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Topic: HISTORIC PRESERVATION

Description: AN ORDINANCE PROVIDING FOR THE PROTECTION OF
HISTORIC RESOURCES WITHIN THE TOWNSHIP OF _____,
_____ COUNTY

----- Text -----

Historic Preservation

AN ORDINANCE PROVIDING FOR THE PROTECTION OF HISTORIC
RESOURCES WITHIN THE TOWNSHIP OF _____,
_____ COUNTY

§1300. Intended Purposes

§ 1300.1 To promote the general welfare by Protecting the integrity of the historic
resources of _____ Township.

§ 1300.2 To establish a clear process by which proposed changes affecting historic
resources are reviewed by the _____ Township Historical Commission and
the Board of Supervisors.

§1300.3 To mitigate the negative effects of proposed changes on historic resources.

§ 1300.4 To encourage the continued use of historic resources and facilitate their
appropriate reuse.

§ 1300.5 To tailor protective measures to those clearly delineated historic resources
in _____ Township worthy of preservation.

§ 1300.6 To encourage the preservation of historic settings and landscapes.

§ 1300.7 To discourage the unnecessary demolition of historic resources.

§ 1301. General Provisions

§ 1301.1 Compliance. Any change to a historic resource shown on the Historic
Resources Map shall occur only in full compliance with the terms of this Article and
other applicable regulations.

§1301.2 Historic Overlay Concept. The Historic Resources Nap shall be deemed an
overlay on any zoning districts now or hereafter enacted to regulate the use of land
in _____ Township.

a. For any property shown on the Historic Resources Map, the requirements and

opportunities contained in this Article shall supercede the otherwise applicable requirements of the underlying zoning district.

b. Should the Historic Resources Map be revised as a result of legislative or administrative action or Judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this Article.

§ 1301.3 Preservation of Other Restrictions It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.

§1302. Historic Resources Map

§1302.1 Classifications. The Historic Resources Map delineates three classifications of historic resources in _____ Township, which are defined as follows:

a. Class I

(1) Certified historic structures;

(2) Contributing resources, i.e., buildings, sites, structures, and objects filed as such with the National Register of Historic Places;

(3) Buildings, sites, structures, objects and districts which have received a Determination of Eligibility (DOE).

b. Class II

Buildings, sites, structures, objects, and districts not meeting National Register criteria, but determined to be of historical or architectural significance to _____ Township and appropriately documented to that effect by the _____ Township Historical Commission.

c. Class III

Buildings, sites, structures, objects, and districts included in the historic resources inventory of the _____ Historical Commission and not included in either Class I or Class II, above.

§1302.2 Revisions. The Historic Resources Map may be revised from time to time by legislative action of the Board of Supervisors.

a. In considering any revision, including additions, deletions, or changes of classification to the Historic Resources Map, the Board shall receive a written recommendation from the _____ Historical Commission.

b. The owner(s) of any property(ies) which are the subject of any such proposed administrative action shall be given written notice of the _____ Historical Commission's recommendation to the Board of Supervisors at least ten (10) days prior to the public hearing.

§1302.3 Official List. The Commission shall maintain an updated list of resources shown on the Historic Resources Map and their respective classifications.

§1303. _____ Township Historical Commission

§1303.1 Establishment and Membership. There shall be a Historical Commission which shall consist of ten (10) members who shall be appointed by the Board of Supervisors. The membership of the Commission shall include individuals who have an interest in history, archeology, or historic preservation and should include a registered architect, building inspector, and licensed realtor. Each Commission member shall serve for a term of five (5) years which shall be so fixed that no more than two (2) terms shall expire each year. The Commission shall notify the Board of Supervisors of any vacancies in the Commission and the Board shall act within 90 days to fill those vacancies. Appointments to fill vacancies for- unexpired terms shall be only for the unexpired portion of the term. Members shall serve without pay, but shall be reimbursed for any personal expenditures in the conduct of Commission business when authorized by the Board of Supervisors.

§1303.2 Organization. The Commission shall annually elect from its own membership a Chairman who will direct the activities of the Commission and such

other officers as may be required for the conduct of its business. A quorum shall be not less than a majority of the current membership. The Commission may make, alter, and rescind rules and forms for its procedures consistent with the Ordinances of the Township and laws and regulations of the Commonwealth. The Commission shall conduct business at regular public meetings. An agenda of each public meeting shall be available for inspection prior to the meeting. The Commission shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors by March of each year.

