroyed or otherwise damaged the building to accelerate the decay of the building whether by action or failure to act shall result in the rejection of the request to demolish and fines up to the assessed value of the property.

If a building is subsequently approved for demolition, the HARB Architectural Historian must be allowed to thoroughly photo document the interior (if accessible) and exterior of the building for historic records before any demolition commences. If the property is city or state owned, the demolition would fall under Section 106 with which the documentation must follow PHMC and Federal documentation guidelines.

Emergency Demolition

Emergency demolitions within the Historic District are allowed *but* only when the proper documentation of said building is completed. Demolition of government owned buildings must follow all Section 106 regulations and must be reviewed by the HARB Architectural Historian before any demolition occurs. The HARB Architectural Historian will complete all applicable paperwork to be submitted by the City of York to the Pennsylvania Historical and Museum Commission for final demolition approval.

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.

Demolition by Neglect

All buildings, structures and sites within the York Historic District shall be maintained in good repair, structurally sound and reasonably protected against decay and deterioration, as per the Property Maintenance Code of the City of York (Section 303, Exterior Structure).

- (a) No owner of a building or structure in the HARB District shall by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance, and upkeep to ensure such building's or structure's perpetuation and to prevent its damage or destruction by deterioration.
- (b) The owner of a building or structure in the HARB District shall provide sufficient maintenance to insure its protection from hazards and to prevent its deterioration, damage or destruction.
- (c) All buildings and structures within the HARB District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration including but not

limited to deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolitions is necessary for public safety

Any unresolved notice of violation to the property owner shall be considered clear evidence of demolition by neglect.

1731.09 ECONOMIC HARDSHIP

When a claim of economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of the HARB action, he/she is unable to obtain a reasonable return or a reasonable beneficial use from a property. The owner of record shall submit by affidavit some or all of the information below at the discretion of the HARB, which shall include but not be limited to the following:

1. Date the property was acquired by its current owner.
2. Price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and the seller of the property.
3. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous three (3) years.
4. Current market value of the property.
5. Equity in the property.
6. Past and current income and expense statements for the past three (3) years.
7. Past capital expenditures during ownership of current owner.
8. Income and property tax factors affecting the property.
9. All appraisals of the property obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.
10. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
11. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the planning board for changes necessary for it to approve a Certificate of Appropriateness.
12. Form of ownership or operation of the property, whether sole proprietorship, for profit or nonprofit corporation, limited partnership, joint venture or other. The review board may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship. Should the review board determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The review board may choose to recommend to the City of York that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

The HARB may seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the HARB chooses to

explore such options, the Board may delay issuing a Certificate of Appropriateness on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

Should the applicant satisfy the Board that he/she will suffer an economic hardship if a Certificate of Appropriateness is not approved, and should the Board be unable to develop with the City of York or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, the HARB must recommend a Certificate of Appropriateness for the demolition, repair, etc.

1731.10 ENFORCEMENT, VIOLATIONS AND PENALTIES

The Building Official, his designees or the HARB Architectural Historian shall serve a notice of violation on any person in violation of this ordinance. The Building Official, his designees and the HARB Architectural Historian shall be authorized to issue a notice to stop all work on a property that is in violation.

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 a building permit application and or a HARB application as required for the repair, 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 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 as authorized by City Council.
4. Performing work outside of the scope of the work approved in the Certificate of Appropriateness.

Such notice of violation shall indicate all measures required to abate said violation, set a timeline for said abatement, and shall be in addition to, but not in lieu of, the Building Official's enforcement powers as stated in the York Building Code and any penalties or remedies directed by the Building Official relevant to violations.

Notices served by the HARB Architectural Historian shall be promptly forwarded to the Bureau of Permits, Planning and Zoning for follow-up as necessary.

