

**ARTICLE II Heritage Conservation District (§ 155-17 — § 155-31)**

[Adopted 11-9-1999 by Ord. No. 6-1999]

**§ 155-17 Legal authorization.****A.**

This Heritage Conservation District is created pursuant to the authority granted by the Act of June 13, 1961, P.L. 282, as amended, 53 P.S. § 8001 et seq. (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.**

Section 8002 of Act 167

Editor's Note: See 53 P.S. § 8002.

specifically provides: "For the purpose of protecting those historical areas within our great Commonwealth, which have a distinctive character recalling the rich architectural and historical heritage of Pennsylvania, and of making them a source of inspiration to our people by awakening interest in our historic past, and to promote the general welfare, education and culture of the communities in which these distinctive historical areas are located, all counties, cities, except cities of the first or second class, boroughs, incorporated towns and townships, are hereby authorized to create and define, by ordinance, a historical district or districts within the geographic limits of such political subdivisions."

**§ 155-18 Title: compliance required.****A.**

Short title. This article shall be known and may be cited as the "Heritage Conservation District Ordinance."

**B.**

Compliance. No building or structure located within the Heritage Conservation District shall hereafter be erected or demolished, in whole or in part, without full compliance with the terms of this article and/or other applicable regulations.

**§ 155-19 Purpose.**

It is the purpose of this article to:

**A.**

Effect and accomplish the protection, enhancement and perpetuation of historic buildings and areas within the Heritage Conservation District which represent distinctive elements of the City's cultural, social, economic, political and architectural history.

**B.**

Safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such historic buildings and areas.

**C.**

Foster civic pride in the accomplishments of the past.

**D.**

Protect and enhance the City's attraction to visitors thereby providing support and stimulation for the City's economy.

**E.**

Promote the use of historic buildings and areas for the education, pleasure and welfare of the people of the City.

**F.**

Preserve and protect the cultural, historical and architectural assets of the City which have been determined to be of local, state and/or national significance.

## **§ 155-20 Definitions and word usage.**

### **A.**

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.

### **ACCESSORY BUILDING**

A structure constructed as a secondary, subordinate building on a lot containing a principal structure.

### **ADDITION**

An increase in building area, aggregate floor area, height or number of stories of a structure.

### **ALLEY, COMMON**

A right-of-way intended to be used primarily for vehicular and/or pedestrian access to the side or rear of a property and which is neither privately owned nor included in the Official City (Street) Plan.

### **ALLEY, PUBLIC**

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

### **ALTERATION**

Any visual or physical change to a building, including the repair or replacement of any exterior structural element or the repair, replacement or installation of any decorative or accessory element or feature. The exemption of alterations, as referenced in § [155-27C\(2\)](#), does not include the removal of character-defining porches, balconies, cornices, dormers, or roofs, and the enclosure of porches, balconies, or decks.

[Amended 2-22-2005 by Ord. No. 4-2005]

### **APPURTENANCE**

A subordinate component or structural feature attached or affixed to a principal structure or erected on a lot. The exemption of appurtenances, as referenced in § [155-27C\(3\)](#), does not include porches, balconies, decks, dormers, or walls exceeding four feet in height.

[Amended 2-22-2005 by Ord. No. 4-2005]

### **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, or the registered or licensed architect or engineer employed in connection with the proposed work.

[Added 2-22-2005 by Ord. No. 4-2005]

### **BALCONY**

A roofed or unroofed elevated platform projecting from the wall of a building, enclosed by a railing, balustrade or parapet wall.

### **BUILDING**

A structure, enclosed and isolated by exterior walls and roof and permanently affixed to the land, that is used for residential, commercial, institutional, industrial or public purposes, including principal and accessory buildings or structures.

### **BUILDING OFFICIAL**

A municipal employee or individual retained by the City designated as the individual who enforces compliance of the City of Lancaster Building Code

Editor's Note: See Ch. [109](#), Building Construction and Floodplain Management.

and issues permits for the construction or demolition of all or part of any building or structure within the City, including a qualified person designated by the Building Official to perform such functions as delegated by this article to the Building Official.

#### BUILDING PERMIT

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

#### BUILDING PERMIT APPLICATION

The request filed by a property owner, equitable owner or developer with the Building Official/Inspector or Codes Administrator seeking authorization to Construct or Demolish all or part of any building or structure.

#### CERTIFICATE OF APPROPRIATENESS

The approval statement signed by City Council which certifies the historical appropriateness of a proposed regulated activity.

