

Amended Bill No. 20, Ordinance No. 18 & Resolution No. 81 of 2014

ARTICLE 1731
Historic York

Historical Architectural Review Board

1731.01	Authority and creation.	1731.08	Board meetings.
1731.02	Historic York Map; boundary changes and interpretation.	1731.09	Considerations regarding issuance of permits.
1731.03	Certification by State Historical Commission.	1731.10	Notice to applicant.
1731.04	Board of Historical Architectural Review; composition and term.	1731.11	Written report of Board.
1731.05	Board powers, duties and procedure.	1731.12	Certificate of appropriateness.
1731.06	Duties of Building Official.	1731.13	Disapproval and appeal.
1731.07	Prior Council approval of permit issuance.	1731.14	Installation of antenna, satellite dishes and other modern accessories, devices or fixtures in the Historic District.
		1731.15	Enforcement.

CROSS REFERENCES

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

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

1731.01 AUTHORITY AND CREATION.

In accordance with the provisions of an act adopted by the General Assembly of the Commonwealth on June 13, 1961, a historic district known as "Historic York" is created. (Ord. 31-1970 §1.)

1731.02 HISTORIC YORK MAP; BOUNDARY CHANGES AND INTERPRETATION.

(a) Historic York is hereby designated into zones, or districts, 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) The Historic York 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 Historic York Map referred to in Section 1731.02 of the Codified Ordinances of York, Pennsylvania," together with the date of the adoption of this article.

(c) If, in accordance with the provisions of this article changes are made in district boundaries or other matter portrayed on the official Historic York Map, such changes shall be entered on the Official Historic York Map promptly after the amendment has been approved by Council, with an entry on the Official Historic York Map as follows: “On (date), by official action of Council, the following (change) changes were made in the Official Historic York Map: (brief description of nature of change)”, which entry shall be signed by the Mayor and attested by the City Clerk. No amendment of this article which involves matter portrayed on the Official Historic York Map shall become effective until after such change and entry has been made on such Map.

(d) No changes of any nature shall be made in the Official Historic York 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.

(e) Regardless of the existence of purported copies of the Official Historic York Map which may from time to time be made or published, the Official Historic York Map which shall be located in the office of the Building Inspector shall be the final authority as the current historic status of buildings and other structures in the City.

(f) Where uncertainty exists as to the boundaries of districts as shown on the Official Historic York 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 Historic York 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 Historic York Map, or in other circumstances not covered by the above, Council shall interpret the district boundaries. (Ord. 31-1970 §2.)

EDITOR’S NOTE: The following changes to the Official Historic York Map have been enacted by Council:

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

1731.03 CERTIFICATION BY STATE HISTORICAL COMMISSION.

The Mayor and City Clerk are hereby authorized and directed to request a certification by resolution of the Pennsylvania Historical and Museum Commission to the historic significance of the district within the limits defined in Section 1731.02. The Mayor and City Clerk are further directed to place such certification among City records.
(Ord. 31-1970 §3.)

1731.04 BOARD OF HISTORICAL ARCHITECTURAL REVIEW; COMPOSITION AND TERM.

(a) A Board of Historical Architectural Review is hereby established which shall be composed of seven members appointed by Council, one of whom shall be a registered architect, one a licensed real estate broker, one a building inspector, one recommended by the Historical Society of York County, and three additional persons with a knowledge and interest in the preservation of the historic district. At least four members of the Board shall be residents of the City. The initial terms of the first seven members shall be as follows: three shall serve until the first Monday of January, 1972, two until the first Monday of January, 1973, and two until the first Monday of January, 1974. Their successors shall serve for a term of five years. Any other member of the Board who changes ~~his~~ **their** profession or position as above listed shall create a vacancy on the Board. Any member who fails to comply with the mandatory attendance provisions of Section 1731.08 shall create a vacancy on the Board. An appointment to fill any vacancy shall be only for the unexpired portion of the term so vacated.

(Ord. 36-2003. Passed 9-2-03.)

(b) Council shall also appoint three alternate members to the Board of Historical Architectural Review. The term of office of each alternate member shall also be five years, except that the term of office of each initial alternate member shall be so fixed so that such terms shall expire in different years. An alternate member shall not hold elective office on the Board and shall serve only when requested because of the unavailability of a regular member. Alternate members of the Board shall be residents of the City and shall have a knowledge and interest in the preservation of the Historic District.