Penalty

Any owner or responsible party who makes or causes any change to any exterior architectural feature or demolishes part or all of any building or structure without a Certificate of Appropriateness as outlined in this document shall upon conviction thereof, in a summary proceeding, be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for the first offense, not less than two hundred dollars (\$200.00) and not more than twenty-five hundred dollars (\$2,500.00) for the second offense and not less than three hundred dollars (\$300.00) and not more than five-thousand dollars (\$5,000.00) for subsequent offenses plus costs of prosecution for each offence to be collected as other fines and costs are collectable by law. Any owner or responsible party in default of payment thereof shall

be imprisoned for not more than ninety (90) days. Each day's continuance of a violation of any provisions of this article shall constitute a separate offence. In addition to the other penalties, if the violations remain uncorrected after the time specified in any notices given by the City to the owner of responsible party, the City may, at its election, have the violations corrected at City expense and have a lien placed against the property equal to the cost of the repairs, plus administrative costs.

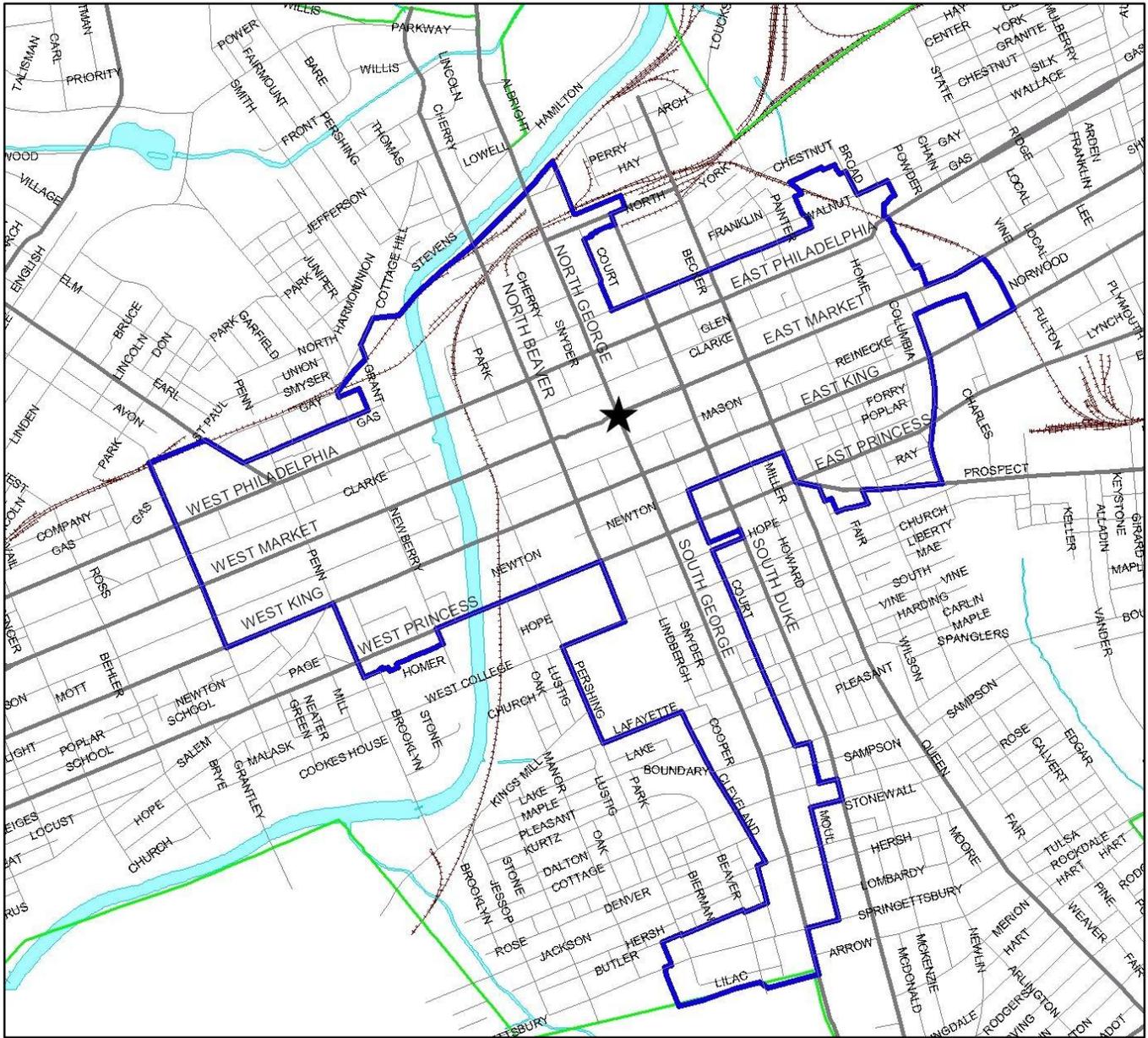
HARB will recommend the initial penalty with City Council to determine the final penalty. At the discretion of City Council, fines shall increase with repeated violations or failure to promptly correct existing violations. Any person or company who is in violation of this ordinance or has failed to pay fines imposed by the ordinance shall be denied any additional City permits or Certificates of Appropriateness.