§1303.3 Expenditures for Services. Within the limits of funds appropriated by the Board of Supervisors, the Commission may employ staff or contract for clerical, consulting, or other technical services.

§1303.4 Functions and Duties. In accordance with the purposes of this Article, the Commission shall have the following functions and duties:

- a. Maintain a system for the survey and inventory of historic buildings, sites, structures, objects, and districts in _____ Township.
- b. Conduct research on and nominate significant resources to the National Register of Historic Places and any other appropriate lists or programs.
- c. Advise the Zoning Officer and Board of Supervisors on the issuance of demolition permits for historic resources, as set forth in §1304.
- d. Review and comment on subdivision or land development applications which affect historic resources, in accordance with the requirements and procedures of the _____ Township Subdivision and Land Development Ordinance.
- e. Make recommendations to the Board of Supervisors concerning revisions, updates, or corrections to the Historic Resources Map.
- f. Maintain an updated list which clearly identifies buildings, sites, structures, objects, and districts and their respective classifications on the Historic Resources Map.
- g. Advise the Zoning Hearing Board and Board of Supervisors on all requests for special exceptions, conditional uses, or variances affecting historic resources.
- h. Function as a Board of Historical Architectural Review (HARB) for historic districts in _____ Township which may be certified by the Pennsylvania Historical and Museum Commission in accordance with PA Act 167.
- i. Review applications for the rehabilitation, enlargement, or alteration of historic resources for compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as required by §1305 and §1306 below.
- j. Perform any other lawful activities which shall be deemed necessary to further the purposes of this Article.

§1304. Demolition of Historic Resources.

§1304.1 Permit Requirements. No Class I historic resources shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements. Unoccupied structures should be tightly sealed and fenced off and the utilities turned off for safety.

§1304.2 Demolition Permit. No Class I, II or III historic resource shall be demolished, in whole or in part, including the indiscriminate removal or stripping of any significant interior or exterior architectural features, unless a permit is obtained from the Zoning Officer of _____ Township in accordance with the procedures and requirements of this section and other applicable standards and procedures of the Township Building and Fire Codes.

§1304.3 Proposed Demolition of Historic Resources. All applications for demolitions received by the zoning officer will be reviewed against the Historic Resources Map. If the application concerns a Class I, II, or III historic resource, the zoning officer will advise the applicant that he must comply with the following procedures and requirements, as applicable.

§1304.4 Application Requirements for Historic Resources. In addition to applicable

requirements under the Township Building and Fire Codes, any applicant seeking a permit to demolish a historic resource shall provide the following with regard to that historic resource:

- a. Owner of record
- b. Classification on Historic Resource Map
- c. Site plan showing all buildings all structures on the property
- d. Recent photographs of the resource proposed for demolition
- e. Reasons for the demolition
- f. Method of demolition
- g. Future uses of the site and of the materials from the demolished resource.

§1304.5 Review by the _____ Township Historical Commission. The Zoning Officer shall notify the Commission of the application for demolition within 5 days of acceptance of a properly completed application, including the necessary filing fee. Within 30 days of the date of application the Commission, or a subcommittee thereof, shall consider the application for demolition.

§1304.6 Initial Recommendation of the _____ Township Historical Commission.

a. The Commission may recommend immediate approval of the permit and may so advise the Zoning Officer.

b. Alternatively, the Commission may elect to use the following time periods to provide adequate opportunity for documentation of the resource as set forth in § 1304.9, preparation of a Financial Analysis as set forth in § 1304.10, or dialogue with the applicant on alternatives to demolition.

(1) Class III historic resources — A maximum of 45 days from the date of application.

(2) Class II historic resources — A maximum of 60 days from the date of application.

(3) Class I historic resources — A maximum of 90 days from the date of application.

c. At the end of the period stipulated in b., above, or sooner by mutual consent, the Commission can recommend approval of the demolition permit. The Zoning officer then is authorized to issue the permit in accordance with the Building and Fire Codes.

§1304.7 Recommended Denial of Class I Demolitions. Upon or prior to the expiration of the time period imposed for Class I historic resources, the Commission may recommend denial of the application. In such cases, the Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.