#### 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 structures. In certain instances, changes to a building or structure 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.

[Amended 2-22-2005 by Ord. No. 4-2005]

#### COMPLETED APPLICATION

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

#### CONFLICT OF INTEREST

Use by a public official of the authority of his/her office or any confidential information received through his/her holding public office for the private pecuniary benefit of himself/herself, a member of his/her immediate family, or a business or organization with which he/she or a member of his/her immediate family is associated. Conflict of interest also includes the employment or holding of office by a public official or a member of his/her immediate family with the applicant and/or owner whose property is the subject of the application before the Historical Commission.

[Added 2-22-2005 by Ord. No. 4-2005]

#### 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, including porches, balconies, dormers and decks, and the reconstruction or restoration of a demolished or destroyed building or structure or part thereof.

[Amended 2-22-2005 by Ord. No. 4-2005]

#### CORNICE

A projecting horizontal band at or near the top of a wall or building or at the top of a storefront window, often with decorative elements including one or more of the following: brackets, modillions, dentils, and molding.

[Added 2-22-2005 by Ord. No. 4-2005]

#### DECK

A flat, floored, roofless structure adjoining a building or built as a structural part of it and accessible from the ground.

#### DEMOLITION

The dismantling, tearing down or razing of a building or structure, in whole or part, including the permanent

removal of character-defining elements.  
[Amended 2-22-2005 by Ord. No. 4-2005]

#### DEMOLITION BY NEGLECT

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

#### DORMER

A roofed structure projecting through the sloping roof of a building and containing a window set vertically in the structure.  
[Added 2-22-2005 by Ord. No. 4-2005]

#### ENCLOSURE

The addition of panels, windows, screens or any other material exceeding 42 inches in height above the floor surface on one or more sides of a porch, balcony or deck, but excluding the addition of awnings or retractable or roll-up shades.  
[Added 2-22-2005 by Ord. No. 4-2005]

#### ERECTION

Construction, assembling, or installation of a building or structure, or part thereof, on the ground or onto an existing building or structure.

#### FENCE

A structure constructed of posts with wire or rails or with boards not exceeding 12 inches in width.  
[Added 2-22-2005 by Ord. No. 4-2005]

#### HERITAGE CONSERVATION DISTRICT

That geographic area of the City of Lancaster, identified and delineated by City Council, pursuant to Section 8002 of Act 167,

Editor's Note: See 53 P.S. § 8002.

as set forth on the Official City of Lancaster Heritage Conservation District Map which shall be located in the office of the Building Official. The provisions of this article shall be applied to all land, buildings, and structures located within the boundaries of the Heritage Conservation District.

#### HISTORICAL COMMISSION

The official review board appointed by City Council pursuant to Section 8003 of Act 167

Editor's Note: See 53 P.S. § 8003.

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 activities which City Council is required to issue pursuant to this article and Act 167.

#### 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 Historical Commission and applicants/property owners regarding regulated activities within the 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 Codified Ordinances, Article 155)

Editor's Note: See Art. 1 of this chapter.

wherein any and all changes to buildings or structures, or part thereof, visible from a public way are subject to review and approval by City Council.

[Amended 2-22-2005 by Ord. No. 4-2005]

### LANCASTER NATIONAL REGISTER HISTORIC DISTRICT

That geographic area of the City of Lancaster accepted by the National Park Service, Department of the Interior, as a historic district listed in the National Register of Historic Places.

[Amended 2-22-2005 by Ord. No. 4-2005]

### 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.

### MEETING

Any proceeding before either the Historical Commission or City Council or any committee thereof at which any participant presents information by way of recommendations, testimony, photographs, plans, drawings or otherwise with respect to an application under consideration. Where "Council meeting" is stipulated in the text, this proceeding shall refer to a meeting of the full seven-member City Council, or a quorum thereof. A meeting of a committee of Council shall not be considered as a Council meeting.

[Added 2-22-2005 by Ord. No. 4-2005]

### 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 to 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.

### OWNER

Any person, corporation, or institution having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including but not limited to a trustee, a guardian of the estate of any such person, or an executor or administrator of the estate of such person.

[Added 2-22-2005 by Ord. No. 4-2005]

### PORCH

A covered entrance to a building, often large enough to serve as an outdoor seating or walking space, including a colonnaded portico.

### PLOT PLAN

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

### PRESERVATION

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

### PRINCIPAL STRUCTURE

Building or structure in which has been, is, or will be conducted the principal use or uses of a lot.

