

# Article XVI: Historic Resource Standards

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## SECTION 240-1600. PURPOSE

The purpose of this Article is to promote and maintain Township community character through retaining historic resources and cultural landscapes, while allowing for their adaptive reuse and redevelopment into contemporary uses and allowing for nearby future development, which are compatible in type, mass, scale, density, and setbacks. This Article is intended to implement the goals of the Pennsylvania Constitution, Article I, Section 27 that establishes the state policy of encouraging the preservation of historic resources, and to implement the purposes of Section 603(b)(2), Section 604(1), and Section 605(2)(vi) of Act 247. In addition, it is the intent of the Article to achieve the applicable purposes and community development objectives as stated in Article I.

## SECTION 240-1601. APPLICABILITY

- A. Historic Resources identification.
  - 1. List. A historic resources identification list (List) indicating property address and other applicable information about resources shall be maintained by the Historical Commission and updated as needed to reflect changes in resources and information.
  - 2. Definition. Historic resources shall be as defined in Article II.
- B. Relevancy. Provisions of this Article shall supersede applicable requirements of zoning districts where a resource is located when such requirements are in conflict or are less restrictive than provisions herein.
- C. Historical Commission. A Historic Commission to serve as an advisory body to the Board of Supervisors, Planning Commission, Zoning Hearing Board, Zoning Officer, and residents has been established under Ord. 118 of 6-1998.
- D. Consultation. Where the Historical Commission, Planning Commission, Board of Supervisors, or Zoning Officer, in the course of administering this Article, requires consultation from a professional with expertise in historic preservation, the cost of the consultant shall be charged to the applicant. Prior to incurring any costs for a professional consultant, the Township shall determine the estimated costs for such services and shall require the applicant to deposit funds in that amount into an escrow account. Upon completion of the consultant services, any unexpended balance in such account shall be repaid to the applicant.

## SECTION 240-1602. ADAPTIVE REUSE OF A HISTORIC RESOURCE

In the interest of preserving historic resources and encouraging their appropriate use or reuse, the following additional opportunities for historic resources may be permitted and upon review and recommendation of the Historical Commission to the Planning Commission using the Township administrative procedure for such.

- A. Additional Principal Uses and Accessory Uses. The following uses may be permitted as a principal use of a building or lot, an accessory use of a building or lot, or as a second additional principal use of a building or lot. It is intended that these additional uses, when not otherwise permitted in the underlying zoning district, shall be largely contained in a historic resource in order to assist in its preservation/reuse.
1. Business or professional office.
  2. Personal service establishment.
  3. Studio.
  4. Antique shop/gallery.
  5. Bed-and-breakfast.
  6. Child or adult day care center.
  7. Catering establishment.
  8. Accessory dwelling unit.
  9. Residential conversions.
  10. Other uses with measured impacts as demonstrated by the applicant by special exception and that meet the following performance criteria along with other requirements in this Article.
    - a. Historical integrity of the historic resource shall be preserved, particularly from any public right-of-way or view.
    - b. Authentic period materials and colors or appropriate modern replication shall be applied on any portion of a historic resource or enlargement thereof visible from any public right-of-way or view per § 240-1603.
    - c. Sufficient landscaped or buffer area surrounding historic resources shall be maintained in order to retain the integrity of historic landscape settings. Mitigation of impacts to historic landscape settings shall be mitigated through introduction of vegetation or other screening in harmony with such landscape setting and through retention of views which visually link historic resources to their landscape settings.
    - d. Facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historic and/or architectural character shall be concealed architecturally or otherwise screened from view.
    - e. The use must meet the current Building Code for Existing Buildings.
    - f. Proof that the use in question can meet parking standards or proof as to why parking standards could be lessened for this use in a historic resource.
    - g. Proof that the use will not generate considerable overall additional traffic or noise to the neighborhood where it is located.
- B. Design Standards for Adaptive Reuse. These standards shall apply whether the use for which the historic resources is being reused is permitted by-right or special exception.
1. Every effort shall be made to maintain or restore the historic resource to its original architectural style, scale, and mass, or to its period of historic significance as determined by the List and/or Historic Resources Inventory.

