

## MODEL LANGUAGE for HISTORIC PRESERVATION REGULATIONS

### Using the Pennsylvania Municipalities Planning Code (MPC)

*Amendments to existing zoning ordinances require a preamble stating the purpose of the amendment. If regulations are adopted as part of a general zoning ordinance update, no preamble is required.*

#### *Preamble:*

AN ORDINANCE TO AMEND THE (NAME OF MUNICIPALITY) ZONING ORDINANCE AS ADOPTED AND ENACTED ON (DATE): TO ESTABLISH REGULATIONS FOR (LIST COMPONENTS CHOSEN FROM THE MENU FOR INCLUSION); ALSO TO DELETE.....  
(Check to see if your present ordinance contains any conflicting or duplicative regulations that should be deleted when the overlay is adopted.)

BE IT ORDAINED AND ENACTED BY (governing body) of (name of municipality), Lancaster County, Pennsylvania, as follows:

#### 1. **Purpose**

*(The statement of community development objectives set forth in the comprehensive plan of the municipality per MPC Article VI, Section 603 a. and Section 606 should be reiterated here. The following is sample language.)*

Specifically, this overlay district is to promote the general welfare of (Name of Municipality) through the following goals:

*(With the exception of letter G, below, your goals may differ. Letter G reiterates the state mandate in the MPC):*

- A. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources.
- B. To establish a clear process by which proposed changes affecting historic resources are reviewed by the (Name of Municipality) “designated body” and the (governing body).
- C. To mitigate the negative effects of proposed changes affecting historic resources.
- D. To encourage the continued use of historic resources and facilitate their appropriate reuse.
- E. To encourage the preservation of historic settings and landscapes.
- F. To discourage the demolition of historic resources.
- G. To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC): Section 603(b)(5) which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources..... Section 603(g)(2) which states that “zoning ordinances shall provide for protection of natural and historic features and resources; section 604(1) which states that “the provisions of zoning ordinances shall be designed to promote protect and facilitate any or all of the following: . . . preservation of the natural, scenic and historic values . . .”; and 605 (2) (vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

*If you look below, you will see that ‘Section 2, Applicability’ twice, the first instance is the wording to use if an inventory has not yet been completed in your municipality; the second instance is the wording to use if your inventory is completed. Choose the appropriate option. Note, when the inventory is completed you can use the*

*text from the second option to amend/update the zoning ordinance language.*

## **2. Applicability (Inventory has not been completed)**

- A. Boundaries. The Historic Preservation Overlay District shall conform to the boundaries of the township/borough. The overlay district shall include each parcel containing an historic resource. An inventory of historic resources shall be conducted and a map and list of those resources shall be maintained and available for public inspection at the municipal building. Until such time as the inventory is completed determinations will be made on a case by case basis by a historic preservation professional.
1. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provisions of this overlay shall apply.
  2. Should the boundaries of the overlay district be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.

## **2. Applicability (Inventory completed)**

- A. Boundaries. The Historic Preservation Overlay District shall conform to the boundaries of the township/borough. The overlay district includes each parcel containing one or more historic resource. An inventory of historic resources has been completed and a map and list of those resources is maintained and available for public inspection at the municipal building.
1. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provisions of this overlay shall apply.
  2. Should the boundaries of the overlay district be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
- B. Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.
- C. “Designated Body” (*Historic Commission or whatever you choose to call it may be established by ordinance or resolution*). The establishment, organization, functions, duties, and general operating procedures of the “designated body” are set forth in (ordinance or resolution # \_\_\_\_\_ dated \_\_\_\_\_).
- D. The review process of the “designated body” is set forth in (*appropriate part of this section*).

## **3. Definitions**

The following words and phrases shall have the meaning ascribed to them in this Section.

**ADAPTIVE USE (REUSE):** The process of converting a building to a use other than that for which it was designed.

**ALTER OR ALTERATION:** A change in the appearance of a building, structure, site or object.

**ARCHAEOLOGY:** The scientific study of material remains of past human and animal life and activities

**ARCHAEOLOGIST:** An individual with a degree from a recognized university in the science of archaeology. A Masters degree is usually required for professional purposes in this field.

**ARCHITECTURE:** The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure.

**ARCHITECT:** An individual with a degree from a recognized university and registered in the Commonwealth of Pennsylvania in the profession of design and construction of buildings and structures.

**BUILDING OFFICIAL:** As used in this section, it is the person designated by the municipality to enforce the rules and regulations that govern the design and construction of buildings in that municipality.

**CULTURAL LANDSCAPE:** A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity or person.

**CULTURAL PROPERTY:** Association with cultural practices or beliefs of a living community that are 1) rooted in that community's history and 2) important in maintaining the continuing identity of the community.

**CULTURAL RESOURCE:** a building, site, structure, object, or district evaluated as having significance in pre-history or history at the local level.