### PUBLIC STREET

A public right-of-way that has been placed on the Official City (Street) Plan, but excluding public alleys.

### REGULATED ACTIVITY

Any activity requiring review and recommendation by the Historical Commission and approval by City Council for the issuance of a certificate of appropriateness in the Heritage Conservation District.

### REPAIR

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

### REPLACEMENT

To install new materials or components in place of existing materials or components, regardless of whether the

same material and design or a different material and design is utilized.

### RESTORATION

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

### ROOF

The flat or sloped covering element of a building. Character-defining roofs include, but are not limited to, gable, gambrel, hipped and mansard roofs.

[Added 2-22-2005 by Ord. No. 4-2005]

### SECRETARY OF THE INTERIOR'S STANDARDS

Federal standards developed by the U.S. 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.

### STREETSCAPE

The overall view of a public street, including front and side yards visible from a public street, its component elements, and the relationships of building setbacks, rhythms, height, shapes, spacing and textures, that give the public street or neighborhood its distinctive visual character or image.

### STRUCTURE

That which is built or constructed, or a portion thereof, excluding paved areas.

[Amended 2-22-2005 by Ord. No. 4-2005]

### USE

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

### WALL

A structure, not including building walls, intended to mark a boundary, serve as an enclosure, provide a barrier, or hold back earth or other material; excluding fences.

[Added 2-22-2005 by Ord. No. 4-2005]

## **§ 155-21 Delineation of Heritage Conservation District.**

### A.

The Heritage Conservation District shall consist of that geographic area of the City of Lancaster coterminous with the geographic area designated as the Lancaster National Register District, but excluding the geographic area included in the Lancaster Historic District.

### B.

Any change to the geographic area listed in the Lancaster National Register District shall result in automatic change to the Heritage Conservation District, effective as of the date of the Pennsylvania Historical and Museum Commission's letter of notification regarding such change.

[Amended 2-22-2005 by Ord. No. 4-2005]

### C.

Any change to the geographic area of the Lancaster Historic District shall result in an automatic change to the Heritage Conservation District in that any property added to the geographic area of the Lancaster Historic District shall be automatically removed from the geographic area of the Heritage Conservation District, and any property removed from the

geographic area of the Lancaster Historic District shall be automatically added to the geographic area of the Heritage Conservation District.

D.

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

**§ 155-22 Historical Commission membership.**

A.

Upon receipt of a certifying resolution from the Pennsylvania Historical and Museum Commission referred to in § [155-31](#) hereof, City Council shall appoint an Historical Commission in accordance with Section 8002 of Act 167.

Editor's Note: See 53 P.S. § 8002.

B.

Pursuant to Section 8003 of Act 167,

Editor's Note: See 53 P.S. § 8003.

the Historical Commission shall consist of at least seven members, of whom one shall be a registered architect, one shall be a licensed real estate broker, and one shall be a Building Official. The remaining members shall be persons with knowledge of and interest in historic preservation and neighborhood conservation or revitalization. All members of the Historical Commission, with the exception of the Building Official, must own property or reside in the Heritage Conservation District.

[Amended 2-22-2005 by Ord. No. 4-2005]

C.

The term of each member shall be three years, or until his or her successor is appointed, except that the terms of the members first appointed pursuant to this article shall be staggered so that no more than three members shall be reappointed or replaced during any one calendar year.

D.

Any member appointed in his or her capacity as an architect, real estate broker, Building Official or resident of the Heritage Conservation District who ceases to fulfill a requirement of membership shall be automatically removed, and his or her position shall be considered vacant. Such vacancy shall be filled by City Council for the unexpired portion of the term.

E.

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 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.

F.

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

G.

Any 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 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.

**§ 155-23 Powers, duties and responsibilities of Historical Commission.**

A.

Recommendations regarding certificates of appropriateness. The Historical Commission shall give counsel to City Council regarding the advisability of issuing any certificate of appropriateness which City Council is required to issue pursuant to this article and Section 8003 of Act 167,

Editor's Note: See 53 P.S. § 8003.

and shall hold such meetings and render such reports as required by § [155-25](#) herein. In determining the recommendation to be given to City Council, the Historical Commission shall consider only those matters that are pertinent to the preservation of the historic aspect and nature of the Historic Conservation District, including when relevant:

(1)

Standards promulgated by the Secretary of the Interior.

(2)

Historical and/or architectural significance of the building or structure.

(3)

Appropriateness of exterior architectural features which can be seen only from a public street, including compatibility with the design standards listed in § [155-27D](#) of this article.

