

Standard Operating Procedure: **Changes to the Historic Resources Map**

Chapter 170. Zoning, Article XXIV. Historic Preservation, § 170-2400. Westtown Township Historical Commission.
G. Historic Resources Map. [Added 3-7-2016 by Ord. No. 2016-2]

Purpose: summarize guidelines for the process of making changes to the Historic Resources Map, including adding and/or deleting new properties to the Map and making minor changes to listing details.

Existing Historic Resources Map (adopted 2016):

- 2016 Inventory – 138 resources, including 28 Westtown School properties, 2 structures that were torn down since 2016.

Proposed changes (since 2016):

- 2017 Additions: 8 additions (not formerly adopted by the BOS)
- Other changes: 2 structures - remove from the listing; 1 structure – change in classification

Procedure for addition and/or removal of the resources and any corrections to the Historic Resources Map:

Westtown Township is not required to go through the formal requirements of §609, Enactment of Zoning Ordinance Amendments, of the MPC in order to add resources and/or make minor changes to the Township's Historic Resources Map. An addition or correction of an entry to the Historic Resources Map is permissible by resolution.

1. WRITTEN NOTICE TO RESOURCE OWNERS – 30-days' notice

HC shall send a written notice to the owner(s) of all historic resources identified by the HC as worthy of consideration, either new resources, or revisions, updates, or corrections to previously identified resources. This notice shall be at least 30-days prior to the HC's public meeting wherein the HC consider the merits of the resource. In addition to the HC, the owner of such resource, the Board of Supervisors, or Notice from the designating organization (PA Historical & Museum Commission or National Register) may propose additions and removals.

2. PUBLIC MEETING

HC shall hold a public meeting where the proposed changes shall be presented to the HC for considering the resource, and the HC shall consider any public comment and/or documentary evidence regarding the proposal.

3. REPORT TO THE BOARD OF SUPERVISORS – within 30 days of public meeting

HC shall present a written report to the BOS within 30-days of the close of public comment at the final public meeting on the proposed revision, stating its recommendations and grounds for updates. There could be multiple hearings, and it should be 30 from the end.

4. WRITTEN NOTICE OF PROPOSED ACTION TO THE RESOURCE OWNER – minimum 7-day notice

Written notice must be given to the resource owner prior to any action by the BOS. Such notice shall be given no less than seven days prior to BOS action. The Township solicitor recommends giving much more than seven days notice. It shall be a Township policy to provide a minimum of 30-days notice.

5. ADOPTION OF RESOLUTION BY THE BOARD OF SUPERVISORS

BOS may adopt a formal resolution to add, delete, amend or correct resources on the Historic Resources Map (a resolution is less formal than an ordinance and does not require advertisement). If there is a change to the map, the ordinance states that that change will be accomplished by resolution. However, the BOS can reject the historic commission's recommendation to make a change.

6. HISTORIC RESOURCES MAP UPDATE

After the resolution is adopted, the Historic Resources Map shall be updated and placed on the Township's website. It is recommended that this map include supplementary information such as the number of resources, number of changes, map revision date, and reference to the adopted resolution.

Westtown Township Historic Resources Inventory

Updated: November 19, 2020

No.	PARCEL	RESOURCE ADDRESS		RESOURCE DESCRIPTION	CURRENT OWNER	AGE	CLASS
		NO.	STREET NAME				
1.	N/A	N/A	E Street Rd	Bridge over Goose Creek; County Bridge #148	Pennsylvania Dept. of Transportation (PennDOT)	1911	1
2.	67-4-77	N/A	NS of Oakbourne Rd (at Railroad)	Stone retaining wall, former freight siding	SouthEastern Pennsylvania Transportation Authority (SEPTA)	c1880	2
3.			Oakbourne Rd at Railroad	SEPTA railroad station site		1873-75	4
4.			Street Rd and Railroad	Railroad embankment curving west from tracks	Southeastern Pennsylvania Transportation Authority (SEPTA)	c1854-'75	4
5.	67-4D-76	N/A	Oakbourne Rd and Trellis Ln	Site of Camp Elder, <u>Union army camp</u>	Wild Goose Farm Homeowners Association (HOA)	1863	4
6.			Tower Course Rd and Carlyle Rd	Monument Taylor Burying Ground/Pleasant Grove	Westtown Township	2001	5
7.	67-5-9.30*	801/803	E Street Rd	House	Marshall and Elizabeth Jones	1900	3
8.	67-4-29	1	W Street Rd	Darlington's Tavern	James and David Robinson et al.	1823	1
9.	67-2-43	8	Cavanaugh Ct	St. Simon and Jude church rectory	Most Rev. John Ohara	1900	2
10.	67-2L-7.1	101	Bartram Ln (also 102 and 103)	House	Evelyn Bartram Dudas	1790	2
11.	67-2L-7.5	104	Bartram Ln	House	Evelyn Bartram Dudas	1746	2
12.	67-4-49	112	E Pleasant Grove Rd	Old Pleasant Grove Rd School	Michael and Amy McLucas	1851	2
13.	67-4-68.2B	131	E Street Rd	House	Adam Booth and Alexandra Crocker	1760	2
14.	67-4C-23	203	Oakbourne Rd	House	Craig and Mary Harlyvetch	1760	2
15.	67-4-41.5	301	E Pleasant Grove Rd	House	Robert and Jessica Spencer	1774	2
16.	67-4-48.1A	498	E Pleasant Grove Rd	Creamery building for Epileptic Hospital	Bryan Yum and Eunmi Cho	<1900	2
17.	67-4-48.1	500	E Pleasant Grove Rd	House	Patrick and Jean Gibson	1791	2
18.	67-4-47	501	E Pleasant Grove Rd	Barn ruins-Epileptic Hospital	Westtown Township	1900	4
19.	67-2H-74	503	Londonderry	Ruin/James Pottery Springhouse	Ronald Abbonizio	1800	4
20.	67-2-42	590	S Chester Rd	House; former site James Pottery	Brian and Sarah Mears	1880	2
21.	67-5-18.1	605	E Street Rd	House	Michael and Susan Egan	1830	3
22.	67-4H-63.2	615	Westbourne Rd	House	John and Joyce Sheehan	1750	2
23.	67-4H-63	617	Westbourne Rd	House	Timothy Barnard and Meredith Patterson	1742	2

Deleted: Railroad embankment (between 803 and 1009)

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24.	67-4H-63	617	Westbourne Rd	Two-story springhouse ruins	Timothy Barnard and Meredith Patterson		4
25.	67-5E-3	624	Westbourne Rd	Springhouse	Alan and Judith March		3
26.	67-5-17	655	E Street Rd	House	Timothy and Anne Jaques	1900	3
27.	67-4-84.2	701	Oakbourne Rd	House	Matthew and Emily Hepler	1796	2
28.	67-4-93	708	Oakbourne Rd	Williams Barn	Heather Matejkovic and Anthony Dattilo et al.	1860	2
29.	67-4-93	708	Oakbourne Rd	Remains of mill race and site of saw and grist mills	Heather Matejkovic and Anthony Dattilo et al.	1815	4
30.	67-5-11.1	725	Westbourne Rd	House (Twin Brook Farm)	William and Sara Beyer	1844	1
31.	67-4-1.2A	807	General Howe Dr	House	Marica Hepps	1863	2
32.	67-5-2	814	Oakbourne Rd	Barn converted to house	Michael and Lee Landes	1750	2
33.	67-5-1.1	815	Oakbourne Rd	House	Robert and Mary Hughes	1758	2
34.	67-4-6.2	901	S New St	House	Thomas Peterson and Jennifer Jackson	1820	2
35.	67-2-14	907	Shiloh Rd	House; Former Bugless store	Gilbert and Cynthia Minacci	1850	2
36.	67-3-138.13	909	Louise Ln	House	Andrea and William Orlandini	1830	3
37.	67-2-13	911	Shiloh Rd	House	Equilla W. Boyce Trust	1850	3
38.	67-2-80.1C	915	Shady Grove Wy	House	Jason and Kristine Lisi	1840	2
39.	67-2-11.1	915	Shiloh Rd	House	Charles and Lynn Erskine	1787	2
40.	67-2N-61	918	Shippen Ln	House	Justin and Lori Caranfa	1850c	2
41.	67-2-1.5	918	Tyson Dr	House	Shaun and Michelle Beard	1853	3
42.	67-2-4.4	924	Oakbourne Rd	Springhouse	Douglas and Sue Ann Thornton		3
43.	67-2-9	927	Shiloh Rd	House	Ivar and Jennifer Galilea	1900	2
44.	67-2-4.3	930	Oakbourne Rd	Isaac Bailey house	Daniel Campbell	1820	2
45.	67-4-6	949	S New St	House; Former Maplewood School for Boys	Charles and Betsy Swope	1849	2
46.	67-4-2*	950	S New St	Ruins - Huey house	Westtown Township	1730	5
47.	67-4-6.4	951	S New St	House constructed on barn ruins	Edmund Stafford	1890	2
48.	67-5-24.1	990	Dunning Dr (1199 Shiloh Rd)	House	Frederick and Mary Magner	1734	2
49.	67-2R-22	1003	Robin Drive	House	Joseph and Denise Mingioni	1900	3

Deleted: Converted barn

Commented [MR1]: Change of ownership to TWP

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50.	67-2-15	1004	Little Shiloh Rd	<u>Site of</u> A.M.E Church and Cemetery	Gilbert Minacci and Cynthia Morrow	1812	4
51.	67-2-80.1	1006	Robin Drive	House and barn	Thomas and Ellen Gilbert	1869	2
52.	67-2-80.1E	1008	Robin Drive	Smokehouse and springhouse	Raymond and Linda Betz		2
53.	67-5-25	1009	E Street Rd	House	Jeffrey Devlin	1792	2
54.	67-4-46 E	1010	S Concord Rd	Gatehouse	Westtown Township	1874	1
55.	67-2-23	1013	Shiloh Rd	House	Lucille Stokes Irrevocable Trust	1700	2
56.	67-4-46 E	1014	S Concord Rd	Oakbourne Mansion	Westtown Township	1874	1
57.	67-4-46	1014	S Concord Rd	Water Tower	Westtown Township	1874	1
58.	67-4-46	1014	S Concord Rd	Old wagon Rd along Goose Creek	Westtown Township		4
59.	67-2-17	1020	Little Shiloh Rd	House	Michael Slotznick	1870	3
60.	67-4G-107	1021	Dogwood Ln	House	David and Audrey Chisholm	1752	2
61.	67-4-28.43	1023	S New Street	Springhouse	Edward and Maryann Kulp	1900	3
62.	67-4-96.8	1025	S Concord Rd	House	William Chesko and Diane Maffie	1758	2
63.	67-4-13	1026	Wilmington Pk	Abandoned house	John Sozanski	<1900	3
64.	67-5-21	1029	Shiloh Rd	House; formerly Center School	Andrew and Mary Hopton	1850	Deleted: Old
65.	67-4-14	1030	Old Wilmington Pk	House	Joseph and Penni Bogda	1800	3
66.	67-4-47.1 E	1030	S Concord Rd	Former Philadelphia Epileptic Hospital	Gaudenzia Inc.	1879	4
67.	67-4-15	1032	Old Wilmington Pk	House	Thomas and Adelene McDaniel	1795	2
68.	67-4-3.2A	1048	S New Street	House	Mary and Philip Yeager	1900	3
69.	67-5E-26	1060	Windy Knoll Rd	Stone cistern	John and Maryanne Trexler		Deleted: c
70.	67-4-3.2	1066	S New Street	House and barn	Church of the Loving Shepherd	1855	1
71.	67-5B-88.1	1066	Stable Ln	Barn renovated to residence	Maria Disanti-McCool	1900	3
72.	67-5B-86	1069	Creamery Ln	House; Part of Plumly Farm	Joseph and Jane Elwell Jane	1860	2
73.	67-5-22.1	1071	Stable Ln	House	John and Judith Benner Revocable Trust	c1820-'70	2
74.	67-4-23*	1074	Old Wilmington Pk	Springhouse	Fair Share Properties LP	1820	2
75.	67-3-144.7	1084	Powderhorn Drive	House	Peter and Maria Archer	1816	2
76.	67-3-144.12	1085	Powderhorn Drive	Corn Crib and foundation	Bradley and Amy Diroff		5
77.	67-3-125.22	1100	Chester Rd (S.)	House	Digiacoimo Joint Living Trust	1900	3
78.	67-3-125.36	1107	Butternut Rd (<1900)	House	Leonard and Celeste Dragwa	1900	3

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79.	67-3-125.36A	1108	S Chester Rd	House	Martin Goch	1821	3
80.	67-4-54.1	1115	Wilmington Pk	House	John and Bonnie Ruffenach	1790	1
81.	67-4-55	1117	Wilmington Pk	House	Roger and Dorothy Carlton	1920	3
82.	67-2R-80.2	1119	Penn's Grant Dr	House	Melinda and Keith Renaldo	1873?	2
83.	67-2-20.8A	1119	Chateau Dr	House	James and Frances Lees	1718	2
84.		1124	Wilmington Pk	Brennan farm house	Robinson	1864-69	
85.	67-4-29.1	1129	S New St	Serpentine tenant house (prev. listing)	David Robinson	1803	2
86.	67-3-140.1	1131	S Chester Rd	House; former Union School	David and Michelle Gifford	1854	2
87.	67-4M-179	1136	Dodgson Dr	Taylor Burial Ground-under and between driveway	Michael and Carol Dolphin	1700s	4
88.	67-4M-178	1137	Cockburn Dr	Taylor Burial Ground-under and between driveway	Paul Oravez and Therese McNelly	1700s	4
89.	67-4-31**	1142	Old Wilmington Pk	Downing Cottage style house	Crebilly Farm Family Associates LP	1870	2
90.	67-4-32**	1144	Old Wilmington Pk	Another Downing Cottage style house	Crebilly Farm Family Associates LP	1870	3
91.	67-6-13	1146	S New Street	Brinton's Quarry	Quarry Swimming Association	c1875	2
92.	67-6-11	1150	S New Street	Quarry Master House	James and Janice Rudisill	1884	1
93.	67-4-34	1150	Old Wilmington Pk	House	Vasilios Moscharis	c1820	2
94.	67-5-9.20	1183	Westbourne Rd	Railroad embankment from SEPTA ends in side yard	Stephen and Mary Hirsch	1854-75	4
95.	67-5-14.1*	1190	Westbourne Rd	Twin Brooke Farm	Matthew and Meghan Hayes		2
96.	67-5-28	1191	Shady Grove Wy	House	George Blossom and Susan Brodesser	1840	2
97.	67-5-14.3*	1194	Westbourne Rd	Springhouse	Timothy and Jennifer Laughlin	1743	2
98.	67-2-26.1	1420	Manley Rd	Hickman Farm Burial Ground	Paula Reed and Richard Dimeo		4
99.	67-2-33	1431	Johnny's Wy	House	Jeffrey and Lisa Balch	1772	2
100.	67-2M-7	1442	Johnny's Wy	Construction included stones/beams from historic Shiloh A.M.E Church	Sharon Marlowe and David Moldoff		5
101.	67-2-44.7	1510	Manley Rd	House	John and Peggy Havens	1883	3
102.	67-2-44.6A	1512	Manley Rd	New residence constructed on foundation of bank barn	John and Marian McCaughan		5
103.	67-2-44.6B	1516	Manley Rd	House	Anthony Lombardi and Elizabeth McAtee	1881	3

Commented [MR2]: Please confirm the physical address

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104.	67-2M-50	1523	Johnny's Wy	House	Global Electric Capital LP	1820	3
105.	67-4-3.1	1050	S New St	House shell	Walter and Emma Pavelchek Revocable Living Trust et al.	1891	3
106.	67-3-125.36B	1534	Woodland Rd	House	David and Ashley Padula	1852	3
107.	67-3-127	1549	E Street Rd	House; Former store, Redman Lodge	Stephen Maguire et al.	1800	3
108.	67-3-140.2	1629	E Street Rd	Historic 1864 Barn, 1700 circa springhouse	Wynnorr Farm LP	1864	3
109.	67-3-140.2C	1631	E Street Rd	Wynnorr Farm and farmhouse	Joseph and Laura Stratton	1875	2
110.	67-3-143	1639	E Street Rd	Brooznoll Farm	Jennifer Ehlers	1723	2
WESTTOWN SCHOOL PROPERTIES							
111.	67-2-25	303-309	Friends Meeting Ln	Allen Cottage		1919	1
112.	67-2-25	111	E School Ln (also 113, 115)	Double brick house		1876	1
113.	67-2-25	116	E School Ln	Stone house		1803	1
114.	67-2-25 E	215	Friends Meeting Ln	Meeting house		1929	1
115.	67-2-25	287	Friends Meeting Ln	Industrial Hall		1869	1
116.	67-2-25	440	W School Ln	Main building		1888	1
117.	67-2-25	441	W School Ln	Business manager's house		1920	1
118.	67-2-25	447	W School Ln	Power plant		1888	1
119.	67-2-25	500	Westtown Lake Drive	Boat house		1911	1
120.	67-2-25.2	925	Westtown Rd	Pine Forest house		1797	1
121.	67-2-25.2	951	Westtown Rd	Orchard view house		1914	1
122.	67-2-25.3	953	Westtown Rd	Orchard manager's house		1922	1
123.		960	Westtown Rd	Lake view house		1890	1
124.		970	Westtown Rd	Hayloft house		c1795	1
125.		971	Westtown Rd	NW campus house		c1795	1
126.		972	Westtown Rd	Meadow view house		1910	1
127.		1001-19	Westtown Rd	The Farm House/multi residence		1851	1
128.	67-2-24	1000	Westtown Rd	Old Creamery house		c1797	1
129.		1015	Westtown Rd	Farm manager's house		1916	1

Commented [MR3]: Change from 5 to 3

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Commented [MR4]: Should the houses at 113 and 115 be a separate line item?

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130.		1017	Westtown Rd	Farm view house	1903	1
131.	67-2-24	1020	Westtown Rd	Mill house/had grist mill	c1802	1
132.	67-2-24	1023	Westtown Rd	Dairy barn	c1911	1
133.	67-5-27	1251	E Street Rd	Street Rd house	c1890	1
134.	67-2-62	1400	Johnny's Wy	End of Ln house	1810	1
135.	67-2-27.48	1401	Johnny's Wy	Oak corner house	c1900	1
136.	67-2-62	1402	Johnny's Wy	Johnny's Wy House E and W	c1850	1
137.	67-2-62	1404	Johnny's Wy	Johnny's Wy House E and W	c1850	1

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Westtown Township Historic Resources Inventory

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Proposed Additions (8)

PARCEL	RESOURCE ADDRESS		RESOURCE DESCRIPTION	CURRENT OWNER	AGE	CLASS
	NO.	STREET NAME				
67-4-29.2	Addr.	S New St	Crebilly Farm-portion of Battle of Brandywine site	James and David Robinson Trust et al.	1777	1
67-4-29.3	Eques.	S New St	Crebilly Farm-portion of Battle of Brandywine site	James and David Robinson et al.	1777	1
67-4-29	201(19)	W Street Rd	Taylor Tenant House	James and David Robinson et al.	1870	1
67-4-29	501	W Street Rd	Former springhouse, now chapel	James and David Robinson et al.	c1880	2
67-4-29	501	W Street Rd	Serpentine barn	James and David Robinson et al.	c1880	2
67-4-135.5	809	General Howe Dr	Barn converted to house	Vincent and Ruth Vellucci	c1873	5
67-4-134	1119	S New St	Portion of Battle of Brandywine site	David and Laurie Robinson	1777	1
67-3-147	1638	E Street Rd	Smokehouse/Greenhouse	Steven and Sharon Lady		2

Commented [MR5]: Proposed for demolition by Toll

Commented [MR6]: Change from 1 to 2

Deleted: Sondra Sodilo and Kyle Randell

**Demolished (2)

PARCEL	RESOURCE ADDRESS		RESOURCE DESCRIPTION	CURRENT OWNER	AGE	CLASS
	NO.	STREET NAME				
67-4-31	1142	Old Wilmington Pk	Downing Cottage style house	Crebilly Farm Family Associates LP	1870	2
67-4-32	1144	Old Wilmington Pk	Another Downing Cottage style house	Crebilly Farm Family Associates LP	1870	3

*Proposed changes (1)

PARCEL	RESOURCE ADDRESS		RESOURCE DESCRIPTION	CURRENT OWNER	AGE	CLASS
	NO.	STREET NAME				
67-4-3.1	1050	S New St	House shell	Evan and Chelsea Pearce	1891	5

Commented [MR7]: Change from 5 to 3

Deleted: Walter and Emma Pavelchek Revocable Living Trust et al.