(Ord. 1-1981 §1. Passed 1-20-81.)

1731.05 BOARD POWERS, DUTIES AND PROCEDURE.

(a) The Board shall be charged with the responsibility of review of the historic district limits as outlined in Section 1731.02. The Board is further charged with the responsibility of developing and continuing an effective program of landmark recognition and preservation. Within such district the Board shall survey and designate in a suitable manner: areas, places, buildings, structures, monuments, works of art and objects having special historical, architectural, community or aesthetic interest and value, and worth of preservation.

(b) The Board shall give counsel to the City Council regarding the advisability of issuing any certificates required to be issued pursuant to the Act of June 13, 1961, and this article. Such counsel shall at all times be consistent with the provisions of all ordinances of the City. For this purpose the Board may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of four members of the Board. The members of the Board shall serve without compensation, and shall make an annual report of the transactions to Council. The Board may, pursuant to appropriations by Council, employ secretarial assistance. (Ord. 31-1970 §5, 6.)

1731.06 DUTIES OF BUILDING OFFICIAL.

Upon receipt of an application for a building permit for work to be done in the historic district, or application for work to be done in the historic district that may not require a building permit but does require a Certificate of Appropriateness (see 1731.07(a)), the Building Official shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

- (a) ~~He~~They shall forward to the office of the Board of Historical Architectural Review a copy of the application for a building permit and/or 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 plans and specifications filed by the applicant.
- (b) ~~His~~their shall maintain in ~~his~~their office a record of all such applications and of ~~his~~their handling and final disposition of the same, which shall be in addition to an appropriately cross-referenced to ~~his~~their other records.
- (c) ~~He~~They shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit or Certificate of Appropriateness to permit compliance with the foregoing.

1731.07 PRIOR COUNCIL APPROVAL OF PERMIT ISSUANCE.

The Building Official shall not issue a permit for any erection, reconstruction, alteration, restoration, demolition or razing of a building in this historic district which will affect the exterior historic or architectural features or nature of the building, until Council has issued a certificate of appropriateness.

(A) Any exterior work that can be seen from the public way must be approved by HARB prior to the start of work whether a building permit is required or not.

- (1) The following projects, but not limited to the list below, shall require a Certificate of Appropriateness:
 - (a) All new construction and additions
 - (b) Siding
 - (c) Replacement windows or modifications
 - (d) More than 32 sq. ft. of exterior cumulative patching
 - (e) All exterior work done by a contractor not specifically exempted
 - (f) Any and all roofing that is more than an ordinary repair with like materials
 - (g) Door replacement or modifications
 - (h) Removal of any façade fixtures or trim that is not an in-kind repair/replacement
 - (i) Fences
 - (j) Detached accessory structures
 - (k) Water tanks supported directly upon grade if the capacity exceeds 100 gallons
 - (l) Window awnings
 - (m) Replacement of existing gutters/gutter system
 - (n) Painting

1731.08 BOARD MEETING.

The Board of Historical Architectural Review shall meet regularly and publicly at least ~~once~~ twice each month at regularly scheduled intervals (unless there are zero applications for review five days prior to the time of the scheduled meeting), and may hold special meetings for cause at the call of the Chairman of the Board or upon request of any four members. Attendance at regularly scheduled meetings shall be mandatory and any member failing to attend six consecutive regularly scheduled meetings shall be deemed to no longer be a member of the Board. Any application for a building permit regulated by this article shall be considered by the Board at its next regularly scheduled meeting, or at any special meeting of the Board called for such purpose. The person applying for the permit shall be advised of the time and place of such meeting and invited to appear to explain ~~his~~ their reasons therefor.

(Ord. 10-2012. Passed 4-3-12.)

1731.09 CONSIDERATIONS REGARDING ISSUANCE OF PERMITS.

In determining the counsel to be presented to City Council concerning the issuing of a certificate of appropriateness of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, the Board shall consider the following matters:

- (a) The effect of the proposed change upon the general historic and architectural nature of the district.
 - (b) The appropriateness of exterior architectural features which can be seen from a public street or way only.
 - (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 district.
- (Ord. 31-1970 §10.)