(4)

Effect that the proposed change will have upon the general historical and architectural character of the area.

(5)

Consistency with the City's Comprehensive Plan.

(6)

Written report of the Historic Preservation Specialist regarding the appropriateness of proposed regulated activity.

(7)

Applicant's justification for the proposed regulated activity, including financial feasibility and cost estimates.

B.

Bylaws. The Historical Commission 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.

C.

Annual reports. The Commission shall make an annual report to City Council and to the Pennsylvania Historical and Museum Commission, summarizing actions and accomplishments for the previous calendar year.

D.

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

E.

Meetings. The Historical Commission 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.

**§ 155-24 Certificates of appropriateness.**A.

Permits and certificate required. No person shall commence any regulated activity within the Historic Conservation District, without first obtaining a certificate of appropriateness with respect thereto from City Council.

B.

Duty of Building Official. The Building Official, or such other person or agency charged by City Council with the issuance

of building permits, shall not issue a building permit for any regulated activity until City Council has issued a certificate of appropriateness.

C.

The application for a certificate of appropriateness for any regulated activity shall be filed with the Building Official by the owner, equitable owner or authorized agent. The application shall be accompanied by information required in § 155-27A, Demolition, Subsection A(2) and/or in § 155-27B, New Construction, Subsection B(2) in order to be accepted by the Building Official as a complete application. Following the application submission, the Historic Preservation Specialist shall review the application, inspect the subject property, interview the applicant, if necessary, and prepare a written report for the Historical Commission evaluating the appropriateness of the proposed regulated activity. A copy of the written report shall be provided to the applicant prior to the Historical Commission meeting.

[Amended 2-22-2005 by Ord. No. 4-2005]

**§ 155-25 Public meeting before Historical Commission; findings.**

[Amended 2-22-2005 by Ord. No. 4-2005]

A.

Public meeting. At the time the application is accepted as complete, the applicant shall be informed in writing of the time and place of the Historical Commission meeting at which his or her or its application will be considered. The applicant shall be advised to appear before the Historical Commission to explain the application. The recommendation of the Historical Commission 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 Commission additional time to render a decision. Failure of the Historical Commission to make a recommendation within this seventy-five-day period or any extension thereof shall be considered a recommendation of unconditional approval.

B.

Public notification. Public notification is required for all applications. The applicant shall be provided with a placard announcing the date of the Historical Commission meeting when the application will be considered. The applicant shall post the property where the regulated activity is to occur with the placard provided by the City at least 10 days prior to the Historical Commission meeting. Failure on the part of the applicant to post the placard in a location easily seen by the public shall be grounds for postponing consideration of the application. Continuing failure on the part of the applicant to post the property shall be grounds for recommending against approval of the application within the Commission's seventy-five-day review period, which shall begin to run on the meeting date set forth on the placard. In addition, the City shall provide the Lancaster Newspapers, Inc, with the agenda of each Historical Commission meeting for publication prior to the Historical Commission meeting.

C.

Recommendation to City Council. At the time of its decision on the application, the Historical Commission shall orally advise the applicant of its recommendation and shall also advise the applicant of the time and place of the meeting of City Council when the application will be considered. The Historical Commission, following the meeting or meetings provided for in Subsection A, shall submit to City Council, in writing, its recommendation concerning the issuance of a certificate of appropriateness. A copy of the recommendation and the time and place of the Council meeting shall be sent to the applicant at the time the recommendation is forwarded to City Council. The Commission shall recommend one of the following:

(1)

The issuance of a certificate of appropriateness authorizing the issuance of a building permit for the proposed regulated activity.

(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 Historical Commission, would protect the distinctive historic character of the building, structure or area which is proposed to be changed.

(3)

The denial of the application for a certificate of appropriateness with respect to the proposed regulated activity.

D.

Acceptance of conditions. In the event that the recommendation for a certificate of appropriateness is subject to conditions and the applicant indicates his or her or its refusal to accept all conditions, the Historical Commission shall be deemed to have recommended against the issuance of a certificate of appropriateness. If the applicant accepts all of the said conditions, the recommendation of conditional approval shall stand as stated in the recommendation.

E.

Withholding recommendation of denial. In the event that the Historical Commission recommends against the issuance of a certificate of appropriateness, the Historical Commission shall withhold its written recommendation to City Council if the applicant agrees to appear before the Historical Commission at its next regularly scheduled meeting with a revised application for its consideration. The applicant shall also submit a written extension of the seventy-five-day review period.