§1304.8 Final Decision on Class I Demolitions. Within 30 days of receipt of the Commission report, the Board of Supervisors will consider the Commission's recommendation for denial. of the application for demolition will be given a minimum of 10 days notice of the meeting. The Supervisors will consider any evidence, reports, or testimony from interested parties and will render a decision either to deny or approve the application for demolition within 21 days of the meeting. This period may be extended, and its length established, by mutual consent.

§1304.9 Documentation. Prior to the issuance of a demolition permit, the Commission may require the applicant to provide documentation of the resource proposed for demolition. Such documentation may include photographs, floor plans, measured drawings, archeological survey, and any other comparable form of documentation stipulated by the Commission.

§1304.10 Financial Analysis. In its review of an application to demolish a Class I resource, the Commission may require the applicant to prepare a Financial Analysis which may include any or all of the following:

- a. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;

[illegible]

§1305.2 Design Standards. The following design standards shall apply, except where specifically noted to the contrary in the subsections below, to any of the additional use opportunities specified in §1305.1 within Class I historic resources. Compliance with all other sections of this Ordinance, including, in particular, Buffering (§904), Lighting (§905), Storage (§906), Access and Traffic Control (§907), Interior Circulation (§908), Loading (§909), Parking (§910), and Signs (§1404) shall be required as applicable.

a. In accordance with §804, buildings may not be altered externally for residential conversions. For the remaining additional use opportunities shown in §1305.1, no Class I historic resource may be enlarged beyond what is minimally necessary to accommodate the additional use. As a guideline, no Class I historic resource should be enlarged by more than 50% of its floor area to utilize these opportunities.

b. Unless otherwise specified under each additional use opportunity below, any rehabilitation, alteration, or enlargement of a Class I historic resource to utilize the opportunities shown in §1305.1 must be in substantial compliance with the standards contained in §1309.1, below.

c. Plans for any rehabilitation, alteration, or enlargement deemed necessary by the applicant to utilize any of the opportunities shown in §1305.1 shall be submitted to the _____ Township Historical Commission and Zoning Officer for review. Such plans shall be in sufficient detail to allow the Commission to determine their level of compliance with the standards contained in §1309.1, below.

d. Within the applicable time period stipulated for final Township decision—making, the Commission shall review the plans for compliance with the standards contained in § 1309.1, below, and shall submit its findings in a written report. The report shall indicate what specific changes in the plans are necessary to bring them into substantial compliance.

e. In any case where the proposed use is permitted only as a conditional use or special exception, as provided in §1305.1, the Board of Supervisors or Zoning Hearing Board, respectively, may refuse to approve the request for additional use or uses where it deems the degree of non-compliance with the standards contained in 51309.1, below, to be unacceptable and destructive to the integrity of the Class I Resource.

f. Where the additional use opportunity shown on 51305.1 is available only by special exception or conditional use, landscaping must be provided in accordance with §1308.

g. In residential districts, utilization of an additional use opportunity specified in §1305.1 requires compliance with the standards in §802.2—h, i, and j.

h. Off-street parking required by the Board of Supervisors or Zoning hearing Board may be waived if the use is located on a lot that abuts a public or private residential street of local classification, with a paved cartway width of 28 feet minimum, and on-street parking is permitted by the Township.

§1305.3 Home Occupations. In conjunction with the residential use of a property, a home occupation may be located in any Class I historic resource on a particular property, but there shall be no more than one home occupation per structure. In addition to the standards for home occupations contained in §802.2 and the general design standards contained in §1305.2, home occupations placed in Class I historic resources must comply with these additional requirements:

a. Any rehabilitation, alteration, or enlargement of a Class I historic resource other than the principal dwelling to accommodate the home occupation must be in substantial compliance with the standards contained in §13d9.1, below.

§1305.4 Eating and/or Drinking Establishment. As specified in §1305.1, eating and/or drinking establishments may be located in Class I Historic Resources be conditional use, provided the following are adhered in addition to those contained in §1305.2.

- a. In a residential district, Class I Historic Resources must be located on a lot not less than 4 acres. In all other cases, the base zoning district lot size shall apply.
- b. There shall be no paving within fifty feet (50') of the side and rear lot lines.
- c. Lighting in accordance with §905 and any additional requirements of the Board of Supervisors.
- d. Signs shall be in accordance with §1307 in residential districts the requirements of §1403 (a) and (b) shall also apply.