2. Adaptive reuse involving additions, enlargements, renovation, and/or rehabilitation shall meet also §240-1603.
3. Additional entrances, when required, shall be placed on the side or rear of the resource to avoid disruption of the facade.
4. Removal or alteration of distinctive stylistic and architectural features that contribute to the character of the resource and the surrounding neighborhood shall be avoided.
5. Deteriorated architectural features that contribute to the character and significance of the historic resource and/or neighborhood shall be repaired rather than replaced. Where an applicant can demonstrate that replacement is necessary, the new material shall match the material being replaced in design, texture, and other visual qualities that meet § 240-1603.D.
6. Authentic period materials or appropriate modern material replications shall be applied on any portion of a historic resource or enlargement thereof visible from any public right-of-way or view.
7. The gross leasable floor area of the adaptive reuse shall be located primarily within the historic resource.
8. An application related to an adaptive reuse shall include a floor plan if changes are proposed and proposed alterations on the exterior of the historic resource.

**SECTION 240-1603. RENOVATION, REHABILITATION, OR ENLARGEMENT OF HISTORIC RESOURCES**

Renovation, rehabilitation, or enlargement of a historic resource shall be reviewed for its compatibility in retaining the character and significant historic and architectural elements of the historic resource. This shall include the adaptive reuse of a historic resource when renovation, rehabilitation, or enlargement is proposed. The Township shall not make a decision on any applicable permit application until the terms of this Article, and other applicable regulations, have been met, including Historical Commission review as set forth herein.

- A. Pre-building permit application meeting. A meeting between the applicant, Zoning Officer, and Historical Commission shall be required prior to the submittal of a building permit application. The purpose of this meeting is to foster communication about the proposal and discuss its extent and scope including whether it entails routine building maintenance and/or replacement-in-kind of existing exterior architectural features or whether it entails renovation, rehabilitation, or enlargement of a historic resource. Within fourteen (14) days following this meeting, the Zoning Officer shall notify the applicant of the type of permit needed and the Historical Commission shall provide an informational meeting summary to the Planning Commission and Board of Supervisors.
  1. Where the proposal is found to be routine maintenance, replacement-in-kind, or of a magnitude not requiring further meetings, the Historical Commission shall indicate so in the meeting summary, and the Township shall process the proposal as appropriate.
  2. Where the proposal is found to be of a magnitude that the Historical Commission needs additional project information, the Historical Commission may continue the meeting, with agreement by the applicant, in order to allow for review of such information, which may include a site visit to view the historic resource and context of the proposal.