1731.11 SEVERABILITY

If any provision of this article or the application for a Certificate of Appropriateness is held invalid by law or subsequent action of Council, such invalidity shall not affect other provisions or application of this article, which can be given effect without the invalid provision or application, and to this end, the provisions of this article are deemed severable.

This Ordinance shall become effective in accordance with the law.

APPENDIX I: HARB DISTRICT MAP



HARB Historic District Map (as of July 2014)

APPENDIX II: HARB DISTRICT STREET BOUNDARY

The following is a list of address ranges by streets for properties located within the Historical Architectural Review Board (HARB) District:

Arch Street – 2-4 Even, 1-3 Odd

Aunt Jo Lane – 130-198 Even, 129-199 Odd

Beaver Street – North 2-300 Even, 1-301 Odd;

South 2-198 and 832-932 Even, 1-299 and 833-931 Odd

Becker Way – 100-116 Even, 0 Odd

Beer Avenue – 2-18 Even, 1-17 Odd

Boundary Avenue – East 2-50 Even, 1-51 Odd; West 2-98 Even, 1-99 Odd

Brady Lane – 400-498 Even, 401-499 Odd

Broad Street – North 2-198 Even, 1-219 Odd; South 2-198 Even

Brooklyn Avenue – 100-199

Butler Street – 162-230

Carlin Avenue – 14-29

Charles Lane – East 2-30 Even, 1-31 Odd; West 2-28 Even, 1-27 Odd

Cherry Lane – North 30-298 Even, 31-299 Odd; South 2-298 Even, 1-299 Odd

Church Avenue – East 2-28 Even, 1-27 Odd; West 2-30 Even, 1-29 Odd

Clarke Avenue – East 2-398 Even, 1-399 Odd; West 2-498 Even, 1-499 Odd

Clayton Avenue – 236-256 Even, 25-235 Odd

Cleveland Avenue – 401-999

College Avenue – East 2-28 Even, 1-27 Odd; West 2-98 Even, 1-99 Odd

Columbia Avenue – 1-55

Cooper Place – 436-599

Cottage Place – East 2-58 Even, 1-43 Odd; West 2-48 Even, 1-49 Odd

Cottage Hill Road – 231-299 Odd

Court Street – North 30-50 and 200-398 Even, 25-51 and 201-399 Odd;

South 30-598 and 600-730 and 742-812 Even, 29-599 and 601-729 Odd

Dells Avenue – 28-99

Dublin Street – 2-98 and 30-198 Even, 1-99 and 29-199 Odd

Duke Street – North 2-298 Even, 1-299 Odd;

South 2-128 and 220 and 700-716 Even, 1-129 and 701-717 Odd

Edgar Street – 100-299

Fair Avenue – North 100-141

Faith Avenue – South 30-51

Fawn Avenue – East 113-233

Fickes Way – 1-131

Forry Avenue – 238-399

Fulton Avenue – 236-399

Gas Avenue – East 2-298 Even; West 2-498 Even
Gay Avenue – East 2-32 Even, 1-33 Odd; West 2-198 Even, 1-199 Odd
George Street – North 2-350 Even, 1-335 Odd; South 2-954 Even, 1-899 Odd
Glen Avenue – 130-399
Grant Street – 1-215
Hartley Street – North 1-43 Odd; South 1-43 Odd
Hersh Avenue – East 2-28 Even, 11-29 Odd
Home Way – 1-59
Hope Avenue – East 2-98 Even, 1-99 Odd; West 2-98 Even, 1-99 Odd
Howard Street – North 2-126 Even, 1-127 Odd; South 2-130 Even, 1-131 Odd