§1305.5 Residential Conversions. The Zoning Hearing Board, in authorizing by special exception the conversion of any Class I Historic Resource into residential use in accordance with the standards contained in §804, may modify the otherwise applicable lot area standard stipulated in §804.d. Any such action by the Zoning Hearing Board shall adhere to the criteria contained in §1306.1.a, b, and c, below and the general design standards contained in §1305.2.

§1305.6 Guest House. As specified in §1305.1, Class I historic resources may be used as guest houses. Utilization of this additional use opportunity shall be contingent upon compliance with the general design standards contained in §1305.2 and these additional requirements:

- a. No more than three (3) guest rooms may be provided and no more than four (4) individuals may occupy one guest room.
- b. No guest individual or family may stay longer than seven (7) consecutive nights at any one time.
- c. There shall be no separate kitchen or cooking facilities in any guest room. Meals shall be served to guests only.
- d. Any other amenities shall be for the benefit of guests only; no walk-in trade shall be permitted.
- e. For each room, a minimum of one off-street parking space, in addition to those required for dwelling units, shall be provided.

§1305.7 Neighborhood Commercial. As specified in §1305.1, neighborhood commercial uses in accordance with §501.1 may as a conditional use, be permitted in Class I historic resources within the office and industrial zoning districts.

§1306. Modification to Area and Bulk Regulations.

§ 1306.1 Zoning Hearing Board. The Zoning Hearing Board, through the grant of a special exception, may approve requested modifications to the otherwise applicable lot size, lot dimension, yard requirements, or limits on the extension or enlargements of nonconforming uses for plans affecting Class IL historic resources, in accordance with the criteria set forth under §1609 of this Ordinance and provided the following additional criteria are met:

- a. The granting of a special exception is deemed by the Zoning Hearing Board to be necessary to the preservation of a Class I historic resource.
- b. The granting of a special exception will be deemed by the Zoning Hearing Board to have minimal detrimental effect on neighboring properties.
- c. Any plans for the rehabilitation, alteration, or enlargement of a Class I historic resource shown on the application for special exception must be in substantial compliance with the Standards contained in §1309.1.

§1306.2 _____ Township Historical Commission. The Commission shall review the request for special exception and evaluate whether the proposed modifications are necessary to the preservation of the Class I resource. The Commission also shall review any construction plans for their compliance with the Standards in §1309.1. Recommendations shall be transmitted in the form of a written report to the Zoning Hearing Board and shall indicate what specific changes in the plans would bring them into substantial compliance.

§1307. Review of Proposed Signs

§1307.1 Permits. No permit for a sign to be located on or within 100 feet of the exterior walls of a Class I historic resource shall be issued by the Zoning Officer

prior to the review of and comment on the application by the _____ Township Historical Commission, in accordance with the terms of this Section.
§1307.2 Zoning Officer. The Zoning Officer shall provide the Commission with a copy of the application, together with any plans or diagrams required by §1701.3e of this Ordinance, within 5 days of receipt of a complete application.

§1307.3 _____ Township Historical Commission. The Commission shall within 20 days of receipt of a complete application review the plans and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans will have any detrimental effect on the architectural integrity or public enjoyment of a Class I historic resource. The report shall indicate what specific changes in the plans can be made to mitigate detrimental effect.

§1307.4 Issuance of Permit. Upon receiving a report of no detrimental effect from the Commission, and providing the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.

§1307.5 If the Commission's report indicates that the plans will have a detrimental effect, the Zoning Officer shall not issue the permit until (1) the plans have been revised by the applicant in accordance with the Commission's recommendations, or (2) 30 days have elapsed from the date of application, and all other requirements of the Township have been satisfied.

§1308. Landscaping

§1308.1 Applicability. In addition to applicable buffering requirements under §904 of this Ordinance, a landscape plan for the grounds surrounding a Class I historic resource may be required by the Board of Supervisors or Zoning Hearing Board when a tract proposed for subdivision or land development contains a Class I historic resource and when a Class I historic resource is proposed for use by special exception or conditional use.