§ 170-2400. Westtown Township Historical Commission.

The Westtown Township Historical Commission shall be established and operated in accordance with the following provisions:

- A. Statement of purpose. The mission and purpose of the Historical Commission is to foster a community appreciation of the rich and varied history of the Township. The mission includes educating residents about lands, buildings, and sites of historic, architectural, archaeological, or cultural significance and the people who worked, farmed, and lived here.
- B. Establishment and membership. There is hereby established a Historical Commission to be known as the "Westtown Township Historical Commission," which shall consist of seven members who shall all be residents of the Township and who shall be appointed by the Board of Supervisors. The membership of the Commission shall include individuals who have an interest or expertise in history, archaeology or historic preservation. Members shall serve without pay, but shall be reimbursed for any personal expenditure in the conduct of Commission business when pre-authorized by the Board of Supervisors. **[Amended 1-5-2015 by Ord. No. 2015-2]**
- C. Membership terms. Each Commission member shall serve for a term of three years which shall be so fixed that no more than two terms shall expire each year. The Commission shall notify the Board of Supervisors of any vacancies in the Commission. Appointments to fill vacancies for the unexpired terms shall be only for the unexpired portion of the term. Members shall serve at the discretion of the Board of Supervisors and may be removed by the Board at any time without cause.
- D. Organization. The Commission shall annually elect from its own membership a Chair, who shall 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 keep full public records of its business and shall submit a report of its activities to the Board of Supervisors annually or as otherwise determined necessary by the Board.
- E. Expenditures for services. Within the limits of funds appropriated by the Board of Supervisors, the Commission may make

recommendations on contracting services necessary for its operations.

- F. Functions and duties. In accordance with the foregoing statement of purpose, the Commission's primary purpose shall be to advise the Board of Supervisors, the Planning Commission and the Zoning Hearing Board of the Township on matters pertaining to the historic resources of the Township, including the following responsibilities, subject to the prior approval of the Board of Supervisors:
- (1) Gather documentary evidence, illustrations, photographs, and other appropriate materials to establish historic sites worthy of listing in an Historic Resources Map of the Township, and to maintain a system for the continued survey and inventory of historic buildings, sites, structures, and objects in the Township.
 - (2) Conduct research on and nominate significant resources to the State and National Registers of Historic Places and any other appropriate lists or programs.
 - (3) Advise the Township Manager and Building Code Officer on the issuance of any permits which would affect historic resources. If a permit application is submitted for the demolition and/or exterior alteration of any historic resource identified on the Historic Resources Map, the permit shall be held for a period not to exceed 30 days to afford the Historical Commission the opportunity to work with the property owner to document the property prior to work commencing. If the property owner declines to allow for documentation within the 30 days, it shall not serve as a means to deny the permit application. **[Amended 3-7-2016 by Ord. No. 2016-2]**
 - (4) Review and comment on subdivision or land development applications which contain historic resources, or are within 300 feet of an historic resource, in accordance with the requirements and procedures of the Township.
 - (5) Make recommendations to the Board of Supervisors concerning revisions, updates, or corrections to the Historic Resources Map as outlined in § 170-2400G. **[Amended 3-7-2016 by Ord. No. 2016-2]**
 - (6) Maintain an updated inventory which clearly identifies buildings, sites, structures, objects, and districts and their respective classifications on the Historic Resources Map as

outlined in § 170-2400G. **[Amended 3-7-2016 by Ord. No. 2016-2]**

- (7) Develop programs to inform and educate residents about the history of the Township, its historic sites and historic personages.
 - (8) Consider, promote and apply for grants, financial assistance, and technical help from other agencies and organizations for the preservation of historical sites; and report all related actions to the Board of Supervisors.
 - (9) Prepare and submit a yearly budget by August 31 to the Board of Supervisors for sums deemed necessary to carry out the objectives of the Commission.
 - (10) Assist individual property owners with voluntary decisions pertaining to historic resources in terms of their use, maintenance, or enjoyment by other Township residents.
 - (11) Identify resources suffering from neglect and confer and advise with property owners to voluntarily alleviate and correct neglect situations.
 - (12) Advise appropriate Township officials on all requests for special exceptions, conditional uses or variances affecting historic resources.
 - (13) Perform any other activities relating to its mission as might be requested by the Board of Supervisors.
 - (14) Work with other municipalities in the promotion of historic resources having an extra municipal dimension.
 - (15) Present to the Board of Supervisors recommendations for ordinances and proposed steps to preserve, protect, and restore all historic areas, historic buildings, historic landmarks, or other historic resources within the Township.
- G. Historic Resources Map. The Historical Commission shall maintain the Township Historic Resources Map, including the respective classifications of the historic resources. The Commission shall specify the resources located upon each property to which the regulation herein applies. Such regulation applicable to structures shall not apply to those structures designated to be noncontributing resources. Where not otherwise specified on the Historic Resources Map, the entire property shall

be regulated as a historic resource. **[Added 3-7-2016 by Ord. No. 2016-2]**

- (1) Identified historic resources. Historic resources are considered to be any building, site, structure, object or district that has been:
 - (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places under a Commonwealth of Pennsylvania historic preservation program which has been approved by the Secretary of the Interior; or
 - (d) Individually listed on a Township inventory of historic places under a historic preservation program that has been certified either:
 - [1] By an approved state program as determined by the Secretary of the Interior; or
 - [2] Directly by the Secretary of the Interior in states without approved programs.
- (2) Revisions, updates, or corrections to the Historic Resources Map.
 - (a) Any building, structure, site or object ("resource") may be proposed for addition to or removal from the Historic Resources Map by:
 - [1] The owner of such resource;
 - [2] The Historical Commission;
 - [3] The Board of Supervisors; or
 - [4] Notice from the designating organization (Pennsylvania Historical and Museum Commission or

National Register) that the historic resource has been added to its Historical Resources Inventory or no longer meets the criteria upon which its classification has been based.

- (b) All proposals for addition to or removal from the Historic Resources Map shall be referred to the Historical Commission. The Historical Commission shall hold a public meeting for which advanced written notice must be provided to the owner(s) of the resource affected. The Historical Commission shall consider public comment and/or documentary evidence regarding the proposal at the public meeting.
- (c) The Historical Commission shall present a written report to the Board of Supervisors within 30 days of the close of public comment at the final public meeting on the proposed revision, update, or correction, stating its recommendation and grounds therefor.
- (d) After receiving and considering the recommendations of the Historical Commission, the Board of Supervisors may adopt a resolution to add or delete resources to or from the Historic Resources Map or otherwise correct an entry thereupon. Written notice of the proposed action of the Board of Supervisors shall be given to the resource owner.

Local Regulation for Historic Preservation

Local municipal regulations can provide substantial protection to historic resources, preserving their contributions to cultural vitality and helping communities maintain quality of life.

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Summary

Demolition, alteration and incompatible development present a continual threat to Pennsylvania’s historic legacy. While federal and state regulations offer only limited protection, local municipal ordinances can substantially protect historical resources. Municipalities across the Commonwealth offer diverse stories of success, maintaining and enhancing historical and architectural character.

Pennsylvania law provides municipalities a range of options to tailor regulatory approaches for historic preservation to specific local objectives. The Historic District Act authorizes municipal protection of historical and architectural character through the regulation of new construction, alteration, restoration, or demolition of buildings within districts that have been certified by the Pennsylvania Historical and Museum Commission. The Municipalities Planning Code authorizes the use of zoning ordinances to protect historic resources – in fact, mandates it. Zoning regulations can be used to

protect historic resources whether located with other historic resources in a district-like setting or dispersed at isolated sites. Zoning also provides opportunity to create regulatory incentives for historic preservation.

Typical End Users

Historic resource regulation, whether under the Historic District Act or under zoning, is implemented by local government. Members of local historical commissions, Historical and Architectural Review Boards, municipal staff, planners, engineers and solicitors, interested groups, property owners and residents all may be affected in the administration of such regulation and all may advocate for regulation to suit specific community development and preservation objectives.

Track Record

Some ninety local governments have adopted ordinances pursuant to the Historic District Act, regulating 124 historic districts and protecting thousands of historic properties. An increasing number of municipalities are regulating and protecting historic resources through zoning provisions, although no concise statewide inventory is available.

Many examples exist in Pennsylvania where enforcement of historic resource regulation has thwarted demolition and promoted adaptive reuse of historic resources. There have been relatively few legal challenges to historic resource regulation in Pennsylvania, and, in almost every instance, local ordinances have been upheld by the courts.

Conservation Impact

- While state and federal historic preservation regulations cannot govern the impacts of most private actions on historic resources, local regulation can effectively mandate and create incentives for resource protection.
- Local regulation of historic resources may be flexibly tailored to specific community resource protection objectives and social, economic, and political realities.
- Preservation of the historic built environment builds and secures the character of a community, making the community a more attractive place to live and work and discouraging migration to green field development.

What You'll Need

- Community consensus regarding the value and importance of historic resources and the political will to subject historic resources to regulation for the benefit of the community. Consensus may require educational efforts.
- A clear inventory of historic resources, ideally identifying for each property those specific structures and other resources that contribute to historical integrity and thus should be subject to regulation.
- While numerous model regulations are available, professional expertise to assist in drafting or reviewing proposed regulations is recommended.

Obstacles and Challenges

- Resistance to historic resource regulation by property owners who perceive it as intruding upon and diminishing their property rights or costing them undue time and money in order to comply. Such resistance can thwart political will to enact effective regulation even while, in the abstract, the community at large views historic preservation as a valid community objective.
- Lack of an adequate inventory of historic resources can lead to uneven regulation relative to actual historical values, leave locally important resources unregulated, and potentially lead to legal challenge due to a lack of a clear and comprehensive basis for historical designation.
- Weak or inconsistent observation and enforcement of administrative, procedural, or discretionary standards can undermine effective regulation, whether due to the nature of the implementing ordinance itself, lack of political will, or inadequate resource inventory.

Introduction

Benefits of Local Regulations

Pennsylvania's historic resources richly endow residents with a sense of place and quality of life rooted in the lives and work of our forebears. Local regulation to protect historic resources and promote their continued viability can:

- Fulfill the mandate of the Pennsylvania Municipalities Planning Code (MPC) that "zoning ordinances *shall* provide for the protection of natural and historic features and resources," a mandate consistent with a variety of court rulings that have clearly established historic preservation as a legitimate public purpose for local government;
- Augment limited state and federal protection for historic resources with regulatory approaches tailored to specific local objectives;
- Stem the loss by demolition or irrevocable alteration of historic resources and their landscape settings;
- Establish incentive provisions for rehabilitation or adaptive reuse of historical structures;
- Promote new construction compatible with historic precedent and complementary to the historical landscape;
- Contribute to community cultural and economic vitality, stabilize property values, foster pride and appreciation of the historic built environment, and consequently contribute to community quality of life;
- Foster new "life" in older neighborhoods while minimizing the dislocation of current residents, through preservation, rehabilitation and reuse of existing buildings and structures;

- Promote opportunities for historical interpretation and live, hands-on educational experience, linking the present to the past.

Two Local Approaches to Historic Preservation

Demolition, alteration and incompatible development present a continual threat to Pennsylvania's historic legacy. While federal and state regulations offer only limited protection, local municipal ordinances may regulate demolition, alterations, and additions to historic structures as well as regulate nearby new construction to provide protection of historical and architectural character.

In Pennsylvania, two state laws provide the legal foundation for municipalities to regulate historic resources:

- Act 167 of 1961, the Historic District Act, allows municipalities to identify, define and regulate local historic districts through adoption of a local ordinance. At present, ninety local governments have historic district ordinances in place, regulating 124 historic districts and protecting thousands of historic properties. (Home Rule Charter governments, such as the Cities of Philadelphia and Pittsburgh, regulate and protect some two-dozen additional historic districts.)
- An increasing number of municipalities are also regulating and protecting historic resources through zoning ordinances. Act 247 of 1968, the Municipalities Planning Code (MPC), as amended in 2000, specifically mandates that zoning ordinances provide for the preservation of historic resources, permitting municipalities to use zoning powers to protect historic resources either in one or more districts or on an individual site basis.

Together, these two enabling Acts provide a broad foundation for addressing historic preservation goals and give municipalities a wide range of options in tailoring approaches to specific objectives. They have been used successfully across Pennsylvania to meet historic preservation objectives.

Act 167 of 1961 authorizes municipalities to create local historic districts and seek to protect the historical and architectural character of such districts through the regulation of new building, reconstruction, alteration, restoration, demolition, or razing of buildings within districts that have been certified by PHMC. Pursuant to Act 167, a Historical and Architectural Review Board (HARB) is established to counsel the governing body in regard to applications affecting historic resources within certified districts. Typically the HARB reviews any proposed change to any resource within a certified district that has been designated as "contributing" to the historical integrity of the district and recommends to the municipal governing body whether or not a "certificate of appropriateness" should be approved for such change. Such review may further be extended to demolition or alterations of any structures within the certified district and even to any new construction. Approval rests with the governing body and is prerequisite to any other approval required from the municipality, most notably any building or demolition permit. While any National Register historic district is likely to be certified by PHMC, certification only follows upon the request of the affected municipality.

In many municipalities, historic resources are dispersed within rural or suburban settings, and thus unable to be included within defined historic districts, certified by PHMC and governed under Act 167. In some municipalities, even where it is feasible to establish discrete historic districts, there is insufficient political will to impose HARB review on all structures. In response, a number of municipalities have adopted provisions within the zoning ordinance to promote conservation of historic resources throughout the municipality, not just within the boundaries of discrete historic districts, and not subject to a perceived all-encompassing HARB review. Adopted zoning provisions may pertain to demolition, alteration or addition to any resources included in a municipal historic resources inventory, usually included on a map adopted by the governing body as an addendum to the zoning ordinance. A number of municipalities require submission of a Historic Resource Impact Study (HRIS) for any subdivision or land development including any inventoried historic resource or located within a set distance from such resources. Zoning ordinances also may provide regulatory incentives to owners of historic properties that propose adaptive re-use of their properties (for example, permitting increased density or more than one principal use of a property).

Identification of Historic Resources

The National Register of Historic Places

Historic resources can be buildings, structures, objects, sites, landscapes, or archaeological artifacts that have been identified as historically significant in their community context. Many such resources are deemed of national historical significance. The official federal list of such resources, reflecting the nation's cultural heritage, is the [National Register of Historic Places](#), maintained by the [National Park Service \(NPS\)](#). In addition to individual historic sites and the resources they contain, the National Register lists historic districts, areas that possess a significant concentration, linkage, or continuity of historic buildings, structures, objects, or sites designated by the NPS as worthy of preservation. Such historic districts may include individual historic resources that may not have been deemed of national significance on their own but that are considered "contributing" resources in the context of a district. Most historic districts also include "non-contributing" resources within their boundaries. As of January 2011, the National Register lists 2,637 individual locations across Pennsylvania containing 5,356 contributing resources. In addition, the National Register lists 635 historic districts containing 209,649 contributing resources.

Listing of a property on the National Register individually or within a district *does not*, absent other applicable federal, state or local regulation, guarantee protection of the property's historic resources. (However, income-producing properties listed in the National Register, either individually or as "contributing" properties within an historic district, may qualify for certain federal rehabilitation investment tax incentives. In certain cases, buildings or structures eligible for, or listed in, the National Register and owned or leased by nonprofit organizations or agencies, may be eligible for grant opportunities.)

Pennsylvania Historical and Museum Commission; Determinations of Eligibility

While the NPS maintains the National Register, listing is based on recommendations forwarded from the PHMC, acting in the capacity of the State Historic Preservation Officer. PHMC will make a “determination of eligibility” (DOE) for the National Register prior to forwarding recommendations to the NPS. The distinction between listing on the National Register and receiving a DOE is important, since formal listing requires approval by the landowner or, in the case of an historic district, by at least 50 percent of the affected landowners (measured in number of landowners, not in acreage of land involved). Yet, while landowners may object to formal listing, a DOE will nevertheless invoke the same degree of federal or state purview, as discussed later.

Other Inventories of Historical Resources

For every resource or district listed in the National Register or having received a DOE, there are several more that may be of local or regional significance. To the extent that such resources have been documented and nominated for National Register consideration, pertinent documentation will be maintained by PHMC. Otherwise, no consistent or comprehensive inventories of Pennsylvania historic resources exist. However, since the early 1980s, County Historic Sites Surveys have been completed in counties across the Commonwealth, and, more recently, PHMC has undertaken a substantial web survey of historic resources throughout the state.

Federal Regulatory Context

While the focus of this guide is local regulatory options, it is important to understand an overview of applicable federal regulation that can bolster local preservation efforts.

Regulation for the protection of historic resources is largely rooted in the National Historic Preservation Act of 1966 (NHPA), which formally heralded the beginning of federal historic preservation policy and formalized the establishment of the National Register of Historic Places. The NHPA, which was further amended in 1976, 1980 and 1992, was intended to create a comprehensive framework for preservation of historic resources through a system of reviews, regulations and incentives. Within this Act, “Section 106” initiated a review process for impacts on historic resources either listed in, or determined to be eligible for the National Register (i.e., having received a DOE from PHMC), for any project using federal funds or otherwise requiring federal approval, permitting, or license, including approvals delegated by the federal government to the states. This includes most PENNDOT projects (which, while undertaken by the state, are dependent on federal funds), as well as telecommunications facilities, and wetlands permits, for example.

Section 106 does not absolutely prohibit alteration or destruction of historic resources, but it does require a thorough investigation of other alternatives and the consideration of mitigation measures. If the Section 106 review results in a “determination of adverse effect,” the subject project will essentially be derailed unless design revisions or mitigation are devised which are viewed as reversing the prior determination of adverse effect.

The National Environmental Policy Act of 1969 (NEPA) also may apply to historic resources as well as any other natural or cultural resources that may be impacted by federal action, also broadly construed to include federal funding and federal review process. When invoked, NEPA requires preparation of potentially extensive environmental impact assessment and provides for formal public involvement in the review process.

Other projects will come under the authority of Section 4(f) of the Department of Transportation Act of 1966. While each application is case-specific, Section 4(f) can be invoked to prohibit the use of federal funds for transportation projects that encroach on or require the “use” of any historic site, public park, recreation area, or wildlife refuge. Exceptions to this prohibition may occur when it is effectively argued that there is no practicable alternative to the use of such land, and that the proposed use includes all possible planning to minimize harm to historic and other resources. Section 4(f) applies to all transportation agencies which fund highway and bridge projects; the Federal Aviation Administration, which approves and funds airport expansions; and the Coast Guard, which owns or operates many historic lighthouses and often has regulatory authority affecting bridges.

The NHPA also encourages cooperation at various levels of government to address historic resources protection and authorized the appointment of a State Historic Preservation Office (SHPO) to administer provisions of the Act at the State level. In Pennsylvania, the PHMC is the state agency responsible for overseeing this coordination. Among the key duties of the PHMC is the responsibility for making initial determinations of eligibility for the National Register as well as initial determinations of adverse effect under Section 106. 1980 amendments to the NHPA also authorized the establishment of the Certified Local Government Program, which enables municipalities to participate directly in federal preservation programs and to access via PHMC certain funds earmarked for historic preservation activities, for which only “Certified Local Governments” (CLGs) are eligible. As of 2010, 43 municipalities have been formally recognized as CLGs in Pennsylvania.