Iris Avenue – 30-61

Jackson Street – East 2-29 Even, 1-29 Odd; West 2-14 Even, 1-13 Odd

King Street – East 2-498 Even, 1-499 Odd; West 2-498 Even, 1-399 Odd

Lafayette Street – 2-98 Even, 1-199 Odd

Leed Street – 19-39

Lilac Lane – 1-199

Lindbergh Avenue – 300-435

Locust Street – East 300-399

Lynn Street – 100-131

Mack Way – 30-99

Maple Street – East 2-28 Even, 1-29 Odd; West 2-98 Even, 1-99 Odd

Market Street – East 2-498 Even, 1-499 Odd; West 2-498 Even, 1-499 Odd

Mason Avenue – East 1-299, West 1-499

Moss Avenue – 366-385

Moul Street – 600-699

Newberry Street – North 0-128 Even, 1-127 and 157 Odd; South 2-198 Even, 1-199 Odd

Newton Avenue – East 2-30, 1-199 Odd; West 2-380 Even, 1-379 Odd

North Street – East 2-98 Even, 1-53 Odd; West 2-198 Even, 1-199 Odd

Norwood Avenue – 300-385

Park Lane – 1-199

Penn Street – North 2-130 Even, 1-127 Odd; South 2-198 Even, 1-213 Odd

Pershing Avenue – North 2-198 Even, 1-199 Odd; South 2-198 Even, 1-199 Odd

Philadelphia Street – East 1-445; West 1-499

Pierce Street – 28-299

Pine Street – North 1-126; South 1-233

Poplar Street – East 200-399

Port Avenue – 256-399

Post Street – North 127-199; South 30-99

Princess Street – East 2-98 and 200-398 Even, 1-29 and 201-399 Odd;

West 2-98 and 300-398 Even, 1-99 and 101-299 and 301-399 Odd

Prospect Street – 200-399

Queen Street – North 2-128 Even, 1-129 Odd; South 2-130 Even, 1-199 Odd

Ray Avenue – 234-399

Reinecke Place – 300-399

Roosevelt Avenue – 100-204 Even, 101-129 Odd

Sage Avenue – 200-399

Short Way – 400-499

Snyder Place – North 100-126 Even, 101-127 Odd; South 300-428 Even, 301-429 Odd

South Street – East 2-26 Even, 1-27 Odd; West 2-28 Even, 1-27 Odd

Springettsbury Avenue – East 1-43; West 2-300 Even, 1-231 Odd

Stonewall Avenue – 30-99

Susquehanna Avenue – 1-199

Vine Avenue – 15-28

Walnut Street – 334-420 Even, 333-399 Odd

Washington Street – 2-38 Even, 0 Odd

APPENDIX III: GUIDELINES

The following guidelines are designed to help property owners prepare plans for the rehabilitation, preservation, and continued use of old buildings in a manner consistent with the Secretary of Interior Standards for Rehabilitation. The guidelines pertain to structures of all occupancy and construction types, sizes, and materials.

Historic District Guideline #1: Unless modified herein, the HARB shall utilize the most recent version of the Secretary of the Interior's Standards for Rehabilitating Historic Buildings in its recommendations.

Historic District Guideline #2: Deteriorated material shall be repaired whenever possible or replaced with new material that replicates the existing (or preferably original) as closely as possible. On recommendation of the HARB, other material may be deemed appropriate where the use of other material or materials replicates the detail, profile, configuration and properties of the existing (or preferably original) material.

Historic District Guideline #3: All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance are not acceptable; provided however on recommendation of the HARB, alterations may be deemed appropriate where the use of said materials replicate the detail, profile, configuration and properties of existing (or preferably original) material.

Historic District Guideline #4: Previous changes to a building, which have acquired significance in their own right, shall be recognized and respected.