3. Where the proposal is found to entail renovation, rehabilitation, or enlargement of a historic resource, a building permit shall be required per this Article and other applicable Township requirements.
- B. Building permit application. Applications shall meet Article XXV and in addition meet this Article. A complete building permit application shall be filed with the Zoning Officer, who shall then forward the complete application to the Historical Commission for review. However, the Zoning Officer shall reject and return any incomplete applications. Time periods in this Article for application review and decision shall not begin until the Zoning Officer has notified the applicant that a complete application has been accepted for filing.
  - C. Historical Commission review. Within thirty (30) days of receiving a complete permit application, at its regular or a special meeting, the Historical Commission shall review the application. The applicant shall be notified in writing of such meeting and is encouraged to attend and present information pertaining to and reasons for the application. In reviewing the application, the Historical Commission shall take into account the extent the proposal meets the criteria in § 240-1603.D.
  - D. Design Guidelines. The renovation, rehabilitation, or enlargement shall have the effect of encouraging the continued preservation of the resource and must be in substantial compliance with the following standards for rehabilitation (derived from the U.S. Secretary of the Interior’s Standards for Rehabilitation).
    1. Every reasonable effort shall be made to provide a compatible use for a resource, which requires minimal alteration to the resource and its environment, or to use a resource for its originally intended purpose.
    2. Distinguishing original qualities or character of a resource and its environment shall not be destroyed. Removal or alteration of any historic material or distinctive architectural features shall be avoided wherever possible.
    3. Resources shall be recognized as products of their time, and alterations that have no historical basis and seek to create an earlier or later appearance shall be discouraged.
    4. Changes that have occurred over time are evidence of the history and development of a resource and its environment. These changes may significance in their own right, and this significance shall be recognized and respected.
    5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a resource shall be treated with sensitivity and preserved wherever possible.
    6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. However, in the event replacement is necessary, the new material shall be compatible with the material being replaced in design, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs.
    7. Surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other destructive 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 resource shall be acceptable wherever such do not destroy significant historical, architectural, or cultural material, and wherever such is compatible with the resource or neighborhood.
  - 10. Wherever feasible, additions or alterations shall be done in such a manner that if such were to be removed in the future, the essential form and integrity of the resource would be unimpaired.
- E. Historical Commission recommendation. Within thirty (30) days following the meeting under § 240-1603.C, the Historical Commission shall, at its regular or a special meeting, make a written recommendation to the Zoning Officer, and provide a copy of such to the applicant, Board of Supervisors, and Planning Commission. The applicant shall be notified in writing of this meeting. The Historical Commission recommendation shall indicated whether the proposal is in compliance with the criteria, compliance with conditions, or not in compliance, and/or needed further information. The recommendation shall state its reasoning, including the Historical Commission’s guidance to promote the preservation of the historic, architectural, cultural, educational, and other significance represented by the resource.
- F. Zoning Officer Determination. If the Historical Commission recommendation indicates the proposal is in substantial compliance or compliance with conditions, and provided it meets all other requirements of the Township, the Zoning Officer shall issue the building permit. However, if the Historical Commission recommendation indicates the proposal is not in substantial compliance or requires further information, the Zoning Officer shall consider the recommendation and may, at the Zoning Officer’s discretion, may apply some of the Historical Commission recommendation, in which case the Zoning Officer shall first advise the Historical Commission of this intent and which recommendations will be selected and omitted and the reasons therefor. Following this communication and any response from the Historical Commission, the Zoning Officer shall include in the permit those recommendations that the Zoning Officer deems appropriate. Where the Zoning Officer incorporates any or all of the Historical Commission's recommendations as conditions for issuance of the building permit, the applicant shall indicate, in writing on the permit form, understanding and acceptance of such. Should the applicant choose not to accept in writing any or all of such conditions, the Zoning Officer may subsequently reach agreement with the applicant as to which particular conditions will become requirements of the building permit. Prior to issuance of the permit on the basis of the agreement reached with the applicant as to conditions, the Zoning Officer shall advise the Historical Commission of intent to issue the permit and reasons for such. Following this communication with the Historical Commission, the Zoning Officer may include in the permit those conditions that the Zoning Officer deems appropriate, and issue the permit accordingly, or deny issuance of the permit.

**SECTION 240-1604. AREA AND BULK MODIFCATIONS OF A HISTORIC RESOURCE AND DENSITY BONUS FOR HISTORIC RESOURCE PRESERVATION**

Where a subdivision, land development, zoning permit, or building permit is proposed that affects a historic resource, including renovation, rehabilitation, and/or adaptive reuse, the following options may be permitted to promote historic resources preservation.

- A. Area and Bulk Modifications. Modifications to otherwise applicable lot size, setbacks, coverages, and other area and bulk requirements in the applicable zoning district may be permitted by special exception for the purposes of preserving a historic resources and meeting this Article provided that:
  - 1. The applicant has demonstrated sensitive preservation, including preservation of facades, rehabilitation using materials and design authentic and appropriate to the architecture, and preservation of the building mass as it appears from all public rights-of-way.
  - 2. A lot area of sufficient size shall remain to preserve those portions and features of the historic resource that are significant to its historical, architectural, and/or cultural character and to allow for landscaping, buffering, and screening that protects the historic resource from the impact of surrounding development.
  - 3. Such modification shall have the effect of encouraging the continued preservation and reuse of the historic resource.
  - 4. If there is no immediate use for a historic resource, then the historic resource will be preserved and mothballed and a plan for its maintenance will be established.
  