§1308.2 Landscape Plan. The plan must be prepared by a landscape architect or a qualified nursery and show all pertinent information, including the location, size, and species of all individual trees and shrubs to be planted or preserved. Through screening, buffering, and selection of plant material, the plan should strive to protect the integrity of setting, including any historic plant material, of the Class I historic resource.

§1308.3 Review by _____ Township Historical Commission. The landscape plan will be reviewed for appropriateness and effect by the Commission within the applicable time periods established for Township decision—making on the application. The Commission shall set forth its comments in a written report.

§1309 Standards for Rehabilitation

§1309.1 Standards for Rehabilitation. Any proposed rehabilitation, alteration, or enlargement of a Class I historic resource under §1305 and §1306 should be in substantial compliance with the Secretary of the U.S. Department of the Interior's Standards for Rehabilitation, as reproduced below.

(1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(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 shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

(10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

§1309.2 Compliance. Determinations of compliance with these standards shall be made by written report of the _____ Township Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings to apply the Standards to each project.

§1310. Lot Averaging and Cluster Development Provisions

§1310.1 Lot Averaging. In developments proposing to use the lot averaging option in accordance with §805, the maximum lot areas restriction specified in §805.4 shall not be applicable to a lot that will contain a Class I historic resource, where the Board of Supervisors finds that a lot size larger than the stipulated maximum is necessary to preserve the Integrity of setting of the Class I resource. All other requirements for lot averaging contained in §805 shall apply.

§1310.2 Cluster Development. In developments proposing to use the cluster development option in accordance with §805, one additional lot may be created in excess of the maximum number of lots otherwise permissible under the terms of this Ordinance where such lot will contain a Class I historic resource to be preserved as part of the development plan.

§1311. Historic Resource Impact Study

§1311.1 Applicability. A Historic Resource Impact Study, or any applicable portions thereof, may be required, unless waived or modified, by the Board of Supervisors or Zoning Hearing Board when any of the following are proposed:

- a. Subdivision or land development plans which will lead to the new construction of buildings, structures, roads, driveways, parking areas, etc. located within 100 feet of the exterior walls of a Class I historic resource.
- b. Subdivision or land development plans which propose adaptive reuse or demolition of a Class I historic resource.
- c. General bridge or road construction or substantial repair passing within 100 feet of the exterior walls of a Class I historic resource.

§1311.2 The Board of Supervisors may require the applicant to submit the Historic Resource Impact Study as a subsection of an Impact Study required in §913 of this Ordinance, or as a separate document.

§1311.3 The Historic Resource Impact Statement shall be prepared by a qualified professional in historic preservation, historical architecture, planning, or related

disciplines and presented by the applicant or his agent for discussion at a meeting of the _____ Township Historical Commission.

§1311.4 Contents. The Study shall contain the following information, as required by the Board of Supervisors.

a. Background Information

(1) If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.

(2) General description and classification of all historic resources located on the subject tract, on tracts immediately adjacent to the subject tract or road, or within 100 feet of the subject tract or road.

(3) Physical description of all Class I historic resources identified in (2), above.

(4) Statement of the significance of each Class I historic resource, both relative to the Township and region in general.

(5) Sufficient number of black and white 8" by 10" photographs to show every historic resource identified in (2), above, in its setting.

(6) Narrative description of the historical development of the subject tract or road.

b. Proposed Change

(1) General description of project, including time table or phases.

(2) Description of impact on each Class I historic resource identified in subsection a. (2), above, with regard to architectural integrity, historic setting, and future use.

(3) General description of effect of noise and traffic and any other impacts generated by the proposed change on each Class I historic resource.

c. Mitigation Measures

(1) Recommendations for mitigating the project's impact on Class I historic resources, including design alternatives, buffering in accordance with §904, landscaping in accordance with §1308, and any other appropriate measures permitted under the terms of this and other Township Ordinances.

§1311.5 _____ Historical Commission. The Historic Resource Impact Study will be reviewed by the _____ Historical Commission. The Commission shall set forth its evaluation and recommendations in a written report.

§1312. Certified Historic Districts

§1312.1 Certified Historic Districts. The provisions of Section § 1312 apply only to historic districts in _____ Township which have been certified by the Pennsylvania Historical and Museum Commission in accordance with the Act of June 13, 1961, P.L. 282, as amended: 53 P.S. Sec. 8001 et. seq.