Historic District Guideline #5: The distinguishing original qualities or character of a building, structure, or site and its environment shall be retained and treated with sensitivity. The removal or alteration of any historic material or architectural feature shall not be permitted. Distinctive materials include wood, iron, cast iron, terra cotta, tile and brick. Examples of significant architectural features include cornices, brackets, railings, porches, columns, shutters, window and door molding and details, exterior doors, marble steps, fencing and walls. Whenever possible, any deteriorated architectural features shall be repaired or replaced with material that replicates the existing material (or preferably original) in composition, design, color, texture, and other visual qualities as closely as possible.

Historic District Guideline #6: Aluminum or vinyl siding over brick, stone, or masonry is prohibited. Aluminum or vinyl siding over wooden buildings shall be prohibited where it can be readily seen from a public street or public way. If aluminum or vinyl siding is permitted as a replacement for existing aluminum or vinyl siding, the new aluminum or vinyl siding shall not be layered over the existing aluminum or vinyl siding. All buildings shall be recognized as products of their own time.

Historic District Guideline #7: The location, dimension and material of replacement windows, doors and openings shall be the same as the existing (or preferably original) windows, doors and openings. Existing (or preferably original) windows, doors and openings, including all components: sash, glass, transoms, sidelights, lintels, sills, frames, molding, shutters, doors, steps, and all hardware should be retained and

repaired wherever possible. Design or material changes that are not consistent with the existing (or preferably original) window or door components, and which appear on a primary facade of a building, shall be prohibited. Replacement materials on either a primary or a secondary facade shall be permitted if they replicate the detail, profile, configuration and properties of the existing (or preferably original) material.

Inappropriate new window or door features are not permitted. These include Plexiglas, aluminum storm and screen window insulating glass combinations that require the removal of original window and doors or the installation of plastic, canvas, or metal strip awnings what detract from the character and appearance of the building.

Storm windows and doors may be installed if they are visually unobtrusive, do not damage existing frames, and can be removed in the future provided they conform to the size and shape of the historic opening. Interior storm windows which are not visible from the exterior are the window of choice.

Historic District Guideline #8: Porches and steps which are appropriate to the building and its development should be retained. The original material and architectural features of porches and steps, such as carvings, hand rails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile, and brick should be retained wherever possible. Such materials shall be repaired or replaced with material that replicates the existing (or preferably original) as closely as possible.