- B. Density Bonus. A density bonus may be permitted where a historic resource is preserved to encourage its continued use. In addition to the maximum permissible number of lots and units permitted in the applicable zoning district, an applicant shall be permitted additional units and accompanying lots, provided as follows.
  - 1. Historic resources may all be placed on a single additional lot, may each be located on their own additional lot if there is more than one (1) resource, or a combination thereof.
  - 2. If there is no immediate use for a historic resource, then the historic resource will be preserved and mothballed and a fund for its maintenance will be established.
  - 3. Provides long-term protection of affected historic resources through deed restrictions, easement(s), covenants, or other agreement in an acceptable form to the Township.

**SECTION 240-1605. SPECIAL EXCEPTION FOR HISTORIC RESOURCE PRESERVATION**

Special Exception Procedure. As applicable, the following standards and procedure shall be in addition to those in Article XXIII.

- A. The Zoning Officer shall provide the Historical Commission and the Zoning Hearing Board with a copy of the application, together with any supporting information related to such within five (5) working days of receipt of a complete application.
  
- B. The application shall comply with this Article and shall otherwise not be considered a completed application.
  
- C. The Historical Commission shall review such to evaluate whether the application promotes preservation of the historic resource, and shall provide a written recommendation to the Zoning Hearing Board who shall consider the application as to whether:

1. It would be supportive to the preservation of the historic resource;
2. It would have minimal detrimental effect on neighboring properties; and
3. The Historical Commission has reviewed and commented on the application as specified in this Article.

**SECTION 240-1606. GENERAL DESIGN STANDARDS**

- A. Landscaping and Buffering. When there is a proposed subdivision, land development, or permit for building, zoning, use and occupancy, or other pertinent permit application for any property that contains and/or lies within three-hundred (300) feet of an exterior wall of a historic resource(s), a landscaping plan and buffering plan for all lands surrounding the historic resource(s) shall be required as follows.
1. The plan shall show information including location, size, and species of trees and shrubs to be removed, relocated, planted, and/or preserved.
  2. The landscaping plan shall minimize impacts of the proposal on the historic resource and protect its integrity of setting and any significant vegetation.
  3. The buffering plan shall depict how the historic resource and the integrity of its setting will be shielded from any deleterious impacts of the proposal. Buffering may include physical distance, vegetative screening, and fencing.
  4. Proposed landscaping and buffering shall be reviewed for its appropriateness and effectiveness by the Historical Commission and their recommendation provided to the Planning Commission prior to a decision on the proposal.
- B. Lighting. For historic resources, the following lighting standards shall apply in addition to those in Article XX.
1. Non-cut-off fixtures shall be prohibited.
  2. Lighting shall be consistent with the historic architectural style of the resource.
  3. Down-lighting shall be used.
  4. If planned signs are proposed to be lit, light and highlight such using indirect methods (e.g. small goose neck lights or small remote spotlights).
- C. Signs. For historic resources, the following sign standards shall apply in addition to those in Article XXI.
1. Signs proposed within any Historic District or on or within one hundred (100) feet of an exterior wall of a historic resource shall be reviewed by the Historical Commission.
  2. Signs shall be of materials and colors that are consistent with and complement the historic character of historic resource(s) and applicable historic district. Use of plastic or extruded metal sign sections is discouraged. Use of materials such as stone, brick, wood, tile, bronze, brass, enameled metal, and like materials in appearance and texture is encouraged. Sign installation must not damage nor require permanent removal of historic materials and must be done in a manner that signs can be removed without permanent harm to the historic features including architectural detailing.