**§ 155-26 Proceedings of City Council.**

[Amended 2-22-2005 by Ord. No. 4-2005]

A.

Deliberations of City Council. The Historic Preservation Specialist shall submit the Historical Commission's written recommendation, referencing the appropriate standards of the Secretary of the Interior with which the proposed regulated activity complies, to the City Council for consideration. City Council may consider the report of the Historical Commission, any additional presentation by representatives of the Historical Commission, and the presentation of evidence by the applicant at a regularly scheduled meeting. 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 Historical Commission, any additional presentations by the Historical Commission, and evidence by the applicant at a public meeting of the committee. The committee shall make a report or recommendation 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 interested parties and, if deemed necessary, from the public, at such meeting or meetings as it shall consider appropriate.

B.

Decision of City Council. City Council shall, within 60 days following the Council's first consideration of the application at a Council meeting, either:

(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.

(3)

Issue a written denial to the applicant, with a copy to the Pennsylvania Historical and Museum Commission, setting forth the reasons for the denial.

C.

Notification to applicant. Within 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 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 City Council in writing of his or her or its refusal to accept all of the conditions, the approval, with all conditions, shall stand as granted.

D.

Legal status of City Council's decision. Any building 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 § [155-30](#), Violations and penalties, of this article.

**§ 155-27 Activities requiring certificates of appropriateness.**A.

Demolition.

(1)

Demolition activity impacting the streetscape, including demolition of any character-defining porch, balcony, deck, cornice, dormer or roof, shall require the issuance of a certificate of appropriateness by City Council, unless specifically listed as exempt below.

[Amended 2-22-2005 by Ord. No. 4-2005]

(2)

Applications for certificates of appropriateness to authorize demolition shall be accompanied by information required by the City or Historical Commission, which may include, but not be limited to, the following:

[Amended 2-22-2005 by Ord. No. 4-2005]

(a)

Name and address of 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 millimeter (required for demolition only) photographs of the building or structure proposed for demolition.

(f)

Photographic evidence and written description of the deteriorated condition of the building or structure.

(g)

Reason(s) for the demolition.

(h)

Explanation why rehabilitation, reuse, plan alteration or stabilization with the intent to market and sell the property is not feasible or desirable, including financial feasibility and a minimum of two current, fair 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.

(m)  
Any additional information required by the Commission as relevant to its decision.

(3)  
A building permit for the proposed demolition shall not be issued by the Building Official prior to and where applicable:

(a)  
The issuance of a certificate of appropriateness by City Council for any new building or structure.

(b)  
Recording of an approved subdivision or land development plan for the lot where the demolition is proposed.

(c)  
Issuance of any necessary zoning approvals.

B.  
New construction.

(1)  
New construction of buildings or structures, including a porch, porch enclosure, balcony, deck, cornice, dormer, roof or wall, impacting the streetscape shall require a certificate of appropriateness, unless specifically listed as exempt below.

[Amended 2-22-2005 by Ord. No. 4-2005]

(2)  
Applications for building permits to authorize construction shall be accompanied by information required by the City or Historical Commission, which may include, but not be limited to, the following:

(a)  
Scaled, dimensioned drawings with appropriate notes indicating conformity with the design standards listed below in Subsection D.

(b)  
Colored photographs (any film type permitted) 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.

(c)  
Reason(s) for any deviations from design standards listed in Subsection D, including financial feasibility and a minimum of two current, fair market value cost estimates of alternatives, if appropriate.

C.  
Exemptions. The following activities shall be exempt from the provisions of this article:

(1)  
Demolition or construction of any building or structure not visible from a public street, including, but not limited to, the following:

(a)  
Rear accessory buildings or structures.

(b)

Rear additions.

(c)

Rear appurtenances.

(2)

Maintenance, repair or alteration of a building or structure or part thereof.

(3)

Installation of appurtenances and accessory elements of a decorative or ancillary nature, regardless of visibility from a public street, including but not limited to the following:

(a)

Storm windows and doors, awnings and shutters.

(b)

Signs, banners and flags.

(c)

Downspouts and gutters.

(d)

Flower boxes, light fixtures and mailboxes.

(e)

Heating or cooling units, including solar heating fixtures.

(f)

Fences, walls not exceeding four feet in height, gates, arbors and trellises;

[Amended 2-22-2005 by Ord. No. 4-2005]

(g)

Antennas and satellite dishes.

(h)

Other ancillary or decorative elements.

(4)

Demolition of any structure deemed by the Building Official to be in imminent danger of failure or collapse and where the Building Official orders the demolition in order to protect public health, safety and welfare.