1731.10 NOTICE TO APPLICANT.

Immediately following the meeting of the Board at which an application is considered, the Board shall submit its counsel in writing to Council, however, if the Board, on the basis of the information received at the meeting and from its general background and knowledge, decides to counsel against the granting of a certificate of appropriateness, it shall indicate to the applicant for a building permit the changes in plans and specifications, if any, which in the opinion of the Board would protect the distinctive historical character of the historic district. The Board shall withhold its report to Council for a period of five days following its decision to allow the applicant to decide whether or not to make the suggested changes in ~~his~~ their plans and specifications. If the applicant determines that he will make the suggested changes, he shall so advise the Board which shall counsel the City Council accordingly.
(Ord. 31-1970 §11.)

1731.11 WRITTEN REPORT OF BOARD.

The Board, in submitting to Council, in writing, its counsel concerning the issuance of a certificate of appropriateness shall set out the following matters:

The Board, after the hearing provided for in Section 1731.08 and after the making of any changes in the plans and specifications as provided in Section 1731.10 shall submit to Council, in writing, its counsel concerning the issuance of a certificate of appropriateness, of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or part of any building within the historic district. The written report shall set out the following matters:

- (a) The exact location of the area in which the work is to be done.
- (b) The exterior changes to be made or the exterior character of the structure to be erected.
- (c) A list of the surrounding structures with their general exterior characteristics.
- (d) The effect of the proposed change upon the general historic and architectural nature of the district.
- (e) The appropriateness of exterior architectural features 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 district.
- (g) The opinion of the Board (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district.
- (h) The specific counsel of the Board as to the issuance by Council or its refusal to issue a certificate of appropriateness.

(Ord. 31-1970 §12.)

1731.12 CERTIFICATE OF APPROPRIATENESS.

(a) Upon receipt of the written counsel of the Board as provided in Section 1731.11, Council shall consider at a regular or special meeting the question of issuing to the Building Official a certificate of appropriateness authorizing a permit for the work covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which ~~his~~ their application will be considered and shall have the right to attend and be heard as to ~~his~~ their reasons for filing same. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, Council shall consider the same factors as the Board which are set forth in Section 1731.09 and the report of the Board.

If Council approves the application, it shall issue a certificate of appropriateness authorizing the Building Official to issue a permit for the work covered. If Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. Council shall not consider any matter not pertinent to the historical aspect and nature of the district. (Ord. 31-1970 §13.)

(b) In any event, Council shall render its decision no later than thirty days after the receipt of the written recommendations of the Board of Historical Architectural Review. (Ord. 15-1976 §1. Passed 7-6-76.)

1731.13 DISAPPROVAL AND APPEAL.

Upon receipt of the written disapproval of Council, the Building Official shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law and City ordinances. (Ord. 31-1970 §14.)

1731.14 INSTALLATION OF ANTENNA, SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES IN THE HISTORIC DISTRICT.

No satellite dishes, antenna, air conditioners, heat pumps, outdoor grills or other similar modern devices shall be installed or placed in the front yards, front of buildings or along their facades within the historic 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. For double frontage lots, the antenna or satellite dish must not be visible from the street frontage for which the property is addressed.

- (a) Purpose. The City established the historic 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 if done without care for the integrity of the structure and can harm the integrity of the district satellite dishes are installed without respect for the historic aspect of the district. The purpose of this ordinance is to allow the use of such devices in the historic area, while protecting the beauty and physical structure of buildings in the area.
- (b) Exceptions.
- (1) Satellite dishes may be installed in the front of buildings in the historic district only if no other means of reception can be provided. In such cases, the owner or tenant of the property shall notify the building official in writing signed by a professional installer of the need to install the satellite dish in the front of a building. Such satellite dishes shall be installed to be as unobtrusive as reasonably possible and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The building officials shall approve the installation to ensure the user can receive proper signals, while protecting the historic nature of the district.

- (2) 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 front yards or the front of buildings when they are not to be in use.
- (c) Removal of Existing Satellite Dishes. Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance if and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.
- (d) Appeals. Any decision by the Building Official may be appealed so that the decision would have to follow the process of review of the Historic Architecture Review Board.
- (e) Penalty. Any person who violates the provisions of this subsection shall be guilty of a summary offense punishable by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and the costs of prosecution. (Ord. 22-2006. Passed 4-18-06.)

1731.15 ENFORCEMENT.

The Building Official shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article in the same manner as in ~~his~~ their enforcement of the City Building Code as presently enacted and as may be amended. (Ord. 31-1970 §15.)