Historic Preservation Using the Historic District Act (Act 167 of 1961)

Pennsylvania’s Historic District Act (Act 167 of 1961) authorizes municipal protection of historical and architectural character through the regulation of new construction, alteration, restoration, or demolition of buildings within districts that have been certified by the Pennsylvania Historical and Museum Commission (PHMC). Under this act, the municipality establishes a Historical and Architectural Review Board (HARB) to review any proposed change to historic resources within certified districts and recommend to the governing body whether or not a “certificate of appropriateness” should be approved for such change, the certificate being a prerequisite to development or building approval.

Establishment of the Historic District(s) to be Regulated

Ideally, delineation of proposed historic district boundaries should reflect a comprehensive survey or inventory of historic resources throughout the municipality and an assessment of the extent to which the historical and architectural legacy of the community survives. District boundaries should define areas where historic integrity is largely intact and with few intrusive or “non-contributing” structures or landscapes. Act 167 requires that, prior to regulation, historic districts must be certified as historically significant by PHMC. Local ordinances enacted to regulate historic district(s) cannot be enforced until the PHMC Commissioners, appointed by the governor, approve a resolution certifying the historical significance of the subject district(s). This requirement is necessary even if a district already has been listed in the National Register of Historic Places or received a DOE from the PHMC.

As a prerequisite to certification, a survey of historic buildings, structures, sites, or areas within any proposed historic district should be completed, following the “Guidelines for Historic Resource Surveys in Pennsylvania” published by PHMC’s Bureau for Historic Preservation (BHP). PHMC recognizes that in some cases, impending demolition or development pressures affecting historic resources may preclude sufficient time for the preparation of a comprehensive survey. In such cases, as long as the municipality understands the scope and value of its historic resources and can substantiate it with adequate documentation, a thorough survey and building inventory may be postponed to a later date. If funds are available, it is recommended that municipalities hire a qualified consultant to assist in undertaking the survey. (Limited funding for surveys and preservation planning may be available from the BHP.) Documentation of the historic survey shall be submitted to PHMC using the “Pennsylvania Historic Resource Survey Form,” available from the BHP and which can be downloaded, together with instructions, from the PHMC website. A copy of the historic district ordinance signed in to law by the local governing body must accompany the completed survey form at the time formal certification is sought. In addition, the boundaries of the proposed historic district(s) must be clearly delineated on a map and accurately described in a written form. The boundaries of the proposed district(s) will be thoroughly reviewed by the BHP in relation to the area’s historical character.

Historical Architectural Review Board (HARB)

Act 167 authorizes the appointment of a Historic Architectural Review Board, or HARB, to advise the local governing body on the appropriateness of building activity in the district. Requirements for membership on the HARB are outlined in the Act, which specifies that it must be comprised of at least five members that include a registered architect, a building inspector, and a licensed real estate broker, with the remaining members having a knowledge or interest in the preservation of historic districts.

Certificate of Appropriateness

The major purpose of HARB is to *advise* the local governing body on the appropriateness of the construction, reconstruction, alteration, restoration, demolition or razing of any building relative to the historic character of the district, including entirely new construction and changes to non-contributing structures. Demolition may include

demolition by neglect as discussed under Historic Preservation through Zoning below. Act 167 specifically restricts HARB review to building activity, demolitions or alterations that can be seen from a public street or way. While some municipalities choose to limit the review process to situations in which a building permit is required, any building activity or alteration may be made subject to the historic district regulations. Work subject to review typically comes first to the attention of the zoning officer who requests a formal application to be forwarded to the HARB for review and comment. Within a time limit specified in the adopted ordinance, the HARB forwards its *recommendations* to the municipal governing body in regard to approval, denial or conditional approval of a “Certificate of Appropriateness” (COA) for the proposed work.

The governing body should consider HARB’s recommendations prior to granting a COA, which is prerequisite to the issuance of a building or demolition permit by the zoning officer. If, after review by the HARB, the governing body rejects the request for a COA, it must indicate what changes in the submitted plans and specifications would meet its conditions for maintaining the historic character of the district. The potential for denial of a demolition permit, in particular, can lead to exploration of alternatives for rehabilitation and/or adaptive reuse of historic properties otherwise facing imminent demise. Where demolition is clearly antithetical to maintenance of the historical character of the district, many municipalities require the property owner to adequately demonstrate that all reasonable beneficial use of the property will be denied if the permit is not granted.

Review Standards

Act 167 Section 4(b) provides that:

“The governing body shall pass upon the appropriateness of exterior architectural features which can be seen from a public street or way, only, and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to the similar features of buildings and structures within the district.”

A number of municipalities have prepared more detailed standards of review pertinent to their specific historical context. Some have prepared specific design guidelines as discussed further below. Below are examples of such sample ordinances:

- [East Goshen Township Historic Preservation Ordinance](#)
- [City of Lancaster Heritage Conservation Districts Ordinance](#)
- [PHMC Model Historic District Ordinance](#)
- [East Bradford Township Historic Resource Protection Ordinance](#)
- [West Pikeland Historic Districts and Resource Overlay Ordinances](#)

Preparation of Historic District Ordinance

The first step in preparation for adoption of an historic district ordinance under Act 167 is the delineation of the district (or districts) to be regulated and the boundaries specifically identified. The next step is the preparation of the ordinance text. PHMC has developed a

model ordinance for communities to utilize in drafting the text and can be obtained by contacting PHMC at (717) 787-3362. PHMC has identified several components to be included in an Act 167 ordinance; these include the following:

- Reference to the enabling legislation

- Statement of purpose
- Definition of terms
- Boundary description(s) for historic district(s) subject to regulation
- Establishment of the HARB
- Duties and responsibilities of the HARB
- Applicability and procedures for HARB review
- Provisions dealing with demolition by neglect
- Design guidelines and standards for alterations and additions
- Provisions dealing with economic hardship
- Procedures for granting approval, conditional approval or denial of COA
- Enforcement provisions, fines and penalties.

When the ordinance is prepared and the required documentation for the historic district is completed (including the survey material), a public hearing must be held to provide an opportunity for public comment. The proposed ordinance should be reviewed by PHMC, specifically the Bureau for Historic Preservation, prior to the public hearing. The Bureau may be able to identify problems or conflicts before the issues are raised at the public hearing. The ordinance may be adopted following the public hearing, but it may not go into effect until the PHMC has approved the ordinance and passed a resolution certifying the historical significance of the district as defined. When the municipality receives the resolution, the Historical and Architectural Review Board may be officially appointed and the ordinance may go into effect.

Historic Preservation through Zoning

Authorization under the Municipalities Planning Code

The Pennsylvania Municipalities Planning Code (MPC) provides the authority to boroughs, townships and cities to exercise municipal land use controls, plan for development and regulate that development through zoning, subdivision and land development ordinances, and official maps. The MPC specifically cites the preservation of historic resources as a valid planning concern and, in Article VI, section 603(g)(2) mandates that "zoning ordinances *shall* provide for the protection of natural and historic features and resources." Article VI also provides for the regulation of "places having unique historical, architectural or patriotic interest or value" through the creation of specific zoning classifications.

Comparison of Zoning to Historic District Approach to Historic Preservation

Regulation of historic resources through zoning is particularly useful for municipalities that may not have the density or concentration of resources needed for designation of an Act 167 historic district – where historic resources are not concentrated in easily delineated districts, but dispersed across the landscape. The use of zoning can also be useful where there is insufficient political will to impose HARB review on all structures.

Regulation through zoning is potentially more flexible than historic district regulation established in accordance with Act 167. While Act 167 sets forth a specific framework for regulation, aside from the “mandate” in section 603(g)(2), the MPC is silent as to *how* historic resources are to be protected through zoning regulation. The potential power of zoning is quite broad; MPC section 603(b)(2) states that, “zoning ordinances . . . may permit, prohibit, regulate, restrict and determine: size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures.”

Typical Approach to Zoning for Historic Preservation

Typically, municipal MPC-based regulation of historic resources seeks to prevent unnecessary demolition of resources, to maintain historical integrity, to ensure that new development respects and complements historical resources and settings, and to integrate preservation of historic resources within economic development and redevelopment activities. The degree to which demolition is prohibited or alterations are governed is, frankly, a question of local political will. Broad zoning purview has clearly been enabled and the MPC mandates resource protection. From a practical perspective, most local governing bodies do not want to be perceived as placing undo restrictions, procedural hoops, or economic hardship on property owners. For this reason, many municipalities attempt to balance the additional regulatory burden with incentive provisions, as discussed below, or to limit the circumstances under which historic resource protection regulations apply. While under zoning, historic resource protection regulation can be applied to any change on any property, most local ordinances link applicability to building permit or land development applications affecting inventoried historic properties. Most local ordinances exclude routine maintenance from their purview. The most important prerequisite to historic resource protection regulations is a clear inventory of the resources to which they apply, discussed further below.

Typically, protective measures enacted within the municipal zoning ordinance are accomplished through the establishment of an historic overlay district covering all or portions of the municipality with applicability linked to a specific inventory of historic resources.

Reviewing Body

Municipalities are empowered to create any number of advisory boards, commissions or other bodies by the City, Borough, or Township Code under which the municipality operates. Hence, municipal officials may establish an advisory body to provide the zoning officer, governing body or zoning hearing board with information and guidance pertaining to historic preservation much like the planning commission advises the

governing body on land development plans. The advisory body can be called whatever the municipality chooses: Historic Commission, Historic Committee, Heritage Commission, Heritage Committee, Heritage Task Force, etc. The name is not as important as the function -- to provide the zoning officer, governing body or zoning hearing board with the information needed to make decisions about historic resources in the municipality.

The advisory body only provides information and recommendations; it has no decision-making powers. While the membership requirements applicable to a HARB are not required, it is nevertheless helpful that members of the reviewing body be similarly knowledgeable about the history of the municipality, local architecture, or related areas such as construction, real estate and building inspection.

The advisory body may be established by ordinance or resolution and its members appointed by the governing body.

Procedures

The MPC, while mandating historic resource protection, does not establish any particular procedures for regulation. Most municipalities establish procedures akin to or linked to other specifically enabled zoning review procedures such as special exception approval or conditional use approval. Procedures typically include the following elements:

- Permit applications are submitted to the zoning officer, who forwards the application, upon his/her determination that review for historic preservation purposes is required, to the designated advisory/reviewing body.
- The reviewing body reviews the application at the next regularly scheduled meeting following submission of a complete application.
- The applicant is given the opportunity to present the proposed project to the reviewing body.
- The implementing ordinance specifies issues for review; many municipalities link review to "[The Secretary of the Interior's Standards for the Treatment of Historic Properties,](#)" listed below.
- Following review, the reviewing body forwards a recommendation for permit approval, conditional approval, or denial to the governing body.
- Many ordinances require specific written recommendation(s); some simply rely on the recorded meeting minutes.
- If upon initial review, there are unresolved issues or deficiencies in the application, the reviewing body may request that the applicant return with revisions to the application at the next regular meeting. Refusal by the applicant to do so would normally result in a recommendation of denial of applicable permit(s).
- Upon receipt of recommendations from the reviewing body, the governing body considers the application at their next scheduled meeting and resolves to approve, conditionally approve or deny the application and so advise the zoning officer.
- Challenges to decisions go to the Zoning Hearing Board for review.

Demolition Permitting

Whether they have historic preservation regulations or not, most municipalities permit demolition as a form of building permit, to be issued by the zoning officer. Most historic resource regulation adds a required review period by the historic resource advisory/reviewing body and the governing body prior to issuance of permits for demolition.

Typically, the historic preservation regulations provide that at the end of the review period, the reviewing body makes a recommendation to the governing body to grant or deny the demolition permit. The governing body then directs the zoning officer to approve, conditionally approve, or deny the permit application. Where no reasonably viable alternatives are available and a demolition permit ultimately is to be granted, the grant of approval may be conditioned on a reasonable delay of demolition to allow time for documentation and photography of the property.

In some municipalities, the demolition review period only creates a delay in permitting, with no regulatory provision allowing denial of the permit. While this approach allows time for dialogue with the applicant and time to identify potential alternatives to demolition, a mere delay of demolition (except where an applicant can demonstrate undue economic hardship or that all reasonable beneficial use of the subject property will be denied if the demolition permit is not granted) is an arguably weak response to the MPC mandate for historic resource protection.

The demolition review period may best be used by municipal representatives and, ideally, the applicant to carefully evaluate the historical values of the property relative to the realistic costs of maintaining it, as well as the physical viability of structures and their potential for rehabilitation or adaptive reuse. Many municipalities provide incentives, described below, to help ensure that viable adaptation or reuse may be feasible.

When a demolition request is associated with a subdivision or land-development plan, it is suggested that the permit not be issued until the land development plan has been considered, approved and recorded. This alleviates speculative demolition, especially when the project may not get municipal approval, or the applicant decided not to proceed with the project.

Demolition by Neglect

A number of municipalities regulating historic resources extend demolition permitting requirements to “demolition by neglect.” Demolition by neglect, whether willful or not, can be defined as the absence of routine maintenance and repair over time, leading to structural weakness, decay or deterioration to the point where a building or structure meets standard criteria for condemnation. Not only do such structures become hazardous, they may reach a state where rehabilitation or adaptive reuse is no longer practicable. While building maintenance codes provide for such situations, all too often, the remedial action will be simply to remove the neglected structure. Defining demolition subject to historical regulation to include demolition by neglect is intended to catch such situations before it is too late. If demolition by neglect is identified, then it is

viewed as demolition occurring without a permit and the landowner is required to go through the application and review process just as any other.

Use Regulation

Historic resource regulation is typically set forth in the form of “overlay” zoning which supercedes the “underlying” base zoning district provisions as they would apply to regulated historic resources. The underlying zoning in each district within a municipality defines the types of uses permitted, and delineates the regulatory provisions associated with those uses, notably density and area and bulk provisions. The adoption of historic resource regulation typically does not necessarily alter base zoning provisions although it may. In the interest of promoting preservation of historic resources and their settings, historic resource protection provisions may establish additional regulations affecting regulated historic resources. For example, certain uses that may be by-right in the underlying zoning district may instead be permitted subject to conditional use approval, giving greater control over site development to the municipality. Further, design standards may be applied to new uses or new construction on historic properties, on neighboring properties within a prescribed distance of the designated resources or even within the entirety of an historic overlay district, to promote overall historical integrity and avoid conflict.

Regulatory Incentives

Recognizing that rehabilitation of historical structures can be far more costly than building a new structure, many municipalities create regulatory incentives to promote rehabilitation or adaptive reuse of historical structures.

A common incentive is to allow additional uses on historic properties not otherwise permitted under the base zoning. In some cases, where otherwise only one principal use is permitted per lot, historic properties are permitted to have an additional principal use. Some ordinances provide for limited commercial uses on historic properties or in historic structures in districts otherwise limited to residential, agricultural or conservation uses. Examples include offices, banks, small-scale retail uses, personal services, bed & breakfasts, day care facilities, and even restaurants. All such incentives aim to provide economic viability to overcome the need or desire to remove historic resources or compromise their historical integrity. Under a number of ordinances, such incentive provisions are subjected to conditional use approval in order to assure appropriate design as well as to protect or buffer neighboring properties.

Some municipalities give “free” density where historical buildings are rehabilitated or adaptively reused. In the context of residential development, this may involve excluding dwelling units within historical structures from the maximum unit count otherwise permitted. This can even extend to reuse of previously non-residential structures such as carriage houses or barns; some municipalities permit development of multiple-family dwellings within historic structures in districts otherwise limited to single-family dwellings. In the context of non-residential development, reuse of existing historic structures may be permitted in excess of otherwise applicable building or impervious cover limitations. Pocopson Township, Chester County, for example, permits three

additional square feet of development for each one square foot of habitable floor space (including on multiple floors) that is restored or rehabilitated in a preserved historic structure; this additional square footage can even be sold and transferred to another property within the Township. Pocopson also grants density bonus where the landscape forming the setting for historic structures is preserved by conservation easement, and exceeds the otherwise applicable minimum lot size.

Area and Bulk Regulation

Many municipalities have setback and height regulations in their zoning ordinances that are optimized for creating the look of typical mid- to late twentieth century suburban residential subdivisions. Existing historical structures, which pre-date these regulations, often do not comply with these setback and height regulations. This renders such structures non-conforming, which becomes a problem when it is time to rehabilitate or expand the structures. Zoning variances might remedy some such situations but, under the law, should not do so without demonstration of “hardship” by the property owner; that the regulations will result in damage to historic resources may not meet the legal standard of hardship and justification for a variance.

For this reason, a number of historic resource protection regulations include provisions that modify otherwise applicable area and bulk regulations in order to promote reuse of historic buildings and compatible new construction.

Scope of Regulation

While the MPC does not specify any limitations to historic resource protection regulation, many municipalities choose to limit their zoning purview to features visible from a public way, following the model of Act 167. Others choose not to govern maintenance, minor alterations or partial demolition. East Goshen Township, for example, goes so far as to define partial demolition as not less than fifty percent of the extant historical façade, so as not to regulate partial demolitions necessary to permit additions to a structure. Clearly, at some point, limiting purview also will limit opportunities to protect valuable resources.

Historic Resources Impact Statement (HRIS)

An important tool for inclusion in the subdivision or land development review process is a requirement for the submission of a historic resources impact statement (HRIS), in cases of potential impacts to inventoried historic resources. Most municipalities requiring submission of a HRIS do so where inventoried historic resources are located on a lot or tract subject to subdivision or land development application or where historic resources are located within a specified distance of such lot or tract (usually 100-300 feet).

Typically, HRIS requirements provide for opportunity for review by the historic resources reviewing body in addition to the planning commission or the governing body, which otherwise reviews such applications. The key purpose of an impact assessment is, not only to assess potential impacts but, prior to plan approval, to also raise opportunities for design that may mitigate negative impacts and help preserve the integrity of the

historic resources and the landscape in which they are set. The contents of the impact statement are usually defined in the ordinance and may include such information as a description of the historic resource including a photographic record, description of the development proposal, a summary of how the proposal will impact the historic resource, and a discussion of potential mitigation measures.

Outline of Content for Historic Preservation Regulations

The regulatory text for historic resource protection is incorporated into the zoning ordinance, usually in a discrete section or article. There are no specific requirements set forth in the MPC, however, depending on the degree of regulation desired, the following components should be considered:

- Statement of purpose
- Definition of terms (not otherwise included in the zoning ordinance)
- Boundary description for any overlay district(s) where applicable
- Definition of historic resources to which the regulation applies/reference to inventory
- Establishment of the reviewing body
- Duties and responsibilities of the reviewing body
- Applicability and procedures for review, approval or denial (building permits, alterations, demolitions, etc.)
- Incentive use and area and bulk provisions
- HRIS requirements
- Design guidelines
- Enforcement provisions, fines and penalties.

Setting the Stage for Regulating Historic Resources

Importance of Community Support

Recognition of the importance of historic resources from diverse cultural, historical, economic and aesthetic perspectives helps to build broad support for the regulatory component of district designation.

Successful implementation of historic preservation regulations requires community support. Community support buttresses the political will necessary for adoption of historic resource regulation and, ultimately, to ensure long-term success of the preservation program. All too often, best intentions and hard work developing potential historic resource regulations can be dashed before a proposal is even formally considered by the local governing body. Word spreads, based largely on misunderstanding, that property owners will be faced by an onerous ordinance that regulates what they should or should not do to their properties or that will force them to “restore” their property, causing major financial burdens for private property owners. Rumors fly and governing body members are put on the defensive. What could ultimately be an excellent approach to promoting resource protection ends up being rejected before ever truly debated in the public forum.