**DEMOLITION BY NEGLECT:** The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to structure.

**DEMOLITION OR DEMOLISH:** To tear down, raze, destroy, do away with.

**EXTERIOR FEATURES:** The architectural style, design and general arrangement of the various parts of a building, structure or object. This may include the color, nature and texture of building materials, and the type of style of all windows and doors, ornamental applications, etc.

**HISTORIC BURIAL PLACE:** See "HISTORIC CEMETERY" below.

**HISTORIC CEMETERY:** A tract of land that has been in existence as a burial place for 100 years or more wherein there have been no burials for at least 50 years and wherein there will be no future burials.

**HISTORIC CONTEXT:** The geographical location, time period, and function(s) that existed within the period of significance of a historic resource.

**HISTORIC PROPERTY:** A parcel of land containing one or more historic resources.

**HISTORIC RESOURCE:** Any building, structure, site, object or district that is listed in the National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion of certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing resource to a historic district.

**HISTORICAL COMMISSION:** An advisory board designated by the (governing body) under the authority of the Township/Borough Code for the purpose of dealing with matters pertaining to the Township/Borough's identified cultural, scenic, and historic resources.

**INTEGRITY:** Historic integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling, and association. All seven qualities do not need to be present as long as the overall sense of past time and place is evident. All properties change over time. The retention of integrity depends upon the nature and degree of alteration or change. It is not necessary for a property to retain all the physical features or characteristics that it had during its period of significance. However, the property must retain the essential physical features that enable it to convey its past identity or character and therefore its significance.

**MAINTENANCE:** To keep in its existing state, preserve from failure or decline, upkeep.

**NATIONAL REGISTER of HISTORIC PLACES:** the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.

**OBJECT:** A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, mile-post, hitching-post, etc.

**PRESERVATION or PROTECTION:** When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use.

**PRESERVATION PLANNING:** A series of activities through which goals, priorities, and strategies of identification, evaluation, classification and protection of historic buildings, districts, sites and objects are developed.

**RECYCLE or SALVAGE:** When used in connection with historic resources shall mean retention of reusable building materials for reuse.

**REHABILITATION:** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

**SCENIC RESOURCE (VIEWSHED):** A geographic area composed of land, water, biotic, and cultural elements which may be viewed and mapped from one or more viewpoints and which has inherent scenic qualities and/or aesthetic values as determined by those who view it.

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

#### 4. **General Provisions**

- A. **Identification.** The Inventory shall contain a listing of parcels within the overlay zone that contain one or more historic resources.

The Inventory data shall identify every historic resource by tax parcel number (*Scenic and Cultural Resources are optional*). The street address, owner's name, type of resource and category of each resource shall also be included in the list. The data to be gathered in the inventory process represents the requirements of the Pennsylvania Historic Resource Survey Form which has been incorporated into a standardized database format used county-wide and supplied by the Lancaster County Planning Commission (LCPC).

All parcels identified as containing one or more historic resource(s) shall be shown on a Historic Resource Map that shall be maintained, with the corresponding Historic Resource List, at the municipal office.

B. Criteria for Determination.

This criteria is used to determine if a building, structure, object, site, or district is historic or not historic thereby enabling appropriate classification on the local survey.

A building, structure, object, site, or district is historic if:

1. it is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; **or**
2. it is associated with the lives of people, local, state, or national, who were significant in our past; **or**
3. it embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); **or**
4. it has yielded or may be likely to yield, information important in history or prehistory (archaeology).

*(NOTE: There are two common options to classify historic resources. One is simply to designate the resource as “historic” or “non-historic.” The other option is to use a Class I, Class II, Class III system. The latter system has been used by many Lancaster County municipalities and is the standard in Chester County. If desired, each class may have different regulations. Following are guidelines for both options, choose the option that best suits your municipality.)*

C. Classifications (**Option A: Historic - Non-Historic**)

1. Historic: A building, structure, object, site, or district that meets one or more of the criteria listed in item 4B., above, and that retains its integrity.
2. Non-Historic: A building, structure, object, site or district that does not meet any of the criteria in item 4B, above, and/or has lost its integrity, or is less than 50 years old.

D. Classifications (**Option B: Classes 1, 2, 3 or I, II, III**)

1. Class I: Buildings, objects, sites, or districts that are
  - a. listed on or have received a Determination of Eligibility (DOE) to be listed on the National Register; **or**
  - b. resources within a district that contribute to a National Register listed or eligible district.
2. Class II: Buildings, objects, sites, or districts that are
  - a. resources that are deemed by the Township/Borough to substantially meet one or more of the criteria at the local level.
3. Class III:

These are buildings that are less than 50 years old or, if more than 50 years old, have lost their integrity. These buildings are not subject to the provisions herein.

- E. Revisions. The Resource Inventory List and Map may be revised from time to time by a resolution from the (governing body) with recommendations from the “designated body” at a public meeting where the proposed changes shall be presented.
  - 1. Revisions are defined as additions to, deletions from the Resource Inventory List and Map, or changes in classification. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred to the building unless the change alters the historic character of the building.