[Added 2-22-2005 by Ord. No. 4-2005]

D.

Design standards. The general design, arrangement, texture and material of a new building or structure and the relation of such factors to similar features of buildings or structures in the immediate neighborhood and in the Heritage Conservation District shall be detailed in the application. 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 of the streetscape.

(2)

Rhythm and patterns. Design elements of principle facades should reflect neighborhood patterns. Examples include prevalent number of bays; door and window replacement; floor-to-floor and cornice heights; spacing between windows

and doors and between windows and cornices or rooflines; and dimensions of the facade's base and cornice. Where the use of the structure prevents maintaining the prevalent rhythms and patterns, incorporating detailing to suggest the same 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 facades and secondary facades 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, which define streetscapes.

E.

The Historical Commission shall consider the proposed regulated activity's consistency with the design standards set forth above in Subsection D when deliberating and counseling City Council regarding the issuance of a certificate of appropriateness.

**§ 155-28 Demolition by neglect.**

A.

All buildings and structures located within the boundaries of the Heritage Conservation District shall be maintained in good repair and kept structurally sound, and reasonably protected against decay and deterioration, as Chapter 223, Property Maintenance.

B.

Any deteriorated condition of the building or structure resulting from the failure of the owner to maintain the property in good repair, structurally sound and reasonably protected against decay and deterioration shall not be permitted as evidence in support of an application for a certificate of appropriateness for demolition, as set forth in § 155-27A(2) of this article.

[Added 2-22-2005 by Ord. No. 4-2005

Editor's Note: This ordinance also redesignated former Subsection B as Subsection C, which follows.

]

C.

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

**§ 155-29 Unreasonable economic hardship.**

A.

Recommended denial of a building permit for demolition. When the applicant desires to make a claim of unreasonable economic hardship based upon the recommendation of the Historical Commission to deny a building permit for demolition, the applicant must file with the City Clerk, prior to City Council's consideration of said application, sufficient evidence to prove that the Historical Commission's recommendation will prevent the applicant from obtaining a reasonable return or a reasonable beneficial use from the property. The applicant shall submit to the City Council the information set forth below, which shall include the following when relevant:

(1)

Name and address of owner of record.

(2)

Date property was acquired by current owner.

(3)

Name and address of equitable owner.

(4)

Purchase price.

(5)

Current equity in the property of owner of record.

(6)

Assessed value.

(7)

Estimated current fair 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 a building permit for construction. When the applicant desires to make a claim of unreasonable economic hardship based upon the recommendation of the Historical Commission, the applicant must file with the City Clerk, prior to City Council's consideration of said application, sufficient evidence to prove that the Historical Commission's recommendation will prevent the applicant from obtaining a reasonable return or a reasonable beneficial use from the property. The applicant shall submit to City Council the information set forth below, which shall include the following where relevant:

(1)

Name and address of owner of record.

(2)

Date property was acquired by current owner.

(3)

Name and address of equitable owner.

(4)

Purchase price.

(5)

Total net project costs, reflecting any tax reductions through credits, deductions or abatement.

(6)

Anticipated project income from sale or lease.

(7)

Maximum feasible cost for proposed project, based on market values, available financing or other acceptable criteria.

(8)

Evidence of consideration of alternatives to construction plans, including a minimum of two bona fide cost estimates of construction as originally proposed and construction of revised plans meeting design standards.

(9)

Any other information the applicant considers appropriate.

C.

City Council may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

D.

City Council may receive and consider studies, economic analyses and proposals to relieve the owner's economic hardship from other interested parties.

E.

Should the applicant prove to the satisfaction of City Council that he will suffer an unreasonable economic hardship if a certificate of appropriateness is not issued, and should City Council be unable to develop with appropriate local, statewide and national organizations, foundations, groups or individuals a solution which can relieve the applicant'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.

**§ 155-30 Violations and penalties.**

[Amended 2-22-2005 by Ord. No. 4-2005]

Violations of this article by any person, property owner, occupant, firm or contractor shall be addressed in the manner set forth in Chapter 109, Building Construction and Floodplain Management.

**§ 155-31 When effective; certification by Pennsylvania Historical and Museum Commission.**

Immediately upon the adoption of this article, the City Clerk shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This article shall not take effect until:

A.

The Commission has certified, by resolution, to the historical significance of the City of Lancaster Heritage Conservation District; and

B.

It has been duly advertised in a newspaper of general circulation in the City of Lancaster, as required by law.