3. The Zoning Officer shall forward the complete sign permit application to the Historical Commission for their review and comment. No sign permit shall be issued by the Zoning Officer prior to meeting the terms of this Article.
  4. The Historical Commission shall, within thirty (30) days of receipt of a complete application, at its regular or a special meeting, review the application and prepare written comments for the Zoning Officer. Comments shall indicate whether the proposed sign is compatible with the architectural character of the historic resource or what specific changes could make the proposed sign compatible.
- D. Parking. For historic resources the following parking standards shall apply in addition to those in Article XX.
1. Front yard parking shall be discouraged.
  2. Rear and side parking shall be encouraged as shall common access.
  3. Shared parking shall be encouraged between two (2) or more uses operating in close proximity to one another.
  4. Parking areas must be lit, where required, and landscaped in a manner compatible with the historic resource character.
  5. In instances where an applicant can prove that meeting current parking requirements would cause detriment to the historic resource to be protected, the Township may reduce parking requirements.

**SECTION 240-1607. RELOCATION OF HISTORIC RESOURCES**

Before relocated any historic resource, in whole or in part, an applicant shall obtain approved permits per this Article and other applicable ordinances. For such approval, applicable provisions under § 240-1603 and § 240-1606 shall apply and in addition the Historical Commission shall consider whether the proposed relocation:

- A. Will have a detrimental effect on the historic resource’s long term structural integrity.
- B. Will have a detrimental effect on the historic, architectural, or archaeological aspects of the historic resources or on other historic resources or districts within three-hundred (300) feet of the current and proposed locations of the historic resource in question; assessment of archaeological impact shall be made in conjunction with an archaeologist from the PA Historical and Museum Commission or designee.
- C. Will the relocated environment be a compatible cultural landscape that is harmonious with the historic and/or architectural elements of the historic resource.
- D. Will further achieve the purposes of this Article.

**SECTION 240-1608. DEMOLITION OF HISTORIC RESOURCES**

No historic resource shall be demolished, in whole or in part, whether deliberately or by neglect, including removal or stripping of any historically or architecturally significant exterior features, unless a permit is obtained from the Zoning Officer per the requirements of this Section and other applicable standards and procedures of the Township Building Code and Fire Code.

A. Demolition by neglect.

1. No historic resource shall be demolished by neglect, whether by ordinary negligence or willful neglect. Demolition by neglect shall be defined as the leaving open or vulnerable to vandalism, decay by the elements, or the improper maintenance of a historic resource resulting in a detrimental effect on the character, stability, or structural integrity of the resource thereby negating its ability for reuse, This shall include neglect that results in deterioration of exterior features as to create a hazardous or unsafe condition, deterioration of exterior walls, roofs, chimneys, or windows, lack of adequate waterproofing, or deterioration of foundations which could result in permanent damage.
2. Demolition by neglect shall not be used as an automatic excuse by the applicant as justification for an active demolition application or approval of a demolition application.
3. Demolition by neglect does not apply to ruins, such as partial roof structures, wall remains, remaining foundations, or other structures that are clearly in ruins and missing a substantial portion of the structural mass, existing at the time of adoption of this Section, or ruins already located on a property at the time of property purchase.
4. These regulations are meant to protect historic resources from parties who by ordinary negligence or willful neglect allow such, which are in usable condition on a property at the time of adoption of this Section or at the time a new owner purchases a property, to deteriorate or become unusable and a liability to the point of needing to be demolished for safety reasons. An example of this would be a party purchasing a property containing an identified historic resource in usable condition and/or previously being used prior to the sale of the property and, in order to avoid having to undergo the historic review process for demolition, reuse, rehabilitation, or relocation per this Article, said party allows that historic resource to become so deteriorated that it would qualify immediately for a demolition permit due to the unsafe or hazardous condition of such.
5. The following apply to historic resources to prevent demolition by neglect:
  - a. Unoccupied buildings or structures must be properly sealed ('mothballed') to prevent their dilapidation from exposure to the elements, secured to prevent their vandalism, and the utilities turned off for safety at the owner's expense.
  - b. Structural integrity of both occupied and unoccupied buildings and structures must be achieved through proper maintenance of all structural, architectural, and other critical elements to prevent damage by the elements. Historic resources, whether occupied or vacant, shall comply with Township property maintenance codes.