Local Regulation for Historic Preservation

A variety of steps can be taken to minimize misconceptions and obtain community support for local historic resource regulation:

- The more support that can be obtained early in the process, the easier the implementation will likely be.
- The benefits of regulation can be described from diverse cultural, economic and aesthetic perspectives to broaden the potential range of supporters.
- The public can be prepared for the effects of the proposed regulation through publication in the local media regarding what is being proposed, the reasons for the regulations, and clear delineation of the properties and situations to which the new regulation will apply.
- Property owners, contractors, and real estate professionals can be notified about the positive effects of the proposed regulation.
- Municipal staff can be briefed so that they can appropriately respond to questions.
- If the budget allows, historic design guidelines can be developed, and distributed to explain and illustrate appropriate and inappropriate maintenance, repairs, and design approaches, and to provide an overview of the history of the municipality and its architectural styles.

Municipal leaders can both learn from and make the community aware of the successful experience of existing municipal historic preservation programs around the state, many of which have been in existence for more than several decades. In PHMC's publication "[Historic District Designation in Pennsylvania](#)," author Michel Lefèvre cites Pennsylvania municipalities with excellent experience including: Bellefonte, Carlisle, Chalfont, Cheltenham, Doylestown, Gettysburg, Harmony, Hollidaysburg, Lower Merion, New Hope, Newtown (Bucks Co.), Phoenixville, Pottstown, Warwick, and West Whiteland. According to Lefèvre, now an independent preservation consultant no longer associated with PHMC, all of these municipalities have stayed the course over many years and the result can't help but convince the most skeptical individual that a well-administered historic preservation program can create an economically viable and vibrant place to work and live.

Planning Context

Municipalities often embrace regulation of historic resources in response to a crisis – for historic resource regulation, a likely example being the imminent demolition of a cherished historic resource. In the inevitable haste that ensues, regulations seem to be drafted before the goals of those regulations are clear. This can lead to a lack of consensus or clarity as to how such regulations are to be interpreted or applied and exacerbate any weakness in public support. Michel Lefèvre suggests that a more reasoned approach would follow a planning exercise in which questions like the following have been asked and answered:

- What is a historic resource?

- What kinds of resources do we have?
- Where are those resources located?
- Why do we want to preserve them?
- How should they be preserved?
- Who is responsible to preserve them?
- How much regulation do we want to impose?
- What are the trends that have the potential to threaten these historic resources?
- What incentives can we provide to help preserve these resources?
- Do we have the administrative ability to impose regulations?
- Do we have qualified personnel to administer a preservation program?
- What are our ultimate aims?
- Does the municipality, the businesses and other sectors have contrary goals vis-à-vis historic preservation?
- Is there public support for these preservation initiatives?
- What needs to be done to gain public support?
- Are there regulations in the municipal code that are contrary to the preservation goals of the municipality?

Optimally, historic preservation objectives will be rooted in and supported by the municipal comprehensive plan. This will serve to demonstrate that historic resource regulation follows a deliberate planning program and is consistent with overall community resource protection and community development objectives.

Historic Resources Inventory

An inventory or survey of historic resources enables municipal leaders and the public to understand what historic resources exist in a community, whether the resources are worth protecting and how they might be protected. Documenting historical resources in advance of enacting historic preservation regulations is also relevant from a legal perspective. Challenges to historic resource protective measures are likely to be unsuccessful if the municipality has completed a comprehensive inventory and can present a clear rationale for the sites identified or the district boundaries delineated. While a comprehensive survey is essentially a prerequisite to certification of an Act 167 historic district, a similar inventory will offer key support to local zoning regulation of historic resources as well.

Historic resource inventory databases are best designed as “living” documents which are updated as permits are issued as well as through a regular (ideally annual) review

process. Any additions or alterations that have occurred may be noted in the database while structures that have been demolished, burnt down, or removed may be removed from the inventory.

PHMC can provide technical assistance with surveys; a good resource is the PHMC publication, “[Standards for the PA Historic Resource Survey](#).” The [Pennsylvania Historical Resource Survey Form](#), available from PHMC, is the standard format for comprehensive historic resources surveys necessary to support certification of historic district regulation under Act 167.

In surveying local resources to determine what merits the designation “historic,” it is useful to follow the same general “criteria for determination” used in review of National Register nominations. In this vein, a building, structure, object, site, or district should be considered historic if:

- it is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; or
- it is associated with the lives of people, local, state, or national, who were significant in our past; or
- 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
- it has yielded or may be likely to yield, information important in history or prehistory (archaeology).

Historic Resource Classification

Classification within Act 167 Historic Districts

Within Act 167 Historic Districts, the documentation necessary to submit a district for certification usually inventories all structures within the district and designates them as either “contributing” or “non-contributing” to the historic character of the district. No further classification is usually deemed necessary. Further classification, as sometimes is done in zoning approaches to historic preservation, can be problematic, as described in the next section.

Classification in Zoning Ordinances

While many do not go beyond the “contributing/non-contributing” approach to classification, some municipalities implementing historic preservation through zoning have differentiated inventoried historic resources into several classes. This detailed classification – some argue – can help with education of the community or serve as a basis for differential regulation of different classes of resources. Others argue that differential regulation is problematic or damaging to historic preservation efforts and that

all significant resources should be regulated in the same manner with resources classified as “historic” or “non-historic,” or “contributing” or “non-contributing.”

While there are many variations on the theme, proponents of more detailed classification typically divide historic resources into three classes:

- Class I or A includes resources that are either listed in the National Register of Historic Places have received a Determination of Eligibility from PHMC;
- Class II or B are other resources that are deemed historically or architecturally significant at the local level; and ‘
- Class III or C are resources that are fifty years and older but are not deemed historically significant or have not retained their architectural integrity. In some cases, the ubiquity of 50+ year old resources, e.g., early suburban tract homes, renders them seemingly insignificant. They nevertheless are included in the overall historic resource inventory because it is accepted practice to consider all resources over 50 years in age for potential National Register eligibility.

Several concerns arise from such classification. One is that people will perceive resources with a designation other than Class I as being substantially inferior, consequently judging them as expendable and less worthy of preservation. Another is that, where Class I is linked to National Register listed or deemed eligible properties, such classification may exclude properties of local historical or architectural significance from adequate protection, which, for various reasons, may not have been determined eligible to the National Register but might be if an application for DOE were to be made. A corollary concern is the fact that some properties may have been determined eligible several years ago but under present review may be determined no longer eligible, yet still are subject to the same regulation as those resources that are. Concern also is raised that application of classification systems within historic districts (districts defined under zoning rather than Act 167) could, over time, compromise the “toute ensemble” or overall historical integrity of the district, if different classes received different levels of protection.

The degree to which classification actually may hamper resource protection efforts is dependent on the degree to which differential regulation is applied to different classes. Some ordinances reserve the right to deny a demolition permit only for Class I. For example, under such regulation, La Ronda, a Spanish Revival Style mansion designated Class II in Lower Merion Township, Montgomery Co. – a rare example of that style in the region – was demolished. However, a large number of municipalities that employ classification do not differentiate between the regulation of Class I and Class II, affording the same protection for all resources inventoried as having historical or architectural significance. Other municipal ordinances give preference to Class I for incentive provisions such as additional use opportunities or area and bulk relief.

There are a variety of reasons given for differential regulation by resource class, most boiling down to local political concerns. While in the abstract, most people view historic preservation as a valid community objective, some owners of historic properties will perceive the introduction of regulations as diminishing their property rights and leading

to undue cost of time and money. Leaning on the National Register as the basis for Class I designation and then subjecting Class I to a higher degree of regulation than other classes is often viewed as politically and legally less likely to be challenged (although the MPC mandate to protect historic resources is not limited to National Register properties.)

Some municipalities invite voluntary submission of historic resources to be included in Class I or even on the municipal historic resource list at all. However, this likely will leave important resources unprotected and seems inconsistent with the fundamental nature of zoning, which is intended to place uniform regulation across defined classes of land use without regard to ownership.

Some municipalities are partial to a classification system because they believe that limiting full review to only the highest resource class(es) will not only marginalize property owner discontent and diminish the potential for legal challenges or other controversies, but will reduce their own administrative and procedural burden as well. Sometimes, given local fiscal concerns and limited time for action, differential regulation may be the only way to gain passage of historic preservation zoning regulations.

Ironically, differential regulation by class, intended to reduce political opposition, may raise further arguments in opposition. Classification systems typically place primary importance on national standards rather than on local standards of historical significance. And while the MPC mandate for historic resources paints a broad brush in favor of resource protection, specific criteria for classification for purposes of differential regulation may be open to challenge as subjective or arbitrary. Finally, differential regulation by class may create a difficult quandary for the municipality in drafting specific criteria for each class rather than one set of criteria for all historic resources.

Historic Review Guidelines

Historic review and design guidelines are not only useful to educate the public, but can help articulate a clear vision as to what the municipal historic resource regulation was enacted to achieve. It is to be expected that individual members of governing bodies, municipal staff, designated reviewing bodies and HARBs may have unique interpretations of the purposes and effects of local historic resource regulation. One member may think of historic preservation in curatorial terms, while another looks at overall neighborhood or community character, and yet another may be more concerned about the importance of adaptive use and long-term economic viability. Such disparate views, while all potentially important, also can confuse the public and make the review process appear as arbitrary, potentially thwarting preservation objectives.

Historic review and design guidelines can focus the review process, producing greater consistency and limiting subjectivity, while at the same time informing owners of historic properties as to what is expected, reducing potential for conflict.

Historic review and design guidelines can be used both to review and evaluate proposed modifications to existing structures and also to recommend design approaches for new construction. Such guidelines are found in many forms but all serve to encourage building modifications and/or new development that complement historical character.

Secretary of the Interior's Standards

Many local ordinances incorporate the Secretary of Interior's standards initially developed to guide the review of historic rehabilitations funded by federal funds. "[The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings](#)" is published by the U.S. Department of the Interior, National Park Service. The ten standards for rehabilitation are reprinted in their entirety below. Because full conformance with these guidelines could result in considerable cost to the owner of an historical property, municipal regulations often refer to the Secretary of the Interior's standards as recommended guidelines. Full conformance with these standards is often reserved for situations where incentive use provisions, density bonuses or flexible area and bulk provisions are offered to applicants.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Lancaster County Planning Commission Guidelines

New construction in a neighborhood of historic buildings or in an area near historic buildings or in a historic landscape has the potential to add to or detract from the character of its historical surroundings. To retain community character compatible with historical precedent, new construction should be designed to incorporate appropriate elements of massing, shape, size, materials, orientation, set-back and the like. The following suggestions are drawn from "[Historic Preservation Guidelines](#)" published by the Lancaster County Planning Commission:

- **Size, Scale, and Proportion**. New construction should relate to the dominant proportions, size and scale of the historic buildings in the surrounding area.
- **Shape and Massing**. New construction should incorporate massing, building shapes, and roof shapes that are present among historic buildings in the surrounding area.
- **Materials**. Building materials should be compatible with those of historic buildings in the surrounding area. Traditional materials that are common to the area, such as brick, wood, and stone are preferred.
- **Patterns and Rhythm**. The rhythm of existing facades along the street and the components thereof should be maintained. Large buildings can be divided into bays to reflect rhythms exhibited by existing smaller structures.
- **Cornice and Floor-to-Floor Heights**. New construction should continue the floor-to-floor and cornice heights that are dominate in the surrounding area, or incorporate detailing to suggest those heights.
- **Windows and Doors**. New construction should use window and door openings of design and size typical of those among historic buildings in the surrounding area.
- **Orientation**. Principal facades of new construction should face the same direction as other existing buildings on the street or as indicated by predominant patterns in the surrounding area.
- **Location**. New construction should not be placed in a way that adversely affects a historic resource or the viewshed of which it is part, neither in terms of proximity nor visual impact.

Issues Often Raised in Regard to Historic Preservation Regulations

Lack of Detailed Guidance and Standards under the MPC

The application of review and approval or denial of permits subject to regulation under an Act 167 historic district is clear. Within the certified historic district, any change to any structure within view from a public way may be made subject to issuance of a COA (Certificate of Appropriateness). The mandate for historic resource protection through zoning under the authority of the MPC also is clear. And the potential power of zoning is quite broad; as noted, “zoning ordinances . . . may permit, prohibit, regulate, restrict and determine: size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures.” However, the specific application of these powers related to historic resources under zoning is unstated. Regulation of alterations or demolition of historic buildings and structures by using the authority of the MPC often seems to cross over into the area of review and authority usually relegated to building codes. Despite the MPC mandate for protection, it is otherwise unusual for zoning regulation to go beyond the traditional objective focus of addressing use, siting, bulk, massing, setbacks and height restriction, and move into seemingly subjective issues of appropriate design or historic authenticity of alterations to the exterior of buildings.

Under building permit regulation, permits are issued “by right” and within a relatively brief time frame if an applicant meets the objective requirements of the zoning ordinance. This straightforward process is made complex when an applicant now has to go before the historic reviewing body and potentially wait up to two months or more for both the reviewing body and the governing body to meet and resolve whether or not to advise the zoning officer to issue the permit or not, at times, with seemingly subjective rationale. This added complexity resembles the complications that result if the zoning officer were to determine that an application – whether involving historical resources or not – requires approval of a variance, a conditional use or special exception.

Despite the clear MPC mandate for historic resource protection, municipal officials are often reticent to wade much deeper into historical regulation than the standard building permitting process provides. While a 30-60 day review period is reasonable in the context of getting the reviewing body together and presenting recommendations to the governing body, lengthy delay can make local officials nervous. Similarly, the potential for denial of a permit, based on seemingly subjective review of historical integrity, is uncomfortable territory for some officials.

It appears that municipal officials have great latitude in protecting historical resources under zoning, but just how far can they go? Until the courts or the General Assembly bring greater clarity, which is far from assured, no one can know.

Absent specific statutory or case law guidance on either purview or time for review, it is suggested that review procedures for historic resource regulation be linked to those specifically established by the MPC for other matters, e.g., special exception approval or conditional use approval. Some municipalities subject demolition permitting to special

exception approval, for example, where historic resources are involved. Similarly, some municipalities subject incentive use or area and bulk provisions for historic resources to conditional use approval. While these procedures may add both cost and time to the approval process, they link regulation of historic resources to clearly enabled zoning procedures. Where such procedures are invoked purely due to the presence of historic resources, the municipality may wish to reduce application and review costs assessed to applicants. In cases of otherwise applicable requests for approval of variance, conditional use or special exception, the presence of historic resources may seem to complicate, lengthen or add cost to the process. In such cases, it is suggested that the role of the historic reviewing body be conducted simultaneously with otherwise ongoing review and recommendations be presented to the zoning hearing board or governing body, as applicable.

Lack of Specific MPC Authority for Reviewing Body

The Municipalities Planning Code does not grant specific authority for a municipality to create a historical commission or other reviewing body for historic resource regulation under zoning; nor does it set forth requirements for membership, roles or procedures for such a body. This omission stands in contrast to the very specific standards set forth under Act 167 for the establishment, roles and membership criteria for a HARB. However, municipalities are given the power to create such bodies, so long as their role is advisory, in the general powers bestowed by the city, borough and township codes. The reviewing body is *not* a decision making body; rather, it is charged to review applications, make comments and recommendations to the zoning officer, planning commission, governing body, or zoning hearing board, as applicable.

Confusing the Historic District Act with Zoning Regulations

The public, potential applicants, builders, contractors and municipal officials can easily confuse a process associated with zoning approaches to historical resource regulation with the distinct Act 167 regulatory process. Too often, assumptions are made that essentially equate the administration of quite variable zoning regulation with the specific review process set up under Act 167. Applicants wonder why and how the regulations they experienced in an Act 167 historic district are not being applied the same way next door, to regulation of historic resources under zoning authority. Even members of local reviewing bodies may assume that their purview is exactly like that of a HARB. Misunderstanding and confusion can be particularly glaring in municipalities that use both regulatory approaches and have two separate reviewing bodies.

The key to avoiding problems is a clear regulatory process paired with educational efforts and ample communication to keep all role players on the same page.

The Context for Historic Preservation Regulation

Pennsylvania Legislative History

Local historic resource regulation has been specifically enabled since adoption of the Historic District Act in 1961 (Act 167 of 1961).

In 1968, the Pennsylvania General Assembly established the Municipalities Planning Code (Act 247 of 1968). Under the Code, the state authorized local governments to regulate land use, including historic resources. Amendments enacted in 2000 expanded on this authority, mandating the use of zoning powers for historic resource protection.

Courts Support Historic Resource Regulation

Since the early days of local historic preservation regulation, court rulings in a variety of cases around the country have clearly established historic preservation as a legitimate public purpose for local government. A number of challenges have been based on the argument that historic designation, in limiting what a property owner might do or in denying demolition, results in a “taking” without compensation and without due process of law. Some early challenges argued that historic preservation was merely an aesthetic consideration and not within constitutionally established police powers. In historic district contexts, there have been challenges that historic regulation should not apply to arguably non-historic buildings, but the “toute ensemble” doctrine has been upheld, holding that the integrity of a historic district can involve its entirety and that the power to regulate or restrict may apply to all buildings within a district or zone, regardless of individual historical or architectural importance.

The landmark case for regulation of historic resources was brought before the United States Supreme Court in the case of *Penn Central Transportation Company v. City of New York* (1978). In rejecting the proposal to lease the airspace above Grand Central Station for the erection of a 55-story office tower, the City was charged with taking property for a public use without compensation, in violation of constitutional due process and equal protection guarantees. In ruling on this case, the Supreme Court reaffirmed a prior ruling on the legitimacy of aesthetic considerations in government regulation of the public welfare and, by extension, the appropriateness of historic designation. The Supreme Court further rejected the idea that such regulation resulted in a taking because of potential loss of property value. This case and others have made it clear that as long as property owners can “earn a reasonable return” on their investment, there is no taking.

There have been relatively few challenges to historic resource regulation in Pennsylvania, despite misgivings regarding lack of clarity in enabling legislation, and, thus, particularly related to zoning cases, little case law to offer further clarification. Only one zoning case has come to the attention of the authors: According to the Lancaster County Planning Commission, Millersville University took Millersville Borough to court when the Borough, pursuant to zoning regulation, denied demolition of three small residential buildings. The court upheld the Borough's decision and the buildings remain.

Prominent cases in the cities of Philadelphia and Pittsburgh involved Historical Commissions ruled by home-rule charters not subject to the MPC or Act 167. Cases in the cities of York, Harrisburg and Williamsport all involved Act 167 historic district regulation. These cases are detailed in the PHMC publication “[Historic District Designation in Pennsylvania](#).” is worth summarizing some of the key points to come out of these cases here as they are instructive to municipalities considering regulation under either Act 167 or the MPC.

- All five of the aforementioned cases involved denial of demolition and, in essence, a charge of “taking” without just compensation. In all five cases, the local ordinances were upheld (although it took re-argument before the Pennsylvania Supreme Court to reach that conclusion in the Boyd Theater case in Philadelphia). The York case was the first case challenging the constitutionality of Act 167. While pre-dating the landmark Grand Central case, the court resolved that while “the taking of private property requires that just compensation be paid, it is also well-established that private property may be regulated to promote the public welfare.” After re-argument in the Boyd Theater case, the Pennsylvania Supreme Court concluded “that the designation of a privately owned building as historic without the consent of the owner is not a taking under the Constitution of this Commonwealth.”
- The result of the Cleckner versus Harrisburg case added strength to the “toute ensemble” doctrine in Pennsylvania, as the denial of demolition permits was not based on unique historical or architectural character of the subject buildings, but on their contribution to the character of the historic district as a whole. The court concurred with the City’s view that the demolition of the buildings would be “detrimental to the preservation of the fabric of the Historic District.”