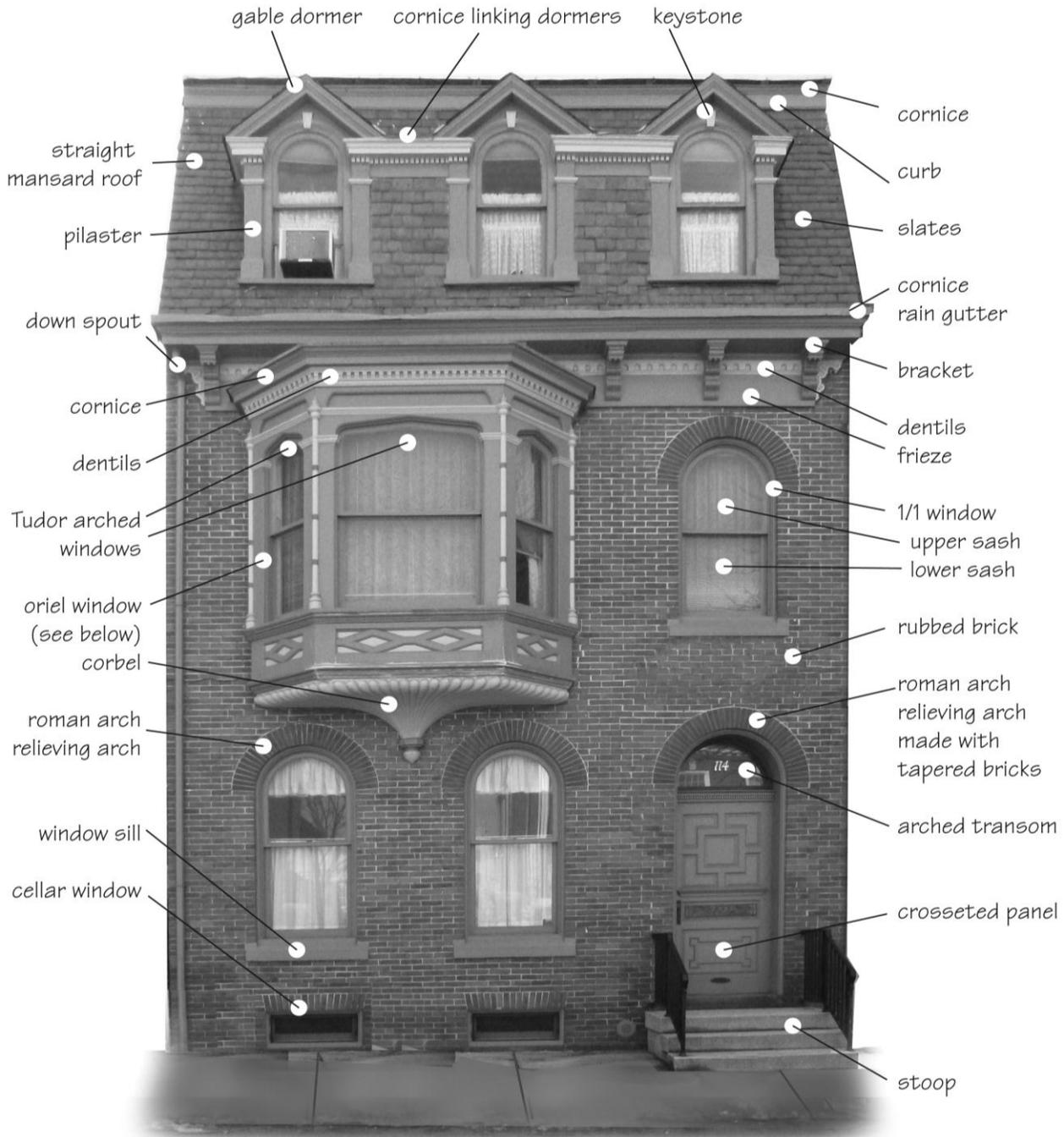
Historic District Guideline #9: The original roof shape and pitch shall be preserved. Deteriorated roof coverings shall be repaired or replaced with material that replicates the existing (or preferably original) in composition, size, shape, color, texture as closely as possible. All architectural features which give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes, should be preserved.

Historic District Guideline #10: Contemporary design for alterations and additions to existing properties shall not destroy significant historic, architectural or cultural materials. Design shall be compatible with the size, scale, color, material, texture and character of the property, neighborhood and environment. Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were removed in the future, the essential form and character of the historic structure would be unimpaired. New additions should complement the style of the historic structure, but should also appear as products of their own age. Avoid imitating an earlier style of architecture in new additions that have a completely contemporary function. New additions should not imitate architectural styles which pre-date that of the historic structure.

Historic District Guideline #11: Signs on commercial buildings shall respect the existing architectural features and be compatible in scale, color, material, placement and design with the building. Signs should be simple and complimentary to the existing architecture. Signs should be primarily pedestrian oriented. Lettering should be clear, legible and in character with the architecture or history of the building. Signs should integrate hardware appropriately into sign design. The lighting of signs is to be considered as part of the aesthetic illumination of the overall display and/or architecture. The illumination should be subtle, pedestrian oriented, and not in competition with adjacent illuminated signs. Neon and/or flashing signs are prohibited.

Historic District Guideline #12: Necessary mechanical services shall be installed in spaces that will require the least possible alteration and damage to the exterior structural condition and physical appearance of the building. Exterior electrical and telephone cables shall be installed in places where they will be visually unobtrusive. Television antennae and mechanical equipment such as air conditioners and solar panels shall be placed in as inconspicuous a location as possible. The installation of such equipment should not affect the principal elevation.

APPENDIX IV: GLOSSARY



Oriel window vs bay window

The projecting window unit on the second story of this house is an oriel window, because it is on an upper level and is supported by a corbel. If it started at ground level, it would be called a bay window