B. Demolition permit application process. To facilitate the purposes of this Article and the exchange of ideas between a historic resource owner and the Township through its Historical Commission, the following standards shall be followed for the issuance of a demolition permit for any demolition, in whole or in part, of a historic resource. No historic resource shall be

demolished, in whole or in part, until an applicant obtains an approved demolition permit per this Ordinance, and other applicable ordinances, and complies with this Article. The Zoning Officer shall not make a decision on an application nor issue said demolition permit until such requirements have been met and the Board of Supervisors have issued a determination.

1. Pre-permit application meeting. A meeting between the applicant, Zoning Officer, Planning Commission, and Historical Commission shall be required prior to the official submittal of a demolition permit application. The purpose of this meeting is to foster communication about the proposal and possible alternatives to demolition of the historic resource in question. The meeting shall include a discussion of the extent and scope of the proposal including whether it entails routine building maintenance and/or replacement-in-kind of existing exterior architectural features, or whether it entails demolition of existing significant exterior architectural features or demolition of the entire historic resource itself. Within fourteen {14} days following this meeting, the Zoning Officer shall notify the applicant of the type of permit needed and the Historical Commission shall provide an informational meeting summary to the Planning Commission and Board of Supervisors.
  - a. Where the proposal is found to be routine maintenance, replacement-in-kind, or of a size and magnitude not requiring further meetings, such shall be indicated in the meeting summary, and the Zoning Officer shall process the proposal as not needing a building permit under the terms of this Article.
  - b. Where the proposal is found to be of a magnitude that the additional project information is needed, the meeting may be continued, with agreement by the applicant, in order to allow for review of such information, which may include a site visit to view the resource, its relation to the site/other structures on/near the site, the condition of the resource, and the context of the proposal. If the applicant does not agree to continuing the meeting, the applicant may proceed with filing a complete permit application per § 240-1608.B.2.
  - c. Where the proposal is found to entail demolition of existing significant exterior architectural features or demolition of the entire historic resource itself, a demolition permit per the terms of this Section, in addition to any other applicable demolition requirements, shall be met.
  
2. Application requirements for demolition of historic resources. The applicant shall submit to the Township a complete application for a demolition permit, including the filing fee. The Township shall reject and return any incomplete applications. The Zoning Officer shall review the demolition application to determine if the application proposes the demolition of a historic resource. Where it is determined that the demolition concerns the demolition of an identified historic resource under this Article, the Zoning Officer shall not issue the permit and shall direct the applicant to comply with the following procedures and requirements of this Section, as applicable.
  - a. In addition to the applicable requirements under Article XXV and Township Building and Fire Codes, any applicant seeking a permit to demolish a historic resource shall submit the following information regarding that resource:

- 1) Owner of record.
  - 2) Recent photographs of the resource proposed for demolition.
  - 3) A site plan showing all buildings and structures on the property.
  - 4) Reasons for demolition.
  - 5) Method of demolition.
  - 6) Proposed use for the site, timeline for implementation of proposed use for the site, and proposed disposition of materials from the demolished site.
  - 7) Alternatives that the applicant has considered prior to demolition.
- b. The Zoning Officer shall forward the complete demolition permit application to the Historical Commission and Planning Commission. Time periods in this Article for application review and decision shall not begin until the Zoning Officer has notified the applicant that a complete application has been accepted for filing.
3. Demolition permit review process.
- a. Within thirty (30) days of receipt of a complete demolition permit application from the Zoning Officer, at its next regular meeting or a special meeting, the Planning Commission, with input from the Historical Commission and as applicable a historic preservation consultant, shall review the application. The applicant shall be notified of the meeting and encouraged to present evidence or testimony pertaining to and reasons for the demolition. In reviewing the application, the Planning Commission shall take into account the following considerations.
- 1) The effect of demolition on the historical significance and architectural integrity of the historic structure in question when the proposed demolition encompasses only a portion of the resource, on neighboring historic resources, and on the historic character of the neighborhood, district, or vicinity where the resource is located.
  - 2) Economic feasibility of continuing the existing use or the adaptive reuse of the resource.
  - 3) Alternatives to demolition of the resource including its relocation and a demonstration by the applicant as to whether the applicant has considered such alternatives.
  - 4) Any expert testimony, such as but not limited to, certified engineering reports regarding the structural stability of the resource, that would indicate threats to public safety.
  - 5) Whether the resource and its routine maintenance has been neglected.
  - 6) The archaeological potential of the site and the effect of the proposed demolition on such, and in conjunction with an archaeologist from PA Historical and Museum Commission, or designee.
- b. Recommendation of the Planning Commission. Within thirty (30) days following the meeting, the Planning Commission shall make its written recommendation to the Board of Supervisors and provide a copy of such to the applicant, Zoning Officer, and Historical Commission. The Planning Commission shall recommend approval of the demolition application as submitted, approval of the application