In Williamsport, the Park Home case before the Lycoming County Court of Common Pleas resolved several important issues. One, the court clarified that a municipality has the discretion to approve an alteration or demolition in one case and deny approval in another. The Park Home had asserted that Williamsport City Council’s denial of their demolition request was arbitrary and capricious because demolition permits had been issued to other applicants on several occasions. The court responded that “each circumstance is different and cannot be used as a standard.” A second point raised by the challenger in the Park Home case was that the Williamsport ordinance was “void for vagueness.” The court clarified this issue by explaining that statutes considered vague are those *that deny due process* by not giving fair notice “that their contemplated activity may be unlawful, and [by not setting] reasonably clear guidelines.” The court found the local ordinance adequate and reasonable, and rejected the challenger’s argument. A third assertion raised by the Park Home was that the Williamsport ordinance should not apply to them retroactively, since the ordinance was enacted after they had been established in the area designated as historic. The court found that the ordinance did not retroactively “eradicate the Park Home’s rights,” since it did not interfere with their mission.

The Park Home case in Williamsport and the Weinberg case in Pittsburgh both raised procedural issues as well, regarding the keeping of full and complete records of proceedings, written findings of facts, and reasons upon which decisions were rendered. Fortunately for both cities, rather than finding fault with their ordinances on a procedural

basis, in both cases, the trial courts remanded the cases back for the making of records. As any local approval or denial may be appealed, these cases remind us that every HARB, designated reviewing body and governing body should arrange for a careful record of the proceedings of meetings where recommendations or decisions in regard to specific applications are to be deliberated or decided.

Pennsylvania Historical Context

While no comprehensive record or inventory of pre-historical (pre-European settlement) resources exists, it is known that Pennsylvania hosted significant Native American populations, particularly seasonal encampments along the many rivers and streams. Wide, sunny floodplain areas were burned to allow for pre-European agricultural practices, taking advantage of the rich alluvial soils. Before being dammed to provide water power or enhance navigation, many rivers and streams were a rich food source, in the eastern part of the state particularly during the annual shad migrations. The Pennsylvania Historical and Museum Commission (PHMC) maintains an inventory of areas of relative likelihood for pre-historic settlement, essentially focused on streamside areas, particularly broader stream valleys.

Shortly after William Penn arrived in Pennsylvania in 1682, European settlers began to move inland, quickly extending permanent settlement from east to west. Since that time, a rich historical record has been preserved and many historical structures, landscapes, transportation routes and artifacts remain to tell their stories. While there also is no comprehensive inventory of archaeological resources stemming from the historical era, PHMC, the National Park Service, and local museums and historical societies host substantial collections of artifacts. Undoubtedly significant remnants of historical settlement rest in the soils around nearly every old farmstead, tavern, schoolhouse or crossroads hamlet, emphasizing the importance of conserving the lands that frame the settings of historical buildings, as well as the buildings themselves. Numerous troop movements through Pennsylvania in the French and Indian War, the War for Independence, and the Civil War likely resulted in much more than footprints being left along their routes.

Over time, the historical and architectural heritage of the Commonwealth has been threatened by private and public actions that have either destroyed or irrevocably altered the original appearance of numerous buildings, structures, neighborhoods, and landscapes. To stem the tide, regulation of historic resources was first introduced in the United States in the 1930s to assist in the revitalization of both residential neighborhoods and business districts. Historic designations have been reputed to increase or stabilize property values, foster pride and appreciation of the historic built environment, and consequently contribute to the quality of life of communities. Charleston, South Carolina, enacted the first historic district legislation in the United States in 1931. In 1959, Rhode Island was the first state to enact statewide historic district enabling legislation; Pennsylvania followed suit in 1961. More than 3,500 historical commissions in the United States now oversee historic preservation ordinances that help protect historic areas containing thousands of historic buildings.

In the PHMC publication “Historic District Designation in Pennsylvania,” author Michel Lefèvre points out that rehabilitation and re-use of buildings and structures became a viable alternative to redevelopment in the 1970s, a radical departure from the massive slum clearance programs of the urban renewal era of the 1950s and 1960s, concern over which contributed to the eventual passage by Congress of the National Historic Preservation Act in 1966. Since the 1970s, increased energy and raw material prices have made certain construction projects cost-prohibitive and the reuse of existing structures more attractive. In addition, federal and state policymakers, in an effort to combat unemployment, have targeted building rehabilitation, in part because it is more labor-intensive than new construction. Preservation and reuse of existing buildings and structures have over time increasingly been found to put new life into older neighborhoods while minimizing the dislocation of low-income residents associated with urban renewal.

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Related Library Categories at ConservationTools.org

Historic Preservation – General

<http://conservationtools.org/libraries/1/topics/126>

Historic Preservation Ordinances

<http://conservationtools.org/libraries/1/topics/127>

Featured Library Items at ConservationTools.org

Visit the Related Library Categories to view these and other resources:

Title: Townships Must Consider Historic Resources When Planning for Future

Author: Samuel C. Slaymaker III, Esq.

Organization: Pennsylvania State Association of Township Supervisors (PSATS)

Source: Pennsylvania Township News

Year: 2008, March edition

URL:

Item Type: magazine article

Description: A summary of the evolution of historic preservation in Pennsylvania and the laws both authorizing and mandating consideration of the preservation of historic resources in the course of land use planning.

Fee: No.

Title: Historic District Designation in Pennsylvania

Author: Michel R. Lefevre

Organization/Source: Pennsylvania Historical and Museum Commission

Year: 2007

URL: http://www.portal.state.pa.us/portal/server.pt/community/community_preservation/3770

Item Type: Manual

Description: A summary from the years of success and failure experienced by local governments in the process of initiating and administering historic district ordinances, lessons learned and pitfalls to be avoided. It is intended as a guide for local government officials, historic preservation organizations, and citizens who are considering the establishment of historic districts under municipal authority.

Fee: No.

Title: Preserving Our Places – Historic Preservation Planning Manual for Chester County Communities

Author/Organization/Source: Chester County Planning Commission

Year: 1998

URL: <http://www.chesco.org/planning/lib/planning/documents/preservingplaces/hispresmanual.pdf>

Item Type: Manual

Description: A general description of historic preservation planning and regulation at the federal, state and local levels, with suggestions for integrating historic preservation into the comprehensive community planning process. The manual also discusses private preservation efforts and their relevance to local governments and includes an appendix summarizing historical architectural styles.

Fee: No.

Title: Historic Preservation Guidelines – for the Preservation, Promotion and Regulation of Historic Resources

Author/Organization/Source: Lancaster County Planning Commission

Year: 2009

URL: <http://www.co.lancaster.pa.us/toolbox/lib/toolbox/tools/histpreservguidelines.pdf>

Item Type: Manual

Description: A menu of components to be used in preparation of local historic preservation ordinances. Each component is a model that can stand alone or be used in combination with one or all the other components. Each model component provides options for municipalities in terms of administration.

Fee: No.

Experts/Contact

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Local Regulation for Historic Preservation

Michel has well over 30 years experience as a historic preservation planner and has written a number of articles for local and national government publications and authored two PHMC publications: Historic District Designation in Pennsylvania and a Manual for Pennsylvania Historical Architectural Review Boards and Historical Commissions. He coordinated the 2000-2005 State Historic Preservation Plan and has developed hundreds of seminars, workshops, conferences and special events to inform Pennsylvanians about their cultural heritage.

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John has over 30 years of land use and environmental planning experience in southeast Pennsylvania, and is a frequent lecturer on topics of transferable development rights, historic preservation, and open space design. He is a former member of the West Chester Borough HARB and serves on the Board of Supervisors in East Bradford Township. John has written numerous historic preservation ordinances for local governments.

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Address: Govt. Services Center, 601 Westtown Rd, Suite 270, PO Box 2747
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Jeannine has over 15 years of local and historic preservation planning experience in southeast Pennsylvania, and has participated as a speaker on historic preservation planning topics. She provides land use planning assistance to municipalities in Chester County, is Chair of the Brandywine Battlefield Task Force, and is a member of the Historic Review Committee for CDBG projects in Chester County.

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Karen has fifteen years of experience identifying, interpreting and managing historic resources in northern New Castle County, Delaware and Chester County, PA. She works to enhance heritage education, with a focus on the County's five public parks, and provides technical assistance relating to the registration of historic resources throughout

Chester County. Ms. Marshall serves on the Kennett Township Historical Commission and Board of the Chester County Historic Preservation Network.

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Peter Benton is a registered architect and planner with thirty years experience in the design and execution of architecture, planning and preservation planning projects. He specializes in heritage area planning, community preservation and revitalization plans, master plans for historic properties, and interpretive plans for historic landscapes.

Mary Sue Boyle, Principal
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Address: 1033 Lenape Road, West Chester, PA 19382

Mary Sue has over 30 years historic preservation experience in the Commonwealth of Pennsylvania. Mary Sue Boyle has testified as a professional witness and lectured on historic preservation and drafted ordinances for municipalities, as well as nominated multiple individual resources and districts to the National Register. She is a Certified National Register Consultant, participates as a Section 106 Consultant and has chaired East Bradford Township Historical Commission for over a decade.

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Historic Preservation Consultant
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Email: jeditorhspv@verizon.net
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Jane has over 27 years experience specializing in historic resource inventories and surveys, National Register nominations, impact studies, and resource evaluations for Section 106 review. She is a frequent lecturer on architectural history and preservation issues. Jane has served as a member of the West Chester Borough HARB and chairs the Preservation Awards Committee of the West Chester Downtown Foundation. Jane E. Dorchester Architectural Historian is a certified Woman Business Enterprise (WBE) and National Register Consultant and meets the requirements of the 36 CFR 61 Professional Qualifications.

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Address: 85 Old Dublin Pike, Doylestown, PA 18901

Local Regulation for Historic Preservation

Jeff has over 25 years of experience in land protection and historic preservation and is actively involved in administering Heritage Conservancy's conservation easement and facade easement programs. He gives public education programs, acts as a preservation advocate, and provides consulting services to municipalities.

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Bob has nearly 20 years experience as a historic preservation planner in Pennsylvania and New Jersey. Beginning with the Brandywine Conservancy's Environmental Management Center and now President of his own cultural resource management firm, his work includes preparing Historic Resource Impact Studies, National Register Nominations, Comprehensive Resource Surveys and Resource Protection Ordinances. Bob chairs the Tredyffrin Historic Preservation Trust and is former chair of the Chester Co. Historic Preservation Network and the Tredyffrin Township HARB.

Acknowledgements

John D. Snook, Senior Advisor at the Brandywine Conservancy's Environmental Management Center, is the primary author. Andy Loza of the Pennsylvania Land Trust Association edited the guide.

PHMC's *Historic District Designation in Pennsylvania*, the Chester County Planning Commission's *Preserving Our Places – Historic Preservation Planning Manual for Chester County Communities*, and the Lancaster County Planning Commission's *Historic Preservation Guidelines – for the Preservation, Promotion and Regulation of Historic Resources* all provided excellent discussion of local historic resource protection issues and were used as references in this publication.

In addition, information and perspectives provided by Michel Lefevre, Carole Wilson, formerly of the Lancaster County Planning Commission, Jeannine Speirs of the Chester County Planning Commission, and Mary Sue Boyle of the East Bradford Township (Chester County) Historical Commission were extremely helpful to the preparation of this guide.

The Pennsylvania Land Trust Association prepared this guidance with support from the William Penn Foundation and the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, Community Conservation Partnerships Program.



Disclaimer

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Suggestions are welcome.

The Pennsylvania Land Trust Association would like to know your thoughts. Are any subjects in need of clarification or expansion? Are there gaps in the guidance? Other concerns? Please contact Andy Loza at 717-230-8560 and aloza@conserveLand.org with your thoughts. Thank you.

*Andy Loza, Executive Director
Pennsylvania Land Trust Association*

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Local Tools for Historic Preservation



Westtown Township Historical Commission
August 20, 2020

John D. Snook
Planning & Preservation Consultant

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610.314.5378

Westtown Township Historic Resources Regulation

- ❑ Westtown Historical Commission established in 2013
- ❑ Commission's primary purpose to educate
- ❑ Inventory efforts began with base information from 1988
- ❑ Inventory began with resources dating prior to 1901
- ❑ Inventory is now substantial and ever evolving
- ❑ Westtown has few specific provisions for historic resources to date
- ❑ 2019 Westtown Comprehensive Plan made specific recommendations for historic resources

Westtown Township

2019 Comprehensive Plan Update

Future Action & Policy Considerations

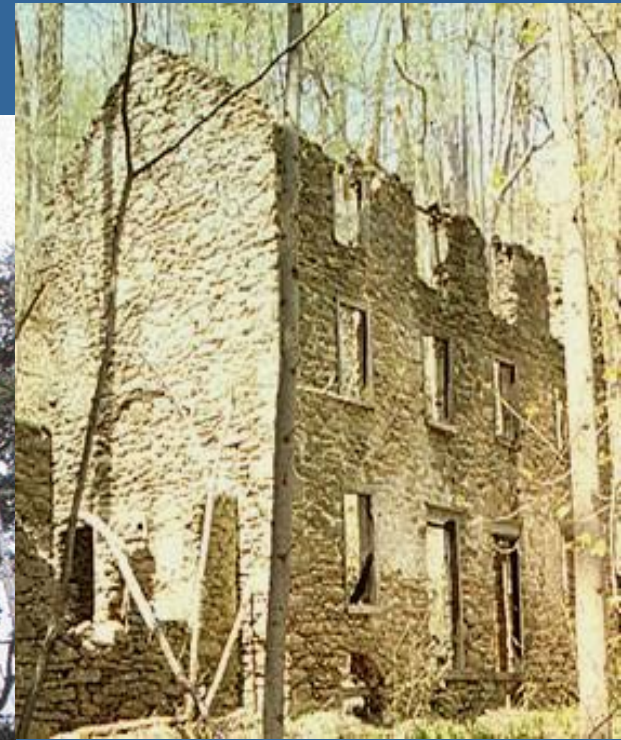
- Promote preservation of historic resources
 - Keep an up-to-date and comprehensive inventory of nationally and locally significant historic resources, defining and mapping “principal” versus “accessory” structures and “contributing” versus “non-contributing” resources, and also consider expansion of the inventory to include additional “structures” which are not buildings, yet are historically important.
 - Review and revise as necessary existing regulatory provisions to provide incentives for preservation of historic structures and their landscape settings, including additional use and adaptive re-use opportunities, density and other design and area and bulk incentives.

Historic Resources in Pennsylvania run the gamut . . .



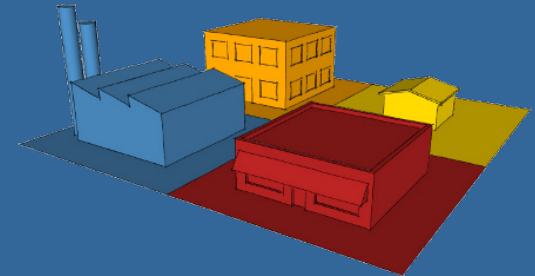
*As for planning and regulatory
tools, one size does not fit all!*

And unlike natural resources, historic resources require human use and investment to survive!



Important Concepts

- The regulation of historic properties for the purpose of preservation is part of the government's police power
- While sometimes technically distinct, historic preservation ordinances are treated legally as the same as other land use regulations
- Effective Historic Preservation programs involve more (or less) than regulating windows, doors, and color



The Constitution of the Commonwealth of Pennsylvania

Article I, Section 27 states:

“The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.

Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

The Pennsylvania Municipalities Planning Code (MPC)

Article VI, Subsection 603(g)(2) mandates:

“zoning ordinances SHALL provide for protection of natural and historic features and resources,”

Subsection 604(1) among the purposes of zoning SHALL be included provisions:

“to promote, protect and facilitate . . . the preservation of the natural, scenic and historic values in the environment . . .”

Enabling Legislation

Historic District Act

- Enacted in **1961**
- Allows designation of districts
- Used to regulate alteration, demolition, and new construction within districts certified by PHMC, under an advisory HARB

Municipalities Planning Code

- **1968**, as amended
- Allows use of zoning tools for historic preservation
- Used to regulate demolition, development, subdivision, and sometimes alteration
- No PHMC purview

A comprehensive inventory of local resources is the best way to justify applicability of regulation

Many inventories are quite imprecise!



PENNSYLVANIA HISTORIC RESOURCE SURVEY FORM - PHOTO/SITE PLAN SHEET 89A

Pennsylvania Historical and Museum Commission
Bureau of Historic Preservation
Box 1026, Harrisburg, PA 17108-1026

Survey Code/Tax Parcel/Other No.: MO-10-142 County: Snyder


Municipality: Monroe Township Address: East side of Airport Road

Historic Name/Other: Simon P. App Farm Property (153)

Site Plan

Photo Information

Attach Photo Here

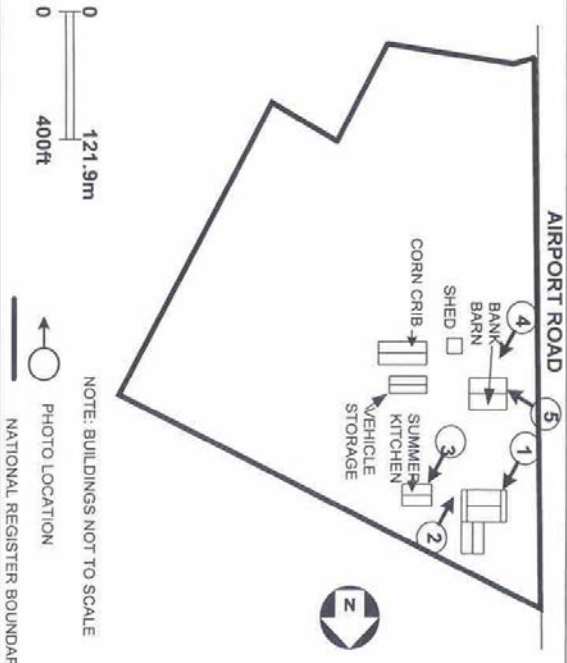


Number	Description of View	Direction of Camera
1	South and west (main) facades of house. Note original windows and doors.	NE

Photographer Name: Nancy Holst Date: 5/98

Negative Location: CHRS Inc. 403 E. Walnut St. North Wales Pa. 19454

0 121.9m
400ft



NOTE: BUILDINGS NOT TO SCALE

NATIONAL REGISTER BOUNDARY

But the Westtown Township Historical Commission is working on it!