"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, alteration, demolition or razing of buildings within the historic districts."

a. The boundaries of certified historic districts are shown on the Historic Resources Map.

b. The provisions of the Section apply to all land, buildings, and structures within the boundaries of certified historic districts.

c. No structure or building shall hereafter be used and no structure or building shall hereafter be erected, reconstructed, altered, restored, demolished, or razed, in whole or in part, without full compliance with the provisions of §1312 and other applicable regulations.

§1312.2 Board of Historical Architectural Review. Upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission referred to in § 1312.1, hereof, the Board of Supervisors shall designate the _____ Township Historical Commission, or a subcommittee thereof as the Historical Architectural Review Board (HARB).

a. Membership. HARB shall consist of not less than five (5) members, of whom one shall be a registered architect, one shall be a licensed real estate broker, and one shall be a building inspector. The remaining member or members shall have a knowledge of and interest in the preservation of historic districts.

b. Duties. HARB shall give counsel to the Board of Supervisors regarding the advisability of issuing any certificates which the Board of Supervisors is required to issue pursuant to this Ordinance and the Act of June 13, 1961, and shall hold such hearings and render such reports as are required by § 1312, hereof. In determining the counsel to be given to the Board of Supervisors relative to the issuance of a certificate of appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historic aspect and nature of the buildings and structures located within the certified historic district, including:

(1) The effect which the proposed change will have upon the general historic and architectural character and appearance of the district; and

(2) The appropriateness of exterior architectural features and the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to the traditional architectural character of the district.

HARB members are required to disqualify themselves from voting on any project in which their own financial interests or those of their immediate family are directly or indirectly involved.

§1312.3 Certificate of Appropriateness. No person shall commence any work for the erection, reconstruction, alteration, restoration, demolition or raising of any building or structure located in whole or in part within the certified historic district, without first obtaining a Certificate of Appropriateness with respect thereto from the Board of Supervisors as provided hereinafter.

a. Duties of Zoning Officer. The Zoning Officer of _____ Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition, or alteration of buildings or structures subject to the provisions of this Ordinance, shall issue no permit for any such building changes until a Certificate of Appropriateness with respect thereto has been received from the Board of Supervisors.

b. Application for Permit. The application for a building permit for any building or structures subject to the provisions of this Ordinance shall be filed with the Zoning Officer together with the filing fee required under the schedule of fees then in effect. The application shall include a site plan at a scale of one inch to 40 feet, schematic architectural drawings of the proposed construction or changes at a scale of one foot to one-quarter (1/4) inch, and such other material and such number of copies thereof as may from time to time be required in accordance with the rules and regulations of HARB. Within 3 days after receiving such application for a building permit, the Zoning Officer shall forward the application, together with all plans and other documentation submitted therewith, to the Office of HARB.

c. Standards for Determining Appropriateness. In determining whether or not any proposed work for the erection, reconstruction, alteration, restoration, demolition, or raising of any building or structure within the certified historic district is appropriate to the district, HARB and Board of Supervisors shall be guided by the Secretary of the U.S. Department of the Interior's Standards for Rehabilitation, as reproduced in §1309, above, and Guidelines for Rehabilitating Historic Buildings and consider the following criteria, where relevant:

a. Decision of Board of Supervisors. Within fifteen (15) days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication to the applicant, either:

(1) Issue a Certificate Of Appropriateness authorizing a permit for the proposed changes as submitted; or

(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, site, or area which is proposed to be changed; or

(3) Deny a Certificate of Appropriateness with respect to the proposed changes as submitted.

Failure of the Board of Supervisors 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 ten (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case the Board shall be deemed to have denied a Certificate of Appropriateness. In the event the applicant does not, within the said period, notify the Board of Supervisors of his refusal to accept all of the said conditions, the approval, with all conditions, shall stand as granted.

b. Resolution of Board of Supervisors. The grant or denial of a Certificate of Appropriateness shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, referring to such of the criteria set forth in §1312.3c hereof which were relevant to its decision. A copy of each resolution of denial shall be forwarded to the Pennsylvania Historical and Museum Commission. A copy of each resolution granting or denying the certificate shall accompany the official written communication to the applicant as provided in this section.