with conditions, or alternatively, the Planning Commission may recommend to use a period not to exceed ninety (90) days to provide adequate opportunity for needed further information or documentation of the resource as set forth below; for the applicant to prepare a financial analysis as set forth below; and/or to engage in discussion about alternatives to demolition with the applicant including resource relocation, adaptive reuse, and/or rehabilitation. The Planning Commission shall communicate the historical and architectural significance of the resource, its significance to the Township, and alternatives to its demolition.

- c. Recommendation of the Board of Supervisors. Within thirty (30) days of receiving the Planning Commission recommendation, the Board of Supervisors shall consider the application, Planning Commission recommendation, and applicant comments, at a public meeting, and make a determination either to approve the application as submitted, approve the application with changes, or defer its decision affording a delay of demolition for up to the periods specified above. The applicant shall be notified at least ten (10) days prior to the date of the public meeting and shall have the opportunity to present reasons for filing the application. Within five (5) days of making its decision, the Board of Supervisors shall provide written communication of its decision to the applicant, the Planning Commission, and the Zoning Officer.

In undertaking its determination, the Board of Supervisors shall consider the same criteria in Subsection 3.a. as did Planning Commission in their consideration of the application. However, no permit shall be issued unless the Board of Supervisors finds that the historic resource cannot be relocated, rehabilitated, used, or adapted for any contemporary purpose. In order to provide such, the applicant must demonstrate that the sale, rental, use, reuse, or adaption of the property is impracticable as it cannot provide a reasonable return.

- 1) If demolition is delayed, the Board of Supervisors may direct the applicant to prepare a financial analysis or provide documentation or further information, as is necessary in the opinion of the Board of Supervisors, to determine whether the historic resource in question has or may have alternate uses consistent with its preservation. During the delay, the Board of Supervisors may request the Planning Commission with input from the Historical Commission revisit the application with regard to any further information, alternative reuses, or other actions in this Subsection as may be provided. Upon reexamination, the Planning Commission may revise and shall provide their written recommendation to the Board of Supervisors.
  - a) Financial analysis. In cases where there is claim that demolition of a historic resource is necessary due to financial hardship or the lack of an economically reasonable alternative for reuse, the applicant may be required during the period of the delay of demolition, to prepare a financial analysis, which may include any or all of the following:
    - i. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship,

- whether business or familial between the owner and the person from whom the property was purchased.
  - ii. Assessed value of the land and improvements thereon, according to the most recent assessment.
  - iii. For depreciable properties, a pro forma financial statement for the previous two (2) years prepared by an accountant or broker of record including annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, and depreciation and other federal income tax deductions taken.
  - iv. All appraisals of its fair market value for sale or rental as it exists and after rehabilitation obtained by the owner in connection with the purchase or financing of the property, or during the ownership of the property.
  - v. Bona fide offers of the property for sale or rent, price asked, and offers received, if any.
  - vi. Any consideration by the owner as to profitable, adaptive uses for the property, and any other practical uses, as well as incentives which could be offered by the Township to preserve the historic structure and any input from preservation organizations.
  - vii. Written estimates of the cost of rehabilitation for permitted uses from a professional restoration contractor.
- b) Documentation. Prior to issuance of the permit, the Historical Commission may recommend and the Board of Supervisor may require that the applicant/owner document the historic resource. Such documentation may include photographs, floor plans, measured drawings, archeological survey or other form of documentation necessary to adequately record the history and architectural features of the historic resource. The Historical Commission may recommend and the Board of Supervisor may require that the applicant/owner carefully salvage architectural features or elements of the historic resource.
- c) Further information. Further information may include : historical data, surveys, and other data provided by local, state, and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys; and any other comparable form of documentation that may be recommended by the Historical Commission. The extent of information required shall relate to the architectural and/or historical significance of the historic resource.
4. Decision on permit.
- a. Final recommendation on demolition by the Planning Commission. In the case of a delay of demolition, prior to or at the end of the expiration of the sixty (60) day or ninety (90) day delay review period, the Planning Commission may recommend approval of the demolition permit, or where the Planning Commission does not believe that the applicant has proven hardship, may recommend denial of the