Westtown Township Historic Resources Inventory

Five Resource Classifications:

- 1. On or Eligible for the National Register**
- 2. Of Local Historic Value**
- 3. 100 years or older**
- 4. Potential Archeological Site**
- 5. Properties with Historical Elements**

Oakbourne Mansion



Class 1:

On or Eligible for National Historic Register



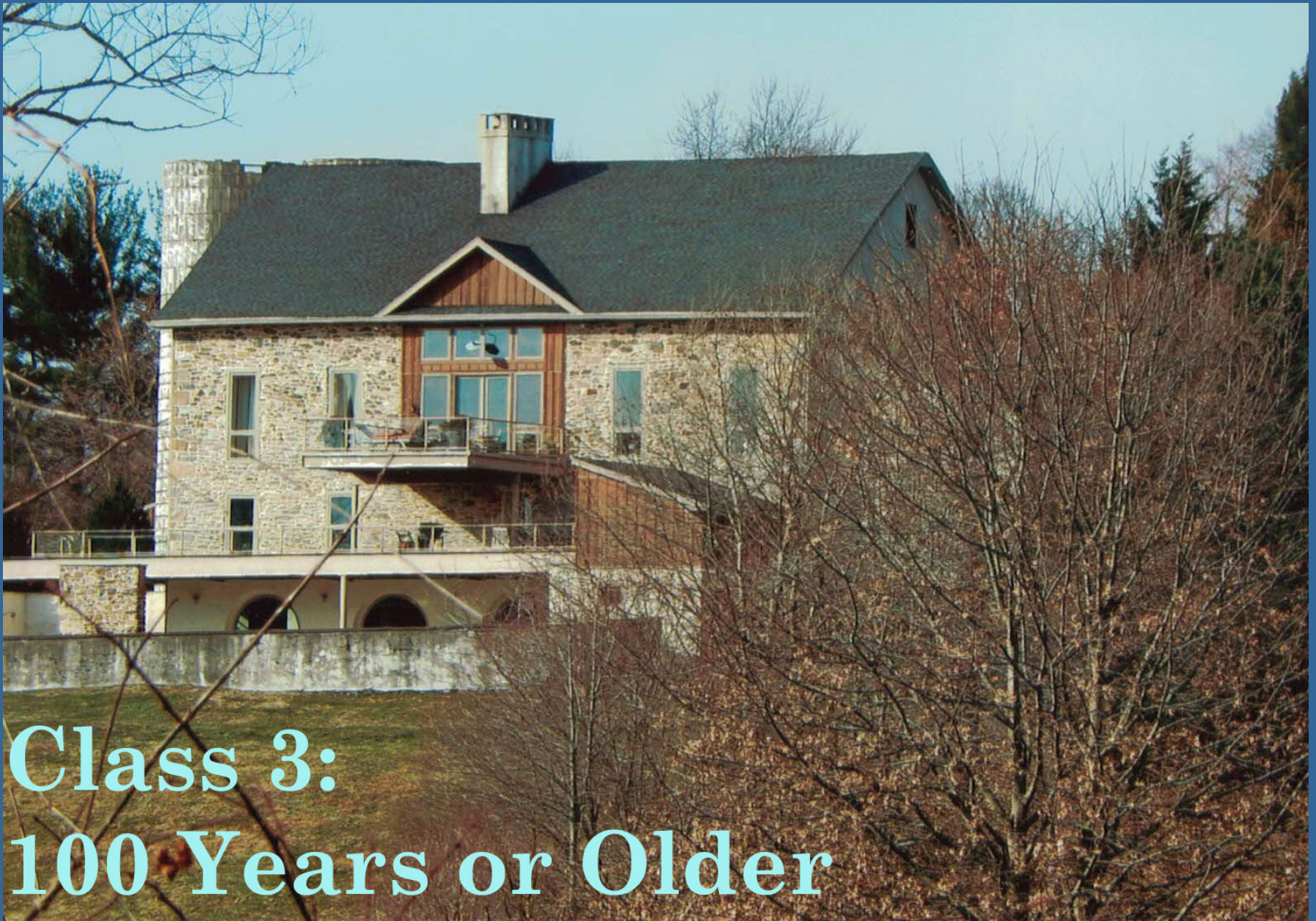
**Class 1: On or Eligible
for National Historic Register**



Class 2: Of Local Historic Value



**Class 3:
100 Years or Older**



**Class 3:
100 Years or Older**



Huey House

Class 4: Potential Archeological Site

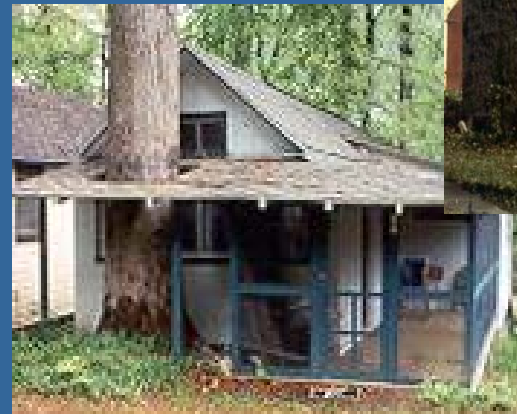


Class 5

**Properties with
Historical Element**

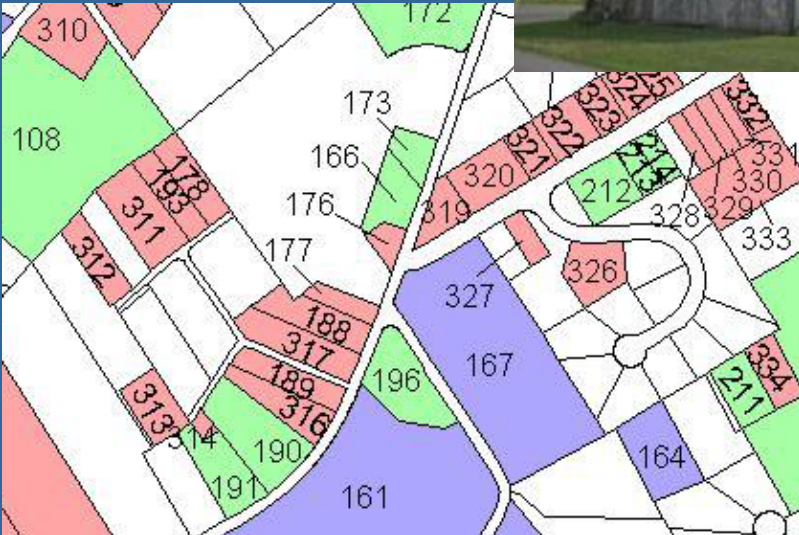
Historic Resource Classification

- **Why Classify?**
 - public education
 - general resource prioritization
 - differential regulation?
- **Can Subjectivity be Avoided?**
 - National Register Criteria
 - Standards for consideration of local significance



Specific identification of resources to be regulated:

- Principal Structures
- Outbuildings or “secondary” structures
- Non-contributing resources excluded !



Municipal Zoning Overlay

Historic Preservation Provisions

Sample Incentive Provisions for Continued Use:

- Additional Principal Use;
- Expanded Use Opportunities:
 - Home Occupation or Home-Related Business
 - Antique Shop
 - Business or Professional Office
 - Artists Studio/Crafts Workshop/Cultural Studio
 - Child or Adult Day Care
 - Personal Service or Repair Service
 - Catering or Food Preparation; No Consumption on-site
 - Residential Conversion (to apartments)
- Area & Bulk Modifications.

Incentive Provisions intended to offer clear benefits and clear path to approval, yet protect neighbors

- *“free” (additional) principal use*
- *uses not available under applicable zoning*
- *area and bulk modifications*
- *conditional use procedures*



Create incentives through the MPC's regulatory provisions...

Depending upon zoning district and the site's location...



Permit more flexibility in the numbers and/or types of uses.

Zoning Incentives also may provide for density bonuses

Westtown and Pocopson Townships have developed density bonuses for both preservation of historical landscapes and preservation of historic structures.

- *Landscape bonus related to acres conserved*
- *Structural bonus related to square footage restored consistent with Secretary of Interior standards*
- *Permanent conservation easements required*

“Density” bonuses take many forms:

Permit resources in preservation areas or exclude them from impervious or building coverage calculations.



Adjust dimensional standards...

Relax yard setbacks to help preserve outbuildings and allow for their reuse.



Enable adaptive re-use



Demolition Permit Issues

What is demolition by Neglect?



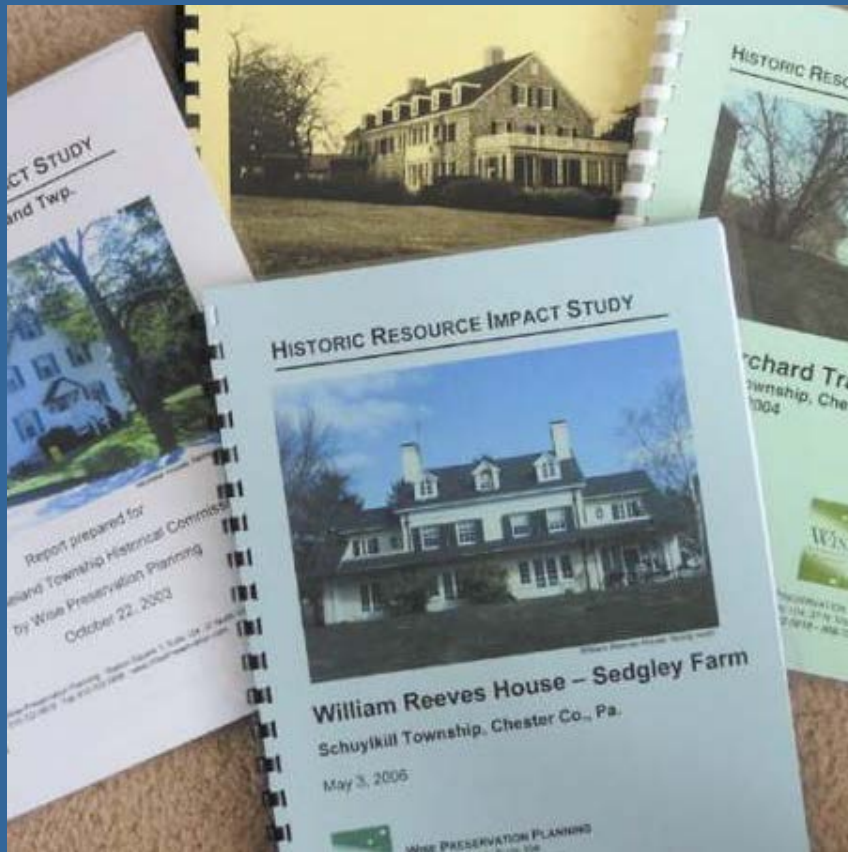
What Benefits Come from Delay versus Denial?



How reasonably may we regulate alterations?



Required Impact Assessment & Mitigation



can result in significant conservation of historic landscapes and structures, including conservation easements as the guarantor

Historic Resource Impact Study

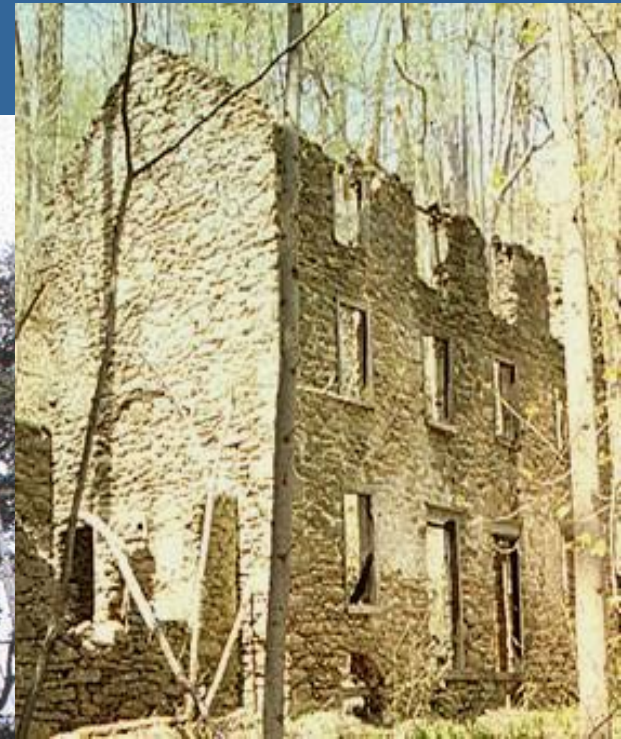
common approach

- Required for Development within 250 feet of any Historic Resource;
 - Can be applied to Subdivision or Land Development and bridge or highway construction
- Assessment of Potential Impacts;
- Suggestions for Mitigation of Negative Impacts:
 - buffering, landscaping, conservation

Required Impact Assessment AND Mitigation has resulted in significant conservation of Historic Landscapes in a number of municipal settings

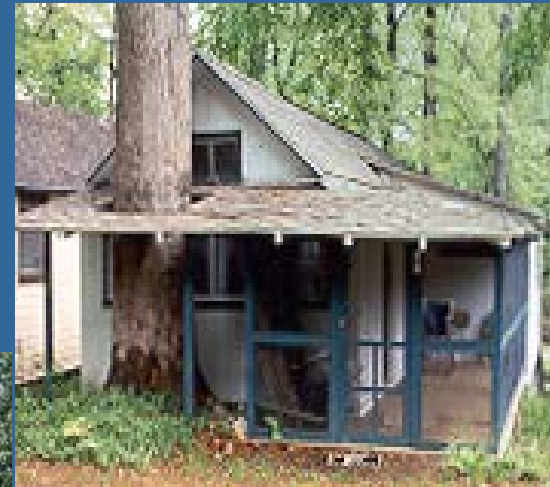
The Bottom Line:

Unlike natural resources, historic resources require human use and investment to survive!



Ultimate Effectiveness of Regulatory Approaches

- Translate community consensus into public policy
- Adopt flexible regulatory provisions consistent with enabling legislation
- Be very clear as to what is regulated and how
- Create incentives for preservation
- Take maximum advantage of plan review
- Establish specific conditions of approval
- Educate landowners regarding options



And, as the saying goes....

Perception is reality.



So the public's experience of the process is a **KEY** to success!



Thank You!

ARTICLE XX Historic Resource Protection Standards (§ 115-120 — § 115-131.3)

[Added 2-14-1989 by Ord. No. 108-1989]

§ 115-120 Purpose; Commission and Board established.

[Amended 9-8-1998 by Ord. No. 2-1998; 7-9-2009 by Ord. No. 3-2009]

A.

Declaration. It is hereby declared as a matter of public policy that the preservation and protection of Class I, Class I DOE and Class II historic resources are public necessities and are in the interest of the health, prosperity and welfare of the citizens of East Bradford Township. It is the intent of this article to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures and districts in East Bradford Township.

B.

Purpose. The purposes of this article are:

(1)

To authorize the East Bradford Historical Commission to continue to serve as an advisory body to the Board of Supervisors.

(2)

To authorize the Board of Historical Architectural Review to continue to help administer certified historic districts established under Act 167 of 1961, 53 P.S. §§ 8001 et seq., as amended.

(3)

To promote the general welfare by protecting the integrity of the Class I, Class I DOE and Class II historic resources of East Bradford Township.

(4)

To establish a clear process by which proposed changes affecting Class I, Class I DOE and Class II historic resources are reviewed by the East Bradford Historical Commission, the Historical Architectural Review Board and the Board of Supervisors.

(5)

To mitigate the negative effects of proposed changes on Class I, Class I DOE and Class II historic resources.

(6)

To encourage the continued use of Class I, Class I DOE and Class II historic resources and facilitate their appropriate reuse.

(7)

To tailor protective measures to Class I, Class I DOE and Class II historic resources in East Bradford worthy of preservation.

(8)

To encourage the preservation of historic settings and landscapes.

(9)

To discourage the unnecessary demolition of Class I, Class I DOE and Class II historic resources.

(10)

To implement the goals of the Pennsylvania Constitution at Article I, Section 27, which establishes the state policy of encouraging the preservation of historic and aesthetic resources.

§ 115-121 General provisions.**A.**

Compliance. Any alterations to or change in use of any historic resource or any land disturbance, located upon a property indicated on the Historic Resources Map,

Editor's Note: The Historic Resources Map is included at the end of this chapter.
shall occur only in full compliance with the terms of this article and other applicable regulations.

[Amended 7-9-2009 by Ord. No. 3-2009]

B.

Historic Overlay District. The Historic Resources Map shall be an overlay on any zoning district now or hereafter enacted to regulate the use of land in East Bradford Township.

(1)

For any property shown on the Historic Resources Map, the provisions of this article shall apply, in addition to those of the underlying zoning district, and supersede the otherwise applicable requirements of the underlying zoning district to the extent those provisions are inconsistent with the provisions of this article.

(2)

Should the Historic Resources Map be revised as a result of legislative action or judicial decision such that a property is no longer in the area of the Historic Resources Map, 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.

C.

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.

§ 115-122 Historic Resources Map.

Editor's Note: The Historic Resources Map is included at the end of this chapter.

A.

Classifications. The Historic Resources Map delineates three classifications of historic resources in East Bradford, which are defined as follows:

[Amended 9-8-1998 by Ord. No. 2-1998]

(1)

Class I historic resources.

(a)

Class I historic resources include the following and other resources of similar historical significance except those which have been designated Class I DOE historic resources as provided herein:

[Amended 7-9-2009 by Ord. No. 3-2009]

[1]

All buildings, sites, structures and objects listed individually in the National Register of Historic Places.

[2]

All buildings and structures classified as certified historic structures by the Secretary of the Interior.

[3]

All buildings, sites, structures and objects documented as contributing resources in a National Register Historic District.

[Amended 8-10-2010 by Ord. No. 2-2010]

[4]

Any resources which have received a Determination of Eligibility (DOE) by the Pennsylvania Historical and Museum Commission (PHMC).

[5]

Any resources which are deemed by the Chester County Historic Preservation Office (CCHPO) to meet substantially the National Register criteria under the Chester County Certification Program.

(b)

Other resources of similar historical significance may be added to Class I by the Board of Supervisors.

(2)

Class I DOE historic resources: buildings, sites, structures, objects and districts included in the historic resources inventory of the East Bradford Historical Commission meeting Class I historic resource criteria, but where the Board of Supervisors has agreed to a Class I DOE designation at the request of the owner(s) of the affected property or properties. Regulations applicable solely to Class I historic resources shall not apply to Class I DOE historic resources.

[Amended 7-9-2009 by Ord. No. 3-2009]

(3)

Class II historic resources: buildings, sites, structures, objects and districts included in the historic resources inventory of the East Bradford Historical Commission not meeting Class I historic resource criteria, but determined to be of historical or architectural significance to East Bradford and appropriately documented to that effect by the East Bradford Historical Commission.

[Amended 7-9-2009 by Ord. No. 3-2009]

B.

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

(1)

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 East Bradford Historical Commission.

(2)

In making a revision to the Historic Resources Map,

Editor's Note: Said map is included at the end of this chapter.

the Board may rely on the evaluation criteria used for the National Register of Historic Places, currently described in 36 Code of Federal Regulations § 60.4.

[Added 3-13-2003 by Ord. No. 2B-2003

Editor's Note: This ordinance also renumbered former Subsection B(2) as Subsection B(3).

]

(3)

The owner(s) of any property(ies) which are the subject of any such proposed legislative action shall be given written notice of the Historical Commission's recommendation to the Board of Supervisors at least 30 days prior to the public hearing.

[Amended 8-10-2010 by Ord. No. 2-2010]

C.

Official list. The Historical Commission shall maintain an updated list of properties shown on the Historic Resources Map, including their respective classifications. The Commission may further specify the resources located upon each property to which regulation herein applies. Regulation herein applicable to structures shall not apply to structures designated as noncontributing resources. Where not otherwise specified, the entire property shall be regulated as an historic resource.

[Amended 7-9-2009 by Ord. No. 3-2009]

§ 115-123 Historical Commission.

Editor's Note: See Ch. 11, Historical Commission.

A.

Establishment and membership. There shall be an Historical Commission which shall consist of a minimum of five members, who shall be appointed by the Board of Supervisors. The membership of the Commission shall include individuals who have professional expertise or an interest in history, archaeology, historic preservation or related fields. Each Commission member shall serve for a term of five years, which shall be so fixed that no more than two 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.

B.

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 this business. A quorum shall not be 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 1 of each year.

C.

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.

D.

Functions and duties. In accordance with the purposes of this article, the Commission shall have the following functions and duties:

(1)

Maintain a system for the survey and inventory of historic resources in East Bradford Township.

(2)

Conduct research on and propose the nomination of significant resources to the National Register of Historic Places and other appropriate lists or programs.

(3)

Advise the Board of Supervisors on the issuance of demolition permits for historic resources.

(4)

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

Editor's Note: See Ch. 95, Subdivision and Land Development and this article.

(5)

Make recommendations to the Board of Supervisors concerning revisions, updates or corrections to the Historic Resources Map.

(6)

Maintain an updated list which clearly identifies historic resources and their respective classifications on the Historic Resources Map.

(7)

Advise the Zoning Hearing Board and Board of Supervisors on all requests for special exceptions, conditional uses or variances affecting historic resources.

(8)

Review applications for the rehabilitation, enlargement or alteration of historic resources as required by § 115-127 below.

(9)

Perform any other lawful activities which shall be deemed necessary to further the purposes of this article.

§ 115-124 Board of Historical Architectural Review.

A.

For purposes of administering the provisions of § 115-130 of this article concerning certified historic districts, in accordance with the provisions of Act 167 of 1961, 53 P.S. § 8001 et seq., as amended, the Board of Supervisors shall establish a Board of Historical Architectural Review (HARB). The HARB shall consist of not fewer than five members, one of whom shall be a registered architect, one a licensed realtor and one the Township Building Inspector. All other members shall be members of the East Bradford Historical Commission.