§1312.6 Appeals. Any decision of the Board of Supervisors under this Ordinance, granting or denying a Certificate of Appropriateness or authorizing or refusing to authorize a modification in such Certificate of Appropriateness, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, Act of July 31; 1968, P.L. 805, as amended, 53 P.S. Sec. 10101, et seq.

(1) Mass (height, bulk, nature of roof line)

(2) Proportions (height to width)

(3) Nature of yard space

(4) Extent of landscaped areas versus paved areas

(5) The nature of facade openings (doors and windows) — their size, locations, and proportions

(6) The type of roof (flat, gabled, hip, gambrel, mansard, etc.)

(7) The nature of projections (porches, etc.)

(8) The nature of the architectural details and style.

(9) The nature of the materials.

(10) Color

(11) Texture

(12) Ornamentation

(13) Signs

Where the proposed work is to be done on a historic structure within the district, then the primary basis for comparison shall be the structure itself (in its then—existing state as compared to its state after the proposed work), and the secondary basis for comparison shall be the effect of the proposed work on the basis as a whole.

§1312.4 Hearing Before HARB. Within thirty (30) days from the time a complete application for a building permit is filed with the Township, a hearing shall be held by HARB to consider the recommendations which it will give to the Board of Supervisors. The person applying for the permit shall be given 10 days notice to the time and place of the said hearing and shall be invited to appear to explain his reasons for such application.

a. Findings after Hearings. Within thirty (30) days following the conclusion of the

hearing or hearings, HARB shall, by official written communication to the applicant, recommend either:

- (1) The issuance of a Certificate of Appropriateness authorized in the application as submitted; or
- (2) The issuance of a Certificate of Appropriateness subject to specified changes and conditions not included in the application as submitted;
- (3) The denial of a Certificate of Appropriateness with respect to the proposed changes as submitted.

Failure of HARB to so act within the said period shall be deemed to constitute a recommendation for the issuance of a Certificate of Appropriateness with respect to the application as submitted. In the event that the recommendation for the issuance of a Certificate of Appropriateness is subject to conditions, the applicant may, within ten (10) days after receiving a copy of the official written communication from HARB, give notice of his refusal to accept all of the conditions, in which case HARB shall be deemed to have recommended against the issuance of a Certificate of Appropriateness. In the event that the applicant does not, within the said period, notify HARB of his refusal to accept all of the said conditions, conditional approval of the application with all conditions shall stand as granted.

b. Report to Board of Supervisors. Upon or before the expiration of the aforesaid forty (40) day period, HARB shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a Certificate of Appropriateness to authorize a permit for the erection, reconstruction, alteration, restoration, demolition, or raising of all or a part of any building, site, or area for which an application for a building permit has been made in accordance with Section 4(c) hereof. The written report shall set out the following matters:

- (1) The exact location of the area in which the work is to be done.
- (2) The exterior changes to be made or the exterior character of the structure to be erected.
- (3) A list of the surrounding structures certified to have historical significance, with their general exterior characteristics.
- (4) An analysis of the appropriateness of the proposed work, taking into consideration the criteria specified in §1312.3c, hereof, where each such factor is deemed relevant.
- (5) The opinion of the Board, including any dissent, as to the appropriateness of the work proposed in regard to preserving or destroying the historic aspect and nature of the building, site, or area.
- (6) The specific counsel of HARB regarding the issuance of or refusal to issue a Certificate of Appropriateness.
- (7) Any changes in plans and specifications recommended by HARB.

§1312.5 Public Meeting of the Board of Supervisors. Upon receipt of the written counsel of BARB, the Board of Supervisors shall consider, at the next regularly scheduled meeting of the Board of Supervisors, the question of issuing a Certificate of Appropriateness authorizing a permit for the work proposed by the applicant. The applicant shall be given 10 days notice of the time and place of the meeting at which, his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the meeting held by the Board of Supervisors.

§1312.7 Enforcement. The Zoning Officer, or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Ordinance, shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to HARB as may be necessary to assure compliance with the provisions of this Ordinance and the conditions of the Certificate of Appropriateness.

This ordinance is merely a model and should only be used as a guide in developing your own ordinance. PSATS encourages you to review and discuss all proposed ordinances with your solicitor. Also, please understand that we cannot guarantee that this ordinance will withstand a court challenge.