application. In such cases, the Planning Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.

- b. Final decision on demolition by the Board of Supervisors. In the case of a delay of demolition, the Board of Supervisors shall act upon the application for demolition within or at the end the sixty (60) day or ninety (90) day delay review period, whether or not it receives a recommendation from the Planning Commission, and shall determine to approve the application, to approve the application with changes, or to deny the application.
  - 1) Where the Board of Supervisors acts to approve the permit application, -the Zoning Officer shall issue the permit to the applicant provided all other ordinance and code requirements of the Township have been satisfied.
  - 2) Where the Board of Supervisors denies the permit application, the Board of Supervisors shall state the recommended measures for the preservation or reuse of the historic resource.
  - 3) Where the Board of Supervisors acts to approve the permit application with conditions, the Zoning Officer shall be authorized to issue a permit upon receipt from the applicant of written acceptance of those conditions.
  - 4) Within fourteen {14} days of making its decision, the Board of Supervisors shall provide written communication to the applicant, Planning Commission, and the Zoning Officer.
  - 5) The applicant's failure to comply with any requirement of this Article shall be sufficient reason for a Board of Supervisors decision of permit denial.
- 4. Nothing herein shall be deemed to limit the authority of the Zoning Officer to deny a permit for failure to provide the information required by this Article or other ordinance.

**SECTION 240-1609. HISTORIC RESOURCE IMPACT STATEMENT**

Standards for a historic resources impact study per § 206-405.J shall apply. The Historical Commission will review the impact statement and submit it along with a written recommendation to the Planning Commission or Board of Supervisors as applicable before the Board of Supervisors makes a decision regarding the related application. Potentially negative impacts shall be mitigated by the applicant with measures satisfactory to and approved by the Board of Supervisors. The mitigation shall be implemented contemporaneously with the proposal activity necessitating the impact statement.

**SECTION 240-1610. ENFORCEMENT, VIOLATIONS, AND PENALTIES**

Violation of the terms of this Article shall be subject to the enforcement procedures and remedies in Article XXV and the following:

- A. Any alteration of a historic resource or any new construction on or within the regulated proximity to a property containing a historic resource in violation of the provisions of this

Article or in violation of any conditions or requirements specified in a permit issued under the terms of this Article, the Board of Supervisors may institute any proceeding, at law or in equity, necessary to enforce the provisions of this Article, including, but not limited to, an action to compel the reconstruction and/or restoration of the historic resource to its condition and appearance as existed immediately prior to the violation. Such shall be in addition to, and not in lieu of, any penalty or remedy available under this Chapter, Township Building and Fire Codes, or other applicable law.

- B. If the Board of Supervisors authorizes the commencement of an action pursuant to Subsection A., the Township shall not issue any building permit on the property that would either preclude reconstruction and/or restoration of the historic resource or that is intended to replace the historic resource.
- C. As a condition of approval of any conditional use, special exception, or subdivision or land development application involving any property which, at the date of enactment of this Article, was occupied by a historic resource that subsequently was altered in violation of this Article, The Township may impose a condition requiring the satisfactory reconstruction and/or restoration of any such historic resource.
- D. Appeals to this process shall be made to the Zoning Hearing Board.