B.

Duties of the HARB shall be as described in § 115-130, Certified historic districts standards, of this article.

C.

The realtor, architect and building inspector members of the HARB shall not be considered members of the East Bradford Historical Commission but shall serve in an advisory capacity to that Commission as it conducts its duties and functions.

§ 115-125 Demolition of historic resources.

[Amended 9-8-1998 by Ord. No. 2-1998; 3-13-2003 by Ord. No. 2B-2003; 8-10-2004 by Ord. No. 4-2004; 7-9-2009 by Ord. No. 3-2009]

A.

General rule. No Class I, Class I DOE or Class II historic resource identified on the East Bradford Historic Resources Map or accompanying official list may be demolished, in whole or in part, except as provided herein.

B.

Demolition by neglect No Class I, Class I DOE or Class II historic resource shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements. Vacant structures should be tightly sealed and fenced off and the utilities turned off for safety. Any owner of an historic resource who has allowed that historic resource to be demolished as the result of neglect shall be subject to the same enforcement remedies as an owner who knowingly violates this chapter by demolishing an historic resource without a permit for demolition.

[Amended 8-10-2010 by Ord. No. 2-2010]

C.

Demolition permit requirements for historic resources.

(1)

Permit required. No part of a structure of a Class I, Class I DOE or Class II historic resource shall be demolished, including the indiscriminate removal, stripping or destruction of any significant feature, in whole or in part, unless and until the applicant obtains a building permit as required by § [115-106](#) of this chapter and complies with the additional procedures and requirements of this § [115-125](#). The provisions of § [115-125](#) shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site or object where such work does not require a permit and where the purpose and effect of such work is to correct any deterioration or decay of or damage to a building, structure, site or object and to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

(2)

Procedure for obtaining demolition permit. The applicant shall submit to the Township an application for a demolition permit in a form and amount acceptable to the Township. The Zoning Officer shall utilize the Historic Resources Map and the Official Map

Editor's Note: The Historic Resources Map is included at the end of this chapter; the Official Map is included at the end of Ch. [19](#).

in evaluating an application for a demolition permit, and if the application requests the demolition of a Class I, Class I DOE or Class II historic resource, the Zoning Officer shall not issue the zoning compliance permit until approval is first obtained from the Board of Supervisors under this § [115-125](#) and the applicant complies with all applicable procedures and requirements of § [115-125](#). The Zoning Officer shall forward the application to the Historical Commission for review within five days of the Township's receipt of a properly completed application.

(3)

Information to be provided. In addition to applicable requirements under the Township Building and Fire Codes,

Editor's Note: See Chapter [45](#), Building Construction.

an applicant seeking a permit to demolish a Class I, Class I DOE or Class II historic resource shall provide the following information with the application in writing:

(a)

Owner of record;

(b)

Classification of the historic resource on the Historic Resources Map;

(c)

Site plan showing all buildings and structures on the property;

(d)

Recent photographs of the resource proposed for demolition;

(e)

Reasons for demolition;

(f)

Method of demolition;

(g)

Proposed future use of the site and of the materials from the demolished resource; and

(h)

In any instance where there is a claim that a Class I, a Class I DOE or a Class II historic resource cannot be used or reasonably adapted, or where a permit application for demolition is based in whole or in part on financial hardship, the applicant shall submit, by affidavit, facts reasonably sufficient to support those assertions. The Historical Commission may further require the applicant to conduct, at the applicant's expense, evaluations or studies as are reasonably necessary, in the opinion of the Historical Commission, to determine whether the Class I, Class I DOE or Class II historic resource has or may have alternate uses consistent with preservation.

(4)

Review by Historical Commission. Within 45 days of receipt of a complete application from the Zoning Officer, the Historical Commission, at a regular or special meeting, shall review the application for demolition. The applicant will be notified of the meeting and shall have the opportunity to present his or her reasons for filing the application. The Historical Commission shall consider the following:

(a)

The effect of demolition on the historical significance and architectural integrity of the resource in question, neighboring identified historic resources, and the integrity of their respective historical landscape settings;

(b)

Whether the applicant has demonstrated that he or she has considered and/or pursued all alternatives to demolition;

(c)

Economic feasibility of adaptive reuse of the resource proposed for demolition;

(d)

Alternatives to demolition of the resource;

(e)

Whether the resource in its current condition presents a threat to public safety;

(f)

Whether the resource has been intentionally neglected; and

(g)

Whether the required retention of the resource would represent an unreasonable economic hardship.

(5)

Historical Commission recommendation. Unless the Historical Commission elects to use the time periods described below in Subsection C(5)(d), within 30 days following conclusion of the above-described regular or special meeting to review the application for demolition, the Historical Commission shall set forth specific findings and one of the following recommendations in a written report to the Board of Supervisors:

(a)

Immediate approval. After reviewing the demolition permit application with attachments, the Commission may recommend approval of the demolition permit as provided under § 115-125D below.

(b)

Delay of demolition. The Commission may recommend delay of demolition in accordance with § 115-125E below.

(c)

Denial of demolition. The Commission may recommend denial of demolition.

(d)

Following the Commission's regular or special meeting to review the application for demolition, the Commission may elect to use the following time periods in order to provide an adequate opportunity for the Commission to evaluate the demolition permit application, explore alternatives to demolition with the applicant and/or set forth the findings and the recommendation described above:

[1]

For Class II historic resources: 60 days.

[2]

For Class I DOE historic resources: 60 days.

[3]

For Class I historic resources: 90 days.

D.

Approval, denial or delay of demolition permit or delay of demolition by the Board of Supervisors.

(1)

Board consideration. Within 30 days of receiving the recommendation from the Historical Commission, the Board of Supervisors shall consider the application, together with the recommendations of the Historical Commission, and vote either to approve the application, approve the application with changes, deny the application or defer its decision, affording a delay of demolition for up to 90 days as set forth in § [115-125E](#) below. The applicant shall be notified of the meeting of the Board to vote on the application at least 10 days prior to its date and shall have the opportunity to present the applicant's reasons for filing the application. Within five days of making its decision, the Board shall provide written communication of its decision to the applicant, Historical Commission and Zoning Officer. The Board of Supervisors shall consider each of the factors set forth in § [115-125C\(4\)](#) and shall either adopt the findings of the Historical Commission or make new findings of its own and those findings shall be included as part of the written decision of the Board.

(2)

The Board shall not approve an application to demolish a Class I historic resource unless the Board finds that the Class I historic resource sought to be demolished cannot be used or reasonably adapted. In order to show that the Class I historic resource cannot be used or reasonably adapted, the applicant must demonstrate that the sale of the historic resource property is impracticable, that rental of the historic resource cannot provide a reasonable rate of return and that other potential uses of the historic resource are foreclosed.

(3)

Denial of application. Where the Board acts to deny the application, a notice of denial and the Board's findings and conditions shall be sent to the applicant indicating what changes to the plans and specifications, if any, would be sufficient to meet the standards of this section.

(4)

Issuance of zoning compliance permit. Where the Board acts to approve the application, it shall authorize the Zoning Officer to issue the zoning compliance permit. Where the approval is granted with conditions attached, the Zoning Officer shall be authorized to issue the zoning compliance permit upon receipt from the applicant of written acceptance of those conditions. Upon issuing the zoning compliance permit, the Zoning Officer shall forward the documents to the Codes Enforcement Officer to issue the demolition permit.

E.

Delay of demolition.

(1)

Purpose of delay. The specified period of delay up to 90 days from the date of the Board of Supervisors' written decision shall be used to provide an opportunity to engage in a dialogue with the applicant about alternatives to demolition (Class I, Class I DOE and II); to allow for complete historical documentation of the resource (as set forth below, Class I, Class I DOE and Class II); and/or for preparation of a financial analysis (as set forth below, Class I, Class I DOE and Class II). The Historical Commission shall make every effort to open a dialogue with the applicant to inform him of the historical importance of the resource, its significance to the Township and alternatives to demolition (additional uses, etc.).

(2)

Special provisions for Class I, Class I DOE and Class II historic resources.

(a)

Documentation of Class I, Class I DOE and Class II historic resources. When prescribing the delay of demolition for a Class I, Class I DOE or Class II resource, the Board of Supervisors may require the applicant to provide documentation of the resource proposed for demolition. Such documentation 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 (if appropriate); and any other comparable form of documentation recommended by the Historical Commission. Where necessary, the delay shall continue past the stipulated 90 days until the applicant has sufficiently satisfied the documentation requirements.

(b)

Additional information. Where the applicant alleges that demolition is necessary due to undue economic hardship or the lack of a reasonable alternative, the Board of Supervisors may, to the extent such information is not provided under § [115-125C\(3\)\(g\)](#), request that the applicant prepare and submit an affidavit which sets forth facts, including a financial analysis, sufficient to support this assertion. Such an affidavit shall include the following information, as applicable:

[1]

Amount paid for the property;

[2]

Date of purchase and party from whom purchased, including a description of the relationship, if any, whether business or familial, between the owner and the person from whom the property was purchased;

[3]

Assessed value of the land and improvements thereon according to the most recent assessment;

[4]

A pro forma financial statement prepared by an accountant or broker of record;

[5]

All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property;

[6]

Bona fide offers to sell or rent the property, the price asked and offers received, if any;

[7]

Any consideration by the owner as to reasonable, adaptive uses for the property and any other practical uses; incentives which could be offered by the Township to preserve the resource; and any input from local, state or federal historic preservation and architectural organizations or agencies; and

[8]

Where relevant, written estimates of the cost(s) of restoration and/or renovation from at least two professional restoration contractors.

(c)

Historical Commission recommendation. Once the delay of demolition has expired, the Historical Commission shall review the application again and any further documentation requested by the Board of Supervisors at its next regular meeting. The applicant shall be notified of the meeting and shall have an opportunity to present its reasons for continuing with the application. The Commission may recommend to the Board of Supervisors approval of the demolition permit or, where the Commission does not believe that the applicant has proven undue economic hardship or that there is no reasonable alternative to demolition, denial of the demolition permit.

(d)

Approval or denial of demolition permit for Class I, Class I DOE and Class II resources after delay of demolition.

[1]

Board consideration. At its next regular meeting after receiving the recommendation from the Historical Commission, the Board of Supervisors shall again consider the application, the recommendations of the Historical Commission, any further documentation which had been requested and the factors set forth in § [115-125C\(4\)](#). Then the Board shall vote either to approve the application or to approve the application with changes as set forth in § [115-125D](#) above or to deny the application as set forth below. The applicant shall be notified of the meeting at least 10 days prior to its date and shall

have the opportunity to present his or her reasons for continuing to pursue this application. The Board of Supervisors shall either adopt the findings of Historical Commission or it may make new written findings of its own and those findings shall be included as part of the written decision.

(2)

Denial of application. Where the Board acts to deny the application, a notice of denial and the Board's findings and conditions shall be sent to the applicant indicating what changes in the plans and specification, if any, would be sufficient to meet the standards of this section.

F.

Enforcement procedures and remedies.

(1)

Violations and penalties. Any person who violates the terms of Article XX of this chapter shall be subject to the fines and penalties imposed under this chapter, as well as applicable fines and penalties imposed under the Township Building Code. In addition:

(a)

Any person who alters an 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 § 115-125 shall be required to restore the building, structure, site or object involved to its appearance prior to the violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under the ordinance or any other applicable law.

(b)

The Township shall withhold issuing any building permit for any property which was occupied by an historic resource that subsequently was demolished in violation of this article.

(c)

Any conditional use application or subdivision or land development application involving any property which was occupied by an historic resource that subsequently was demolished in violation of this article shall not be approved except upon the condition of satisfactory restoration of any such resources or upon the granting of appropriate demolition permit(s) in accordance with this section.

(2)

Enforcement.

(a)

The Township, through such person or agency charged by the Board of Supervisors with enforcement of the provisions of this chapter, shall review the progress and status of any change being made to an historic resource and shall render such reports thereon to the Board and to the Historical Commission as may be necessary to assure compliance with the provisions of § 115-125 being attached to any building permit, demolition permit, special exception or conditional use approval for any historic resource.

(b)

In addition to the above remedies, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this chapter.

§ 115-126 Modification to area and bulk regulations.

A.

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 or yard requirements for plans affecting Class I historic resources, in accordance with the criteria set forth under § 115-86D of this chapter, and provided that the following additional criteria are met:

(1)

The granting of the special exception is deemed by the Zoning Hearing Board to be necessary to the preservation of a Class I historic resource.

(2)

The granting of the special exception will be deemed by the Zoning Hearing Board to have minimal detrimental effect on neighboring properties.

(3)

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 § [115-128](#) of this article.

B.

A recommendation is received from the East Bradford 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 § [115-128](#) of this article. 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 with the standards. The written report of the Historical Commission shall be admissible before the Zoning Hearing Board without further testimony or authentication.

Editor's Note: Former Subsection C, Standards for historic resources, where bonus units or uses(s) are provided, added 4-9-1996 by Ord. No. 2-96, which immediately followed this subsection, was repealed 11-8-2005 by Ord. No. 9-2005.

§ 115-127 Review of application.A.

Building and zoning permits. No building permit for the rehabilitation, enlargement or alteration of a Class I historic resource shall be issued by the Zoning Officer or Codes Enforcement Officer prior to review and comment on the application by the East Bradford Historical Commission, in accordance with the terms of this section. Building and zoning permits for Class I historic resources in certified historic districts shall be issued in accordance with § [115-130D](#).

[Amended 8-10-2004 by Ord. No. 4-2004]

B.

Zoning Officer. The Zoning Officer shall provide the Commission with a copy of the application, together with any plans or diagrams required by this article, within five days of receipt of a complete application.

C.

East Bradford Historical Commission. The Commission shall, within 20 days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in § [115-128](#) below and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans are in substantial compliance. The report shall make suggestions as to what specific changes in the plans would bring them into substantial compliance.

D.

Issuance of a zoning compliance permit. Upon receiving a report of substantial compliance from the Commission, and provided that the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the zoning compliance permit and forward the application documents to the Codes Enforcement Officer.

[Amended 8-10-2004 by Ord. No. 4-2004]

E.

If the Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the zoning compliance permit until:

[Amended 8-10-2004 by Ord. No. 4-2004]

(1)

The plans have been revised by the applicant in accordance with the Commission's recommendations; or

(2)

Thirty days have elapsed from the date of application and all other requirements of the Township have been satisfied.

§ 115-128 Rehabilitation standards.A.

Standards for rehabilitation. Any proposed rehabilitation, alteration or enlargement of the exterior of a Class I historic resource under §§ [115-127](#) and [115-130](#) should be in substantial compliance with the Secretary of the Interior's adopted Standards for Rehabilitation, as revised. At the time of enactment of this article, those standards were as follows:

[Amended 12-13-2006 by Ord. No. 8-2006; 8-10-2010 by Ord. No. 2-2010]

(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 that 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 duplication 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 archaeological 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.

(11)

Internally illuminated signs are prohibited.

B.

Compliance. Determination of compliance with these standards shall be made by written report of the East Bradford Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings, as revised, to apply the standards to each project.

§ 115-129 Landscaping and buffering.

[Amended 7-9-2009 by Ord. No. 3-2009]

A.

Landscaping. When a Class I, or Class I DOE historic resource is located within a proposed subdivision or land development or proposed for bed-and-breakfast use in accordance with the terms of § [115-48.1](#) of this chapter, a landscape plan for the grounds surrounding the Class I or Class DOE historic resource may be required by the Board of

Supervisors or the Zoning Officer. The plan must be prepared by a landscape architect or by a nurseryman or other individual deemed qualified by the Board of Supervisors or the Zoning Officer. The plan shall show all pertinent information, including the location, size and species of all individual trees and shrubs to be removed, planted or preserved. Through screening, buffering and selection of plant material, the plan should strive to minimize the impact of the proposed plan on the Class I or Class I DOE historic resource and protect the integrity of its historical landscape setting and any significant vegetation. The East Bradford Historical Commission shall be given the opportunity to evaluate the landscape plan and suggest any modifications prior to final approval.

B.

Buffering. When a subdivision, land development or commercial use is proposed on any property within 100 feet of the exterior walls of a Class I or Class I DOE historic resource, the applicant shall be required to submit a plan for buffering the Class I or Class I DOE historic resource from the impact of the proposed use. Buffering may include, but is not limited to, vegetative screening and fencing, the appropriateness and effectiveness of which shall be evaluated by the East Bradford Historical Commission prior to plan approval.

§ 115-130 Certified historic districts standards.

A.

Certified historic districts. The provisions of this section apply only to historic districts in East Bradford Township which become 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. § 8001 et seq.

(1)

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

(2)

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

(3)

No structure or building shall hereafter be used and no structure or building shall hereafter be erected, reconstructed, altered or restored, in whole or in part, within any certified historic district without full compliance with the provisions of this section and other applicable regulations.

[Amended 8-10-2004 by Ord. No. 4-2004]

(4)

Class I, II or III historic resources that are located within a certified historic district shall comply with the regulations in this section. The regulations in § [115-127](#) shall not apply.

[Added 11-8-2005 by Ord. No. 9-2005]

B.

Board of Historical Architectural Review.

(1)

Establishment. Upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission referred to in Subsection [A](#) hereof, the Board of Supervisors shall designate the Board of Historical Architectural Review (HARB) to carry out the functions described in this section and shall appoint its members in accordance with the terms of § [115-124A](#) above.

(2)

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 article and the Act of June 13, 1961, P.L. 282, and shall hold hearings and render such reports as are required by this section. 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:

(a)

The effect which the proposed change will have upon the general historical and architectural character and appearance of the district; and

(b)

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.

(3)

Disqualification. 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.

C.

Certificate of appropriateness. No person shall commence any work for the erection, reconstruction, demolition, alteration and restoration 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.

[Amended 8-10-2004 by Ord. No. 4-2004; 11-8-2005 by Ord. No. 9-2005]

(1)

Duties of Zoning Officer. The Zoning Officer of East Bradford 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 article, 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.

(2)

Application for permit. The application for a building permit for any building or structures subject to the provisions of this article shall be filed with the Zoning Officer, together with the filing fee required under the schedule of fees then in effect. The applications 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 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 three 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.

(3)

Standards for determining appropriateness. In determining whether or not any proposed work for the erection, reconstruction, alteration or restoration of any building or structure within the certified historic district is appropriate to the district, HARB and the Board of Supervisors shall limit their review of such proposal to those matters pertinent to the preservation of the historic aspect and nature of the district. Their review shall be further guided by any design guidelines which may be adopted by the Township and by the Secretary of the Interior's Standards for Rehabilitation, as revised (as reproduced in § [115-128](#) above) and Guidelines for Rehabilitating Historic Buildings. HARB and the Board of Supervisors also shall consider the following criteria, where relevant:

(a)

Mass (height, bulk, nature of roofline).

(b)

Proportions (height to width).

(c)

Nature of yard space.

(d)

Extent of landscaped areas versus paved areas.

(e)

The nature of facade openings (doors and windows); their size, locations and proportions.

(f)

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

(g)

The nature of projections (porches, etc.).

(h)

The nature of the architectural details and style.

(j)

The nature of the materials.

(j)

Color.

(k)

Texture.

(l)

Ornamentation.

(m)

Signs.

(4)

Where the proposed work is to be done on an 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 district as a whole.

D.

Hearing before HARB. Within 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 written notice of the time and place of said hearing and shall be invited to appear to explain his reasons for such application.

(1)

Findings after hearings. Within 30 days following the conclusion of the hearing or hearings, HARB shall, by official written communication to the applicant, recommend either:

(a)

The issuance of a certificate of appropriateness authorizing the application as submitted;

(b)

The issuance of a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted; or

(c)

The denial of a certificate of appropriateness with respect to the proposed changes as submitted.

(2)

Failure of HARB to act within 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 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 said period, notify HARB of his refusal to accept all of said conditions, conditional approval of the application with all conditions shall be deemed accepted and stand as granted.

(3)

Report to Board of Supervisors. Upon or before the expiration of the aforesaid forty-day period, HARB shall submit to the Board of Supervisors, in writing, its recommendations concerning the issuance of a certificate of appropriateness to authorize a permit for the erection, reconstruction, alteration or restoration 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 Subsection C(2) above. The written report shall set out the following matters:

[Amended 8-10-2004 by Ord. No. 4-2004]

(a)

The exact location of the area in which the work is to be done.

(b)

The exterior changes to be made or the exterior character of the structure to be erected.

(c)

A list of the surrounding structures certified to have historical significance, with their general exterior characteristics.

(d)

An analysis of the appropriateness of the proposed work, taking into consideration the criteria specified in this section, where each such factor is deemed relevant.

(e)

The opinion of HARB, 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.

(f)

The specific counsel of HARB regarding the issuance of or refusal to issue a certificate of appropriateness.

(g)

Any changes in plans and specifications recommended by HARB.

E.

Public meeting of the Board of Supervisors. Upon receipt of the written recommendations of HARB, 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' written 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.

(1)

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

(a)

Issue a certificate of appropriateness authorizing a permit for the proposed changes as submitted;

(b)

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

(c)

Deny a certificate of appropriateness with respect to the proposed changes as submitted.

(2)

Failure for the Board of Supervisors to so act within 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 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 that the applicant does not, within said period, notify the Board of Supervisors of his refusal to accept all of said conditions, the approval, with all conditions, shall be deemed accepted and stand as granted.

(3)

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 this section 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.

F.

Appeals. Any decision of the Board of Supervisors under this article 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 limitations 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. § 10101 et seq.

G.

Enforcement. The Zoning Officer or such other persons or agency charged by the Board of Supervisors with the enforcement of the provisions of this article 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 article and the conditions of the certificate of appropriateness.

§ 115-131 Historic resource boundaries.

Editor's Note: This section shall not take effect until the Pennsylvania Historical and Museum Commission has been notified in writing, of this section and has certified, by resolution, to the historical significance of the districts created by this section.

[Added 4-11-1989 by Ord. No. 108-A-189]

A.

Strodes Mill Certified Historic District.

[Amended 8-10-2010 by Ord. No. 2-2010]

(1)

The following described area, consisting of properties in and around the intersections of Birmingham Road and Lenape Road (Route 52/100) in East Bradford Township, shall be adopted as the Strodes Mill Historic District:

Beginning at a point in East Bradford Township, Chester County, Pennsylvania, in the center of Route 52, beginning a distance of approximately 240 feet northeast of the intersection with the center of Birmingham Road; thence in a northwesterly direction perpendicular to Route 52 and approximately parallel to Birmingham Road a distance of approximately 400 feet to a point; thence in a southwesterly direction parallel to Route 52 and approximately perpendicular to Birmingham Road a distance of approximately 300 feet to a point on the northern edge of Birmingham Road; thence in a southeasterly direction a distance of approximately 200 feet; thence across and approximately perpendicular to Birmingham Road in a southwesterly direction a distance of approximately 150 feet to a point; thence in a southeasterly direction perpendicular to Route 52 and approximately parallel to Birmingham Road a distance of approximately 170 feet to a point on the northwest edge of Route 52; thence along the northwest edge of Route 52 a distance of approximately 380 feet to a point; thence leaving Route 52 in a northwesterly direction approximately perpendicular to Route 52 a distance of approximately 100 feet to a point; thence in a southwesterly direction parallel to Route 52 a distance of 180 feet to a point; thence in a southeasterly direction perpendicular to Route 52 and crossing Route 52 a distance of approximately 380 feet to a point on the northwest side of Plum Run; thence up Plum Run in a northeasterly direction of approximately 700 feet to a point approximately 100 feet from the center line of Birmingham Road; thence in a southeasterly direction approximately parallel to Birmingham Road approximately 720 feet to a point; thence in a northeasterly direction perpendicular to Birmingham Road and crossing Birmingham Road approximately 540 feet to a point; thence in a northwesterly direction parallel to Birmingham Road approximately 200 feet to a point; thence in a southwesterly direction and approximately perpendicular to Birmingham Road a distance of approximately 200 feet to a point; thence in a northwesterly direction and parallel to Birmingham Road a distance of approximately 650 feet to the point of beginning in the center of Route 52.

(2)

A map reflecting the above-described area is attached to this section as Exhibit A and incorporated herein.

Editor's Note: Said map is included at the end of this chapter.

In the event of any discrepancy between the foregoing description and the attached map, the foregoing description shall control.

B.

Taylor Cope Certified Historic District.

[Amended 8-10-2010 by Ord. No. 2-2010]

(1)

The following described area of property, located to the north and south of Route 162, Strasburg Road, for a distance of approximately 3,600 feet to the east of its intersection with Creek Road to a point approximately 400 feet west of its intersection with Telegraph Road, all in East Bradford Township, shall be adopted as Copes Bridge Historic District:

Beginning at a point in the center line of Strasburg Road (LR-0162) 1,800 feet west of its intersection with Highland Road (T-440); then due north on a straight course through the property of Michael Singer 1,300 feet to a point; then proceeding in a westerly direction a line 1,300 feet north of and parallel to the center line of Strasburg Road passing through the properties of Michael Singer and Susan Harney to a point on the east side of Brandywine Creek Road (LR-3061), approximately 1,300 feet north of the center line of Strasburg Road; then proceeding along the east side of Brandywine Creek Road in a southerly direction by the property of Susan Harney to a point 400 feet north of the center line of Strasburg Road; then proceeding in a westerly direction on a line 400 feet north of and parallel to the center line of Strasburg Road crossing Brandywine Creek Road and the Brandywine Creek and passing through the property of R.M. and Katherine Armstrong and crossing Telegraph Road (T-380) to a point on the boundary line between East and West Bradford Townships and in the line of R.M. and Katherine Armstrong; then proceeding in a southeasterly direction along said boundary line and by the property of R.M. and Katherine Armstrong crossing the Strasburg Road and continuing along said boundary line passing through the property of Susan Harney to a point, the corner of the boundary line between East and West Bradford Townships and in the property of Susan Harney; then leaving said boundary corner and proceeding in an easterly direction on a course 1,200 feet south of and parallel to the center line of Strasburg Road passing through the property of Susan Harney crossing the Brandywine Creek and Brandywine Creek Road continuing through the property of Susan Harney and passing into the property of Eugene and Joan Gagliardi to a point 1,200 feet due south from the point of beginning; then proceeding due north on a straight course through the property of Eugene and Joan Gagliardi 1,200 feet to the point of beginning.

(2)

A map reflecting the above-described area is attached to this section as Exhibit B and incorporated herein.

Editor's Note: Said map is included at the end of this chapter.

In the event of any discrepancy between the foregoing description and the attached map, the foregoing description shall control.

C.

The Board of Supervisors of East Bradford Township hereby adopts an amended Historic Resources Map, attached hereto as Exhibit "A,"

Editor's Note: The Historic Resources Map is included at the end of this chapter.

indicating as its sources base data from the Chester County GIS Department (2007), historic bridges and properties from the Chester County Parks and Recreation Department, and historic properties from Wise Preservation Planning. This map supersedes the previous Historic Resources Map.

[Amended 7-9-2009 by Ord. No. 3-2009]

§ 115-131.1 Historic resource impact study.

[Added 3-13-2003 by Ord. No. 2B-2003; amended 7-9-2009 by Ord. No. 3-2009]

A.

Applicability. An historic resource impact study shall be provided to the Township by any subdivision and land development applicant, unless waived or modified by the Board of Supervisors, when any of the following are proposed:

(1)

On site. A subdivision or land development of a tract which includes an on-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(2)

Off site. A land development of a tract used for any existing nonresidential use, or any subdivision of a tract, when the land development or subdivision is located within 300 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(3)

Off site. A land development of a tract used for any existing residential use when the land development is located within 100 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(4)

Off site. Any construction or improvement, including subsurface or grading work, undertaken in conjunction with a land development of a tract used for any nonresidential use, or undertaken in conjunction with a subdivision, when the construction or improvement is located within 300 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(5)

Off site. Any construction or improvement, including subsurface or grading work, undertaken in conjunction with a land development of a tract used for any existing residential use, when the construction or improvement is located within 100 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

B.

The historic resource impact study required by this section shall be prepared by a qualified professional in historic preservation, historical architecture or related discipline and presented by the applicant for discussion at a meeting of the Historical Commission.

C.

Contents. The historic resource impact study required by this section shall contain at least the following information:

(1)

Background information.

(a)

If not otherwise provided by the applicant, a general site description and discussion of the historical significance of landscape features, including topography, watercourses, vegetation, landscaping, and existing driveways.

(b)

A general description, physical description and classification of each subject historic resource.

(c)

A statement of the significance of each subject historic resource, both relative to the Township and region in general.

(d)

A sufficient number of eight-by-ten-inch color photographs of each elevation of each subject historic resource in its setting.

(e)

A narrative description of the historic development of the subject tract, road or area.

(2)

Anticipated impact.

(a)

A general description of the applicable land development and subdivision project, including timetable or phases.

(b)

A description of the impact on the subject historic resource, with regard to its architectural integrity, historical landscape setting and potential future use(s).

(c)

A general description of effect of noise, traffic and other impacts generated by the proposed change on each subject historic resource and its historical landscape setting.

(d)

A proposal for mitigating the project's impacts on each subject historic resource and its historical landscape setting, including design alternatives, buffering, landscaping and any other applicable measures.

(3)

East Bradford Historical Commission. The historic resource impact study required by this section shall be reviewed by the Historical Commission. The Commission shall set forth its evaluation and recommendations in a written report to the Board of Supervisors.

(4)

Mitigation measures. When in the judgment of the Board of Supervisors a Class I, Class I DOE or Class II historic resource will be adversely impacted by a proposed subdivision or land development, appropriate measures shall be undertaken by the applicant which shall have the effect, in the judgment of the Board, of substantially mitigating such adverse impacts.

§ 115-131.2 Special development opportunities for historic resources.

[Added 11-8-2005 by Ord. No. 9-2005; amended 12-13-2006 by Ord. No. 8-2006; 7-9-2009 by Ord. No. 3-2009]

In the case of any Class I, Class I DOE or Class II historic resource available for adaptive reuse otherwise permitted in the underlying zoning district, in addition to the conditional use standards required by § [115-77](#) of this Code, an application for the conditional use of any Class I, Class I DOE or Class II historic resource shall comply with the following additional design standards and, as part of an application for conditional use therefore, the applicant must submit plans in sufficient detail for the Board of Supervisors to determine that the design standards hereinafter set forth will be met:

A.

Historic resources may not be enlarged beyond what is minimally necessary to accommodate the special use. No floor of the historic resource may be enlarged by more than 50% of its area.

B.

Any rehabilitation, alteration or enlargement of an historic resource to utilize the special use opportunities must be in substantial compliance with the Secretary of the Interior's current Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised, and design guidelines which may be adopted by the East Bradford Township Historical Commission, and shall further comply with § [115-128](#).

[Amended 8-10-2010 by Ord. No. 2-2010]

C.

If a tract on which an historic resource is located shall be subdivided, the area of the lot created by such subdivision on which the historic resource is located shall comply with the requirements of the base zoning applicable to the zoning district in which the tract is located, and the lot coverage, including building and paved areas, shall be limited to 50% of the lot. The fifty-percent lot coverage maximum herein is subject to a review and recommendation by the East Bradford Township Planning Commission to the Board of Supervisors, that the subdivision and proposed lot coverage adequately preserves the setting and context of the historic resource.

D.

Through effective screening, buffering and selection of plant material, landscaping must be provided to protect the integrity of the historical landscape setting of the historic resource, preserve significant plant material, including trees inventoried by the Historical Commission, and mitigate the impact of the special use on neighboring properties.

E.

There shall be no parking within the front yard nor within 15 feet of the side or rear property lines.

F.

Internally illuminated signs are prohibited.

§ 115-131.3 Adaptive reuse permitted.

[Added 11-8-2005 by Ord. No. 9-2005; amended 12-13-2006 by Ord. No. 8-2006; 7-9-2009 by Ord. No. 3-2009]

A.

Adaptive reuse in residential districts. Where otherwise permitted in a residential district, each Class I, Class I DOE or

Class II historic resource upon a lot or tract abutting an arterial street, major or minor, may be used for any of the following uses, provided that such resource meets the qualifying conditions and design standards hereinafter set forth:

(1)

Business or professional office.

(2)

Any rehabilitation, alteration or enlargement of an historic resource to utilize the special use opportunities must conform to the requirements of Article XX herein.

(3)

Custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework, baked goods or confectionery.

(4)

Museum, gallery or cultural studio.

(5)

Personal service shop, such as barber, beauty, shoe repair or dressmaking shop.

(6)

Restaurant, provided that all food and drink shall be prepared, served and consumed within the building.

(7)

Small-scale, single-use specialty retail store, limited to a traditional gift shop, antique shop or tack shop.

(8)

Bed-and-breakfast facilities and bed-and-breakfast estates, subject to all other supplemental provisions of the Zoning Chapter.

(9)

Day-care center.

B.

Design standards for adaptive reuse in residential districts. The following design standards for adaptive reuse in residential districts shall be applicable:

(1)

Screening as required by § 115-52.

(2)

Storage as required by § 115-53.

(3)

Landscaping as required by § 115-45.1.

(4)

Access and traffic control as required by § 115-55.

(5)

Interior circulation as required by § 115-57.

(6)

Off-street loading as required by § 115-59.

(7)

Regulation of emissions of smoke, fumes, odors and noise as required by § 115-60.

(8)

Off-street parking as controlled by § 115-58.

C.

Adaptive reuse in commercial and industrial districts. Where otherwise permitted in a commercial or industrial district, each Class I, Class I DOE or Class II historic resource upon a lot in such a district may be used for any of the uses as permitted in the R-4 Residential District, subject to all area and bulk and design standards in the R-4 Residential District.

ARTICLE VI Historic Preservation (§ 240-38.1 — § 240-38.11)

[Added 1-21-2003 by Ord. No. 129-B-03]

§ 240-38.1 Purposes.

This article is intended to advance the following public purposes:

A.

To promote the general welfare by facilitating protection of the historical integrity of the historic resources of East Goshen Township.

B.

To establish a clear process by which proposed land use changes affecting historic resources can be reviewed.

C.

To discourage the unnecessary demolition of historic resources.

D.

To provide incentives for the continued use of historic resources and to facilitate their appropriate reuse.

E.

To encourage the conservation of historic settings and landscapes.

F.

To implement the goals of the Pennsylvania Constitution, Article I, Section 2, which establishes the commonwealth's policy of encouraging the preservation of historic and aesthetic resources.

[Added 10-17-2006 by Ord. No. 129-F-06]

§ 240-38.2 East Goshen Township Historic Resources Inventory.

[Amended 10-17-2006 by Ord. No. 129-F-06]

The Township shall maintain an inventory of historic resources as defined in § [240-6](#).

Editor's Note: The Historic Resources Inventory is on file in the Township offices.

§ 240-38.3 General criteria for classification of historic resources.

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.Class I historic resources: any building, structure, site or object which meets the definition of a Class I historic resource as set forth in § [240-6](#).**B.**Class II historic resources: Any building, structure, site or object which meets the definition of a Class II historic resource as set forth in § [240-6](#).**§ 240-38.4 Procedure for addition or removal from Historic Resources Inventory.**

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.

Any building, structure, site or object ("resource") may be proposed for addition to or removal from the Historic Resources Inventory,

Editor's Note: The Historic Resources Inventory is on file in the Township offices.
or for a change in classification (Class I or Class II) by:**(1)**

The owner of such resource;

(2)

The East Goshen Historical Commission ("Historical Commission");

(3)

The Board of Supervisors; or

(4)

Notice from the designating organization (Pennsylvania Historical and Museum Commission or National Register) that the historic resource has been added to its Historical Resources Inventory or no longer meets the criteria upon which its classification has been based.

B.

All proposals for addition to or removal from the Historic Resources Inventory, or for a change in classification (Class I or Class II), shall be referred to the Historical Commission. The Historical Commission shall hold a public meeting after a written notice has been sent to the owner(s) of the resource affected. The Historical Commission shall consider oral testimony and/or documentary evidence regarding the proposal at the public meeting, which may be continued from time to time. The Historical Commission shall present a written report to the Board of Supervisors within 30 days following the close of testimony from all public meetings on the question, stating its recommendation regarding the subject proposal, together with the grounds therefor. An historic resource shall be recommended for removal from Class I if it does not currently meet the definition as set forth in § [240-6](#) or is determined by the Historical Commission to no longer be of historical significance based on the evidence presented at a public meeting(s). An historic resource removed from the Class I Historic Resource Inventory shall remain on the Historic Resource Inventory as a Class II Historic Resource unless it does not currently meet any of the criteria set forth in § [240-38.3](#), in which case it shall be removed altogether from the Historic Resource Inventory.

C.

After receiving the recommendations of the Historical Commission, the Board of Supervisors may from time to time, by resolution, add or delete resources to or from the Historic Resources Inventory or change the classification of an historic resource. Written notice of the proposed action of the Board of Supervisors shall be given to the resource owner.

§ 240-38.5 Permitted uses in historic resources.

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.

An historic resource may be used for the following purposes:

(1)

Any use permitted in the underlying zoning district in which the property is located.

(2)

Where approved by the Board of Supervisors as a conditional use in accordance with the criteria contained in both §§ [240-31](#) and [240-38.7](#), an historic resource may be used for any one of the following adaptive reuses:

(a)

Artist studio or crafts workshop employing not more than three persons. Such workshops may include model making, rug weaving, lapidary work, furniture making and similar crafts;

(b)

Antique shop;

(c)

Residential conversion of any structure designated as an historic resource into one or more dwelling units, subject to the following specific requirements:

[1]

Except where otherwise provided in the applicable zoning district, where multiple dwellings result from the conversion of a structure designated as an historic resource, no individual dwelling unit shall contain less than 800 square feet of habitable

floor area and the number of such dwelling units shall not exceed the number that can be accommodated within the building utilizing this minimum floor area requirement. No structural addition to the historic resource shall increase the number of dwelling units that can be achieved by application of this formula.

(2)

Each individual dwelling unit created through the residential conversion of an historic resource shall contain its own bathroom and kitchen.

(3)

Where approved by the Board of Supervisors as a conditional use in accordance with the criteria contained in both §§ [240-31](#) and [240-38.7](#), an historic resource may be used for only one of the following adaptive reuses where the subject property has frontage on one or more of the following roads: West Chester Pike, North Chester Road, Boot Road, Paoli Pike, East Strasburg Road and/or Airport Road.

(a)

Office or business office;

(b)

Cultural studio, subject to the condition that if access is provided from a minor street, the use shall be limited to one class at a time with not more than 10 students in the class, and not more than two instructors;

(c)

Child day-care center as a principal or accessory use;

(d)

Adult day-care center;

(e)

Bed-and-breakfast use;

(f)

Food preparation or catering facility not involving food consumption, employing not more than three persons on the premises;

(g)

Personal service shop, including tailor, barber, beauty salon, dressmaking, or similar shop, but not including dry cleaning or laundromat, with a limit of one employee per 500 square feet of gross habitable floor area devoted to the service shop use;

(h)

Repair services, including small appliances, small business machines, watches, household furnishings, shoes, bicycles and locks, but shall not include any motorized vehicle, including but not limited to automobile, snowmobile, truck, motorcycle or lawnmower repair, with a limit of one employee per 500 square feet of gross habitable floor area devoted to the repair service use;

(i)

Any use of the same character demonstrably proven by the applicant to have no greater impact upon the neighborhood than any of the foregoing uses.

B.

Uses which are not otherwise permitted in the underlying zoning district, but are granted as a result of the conditional use process outlined above shall be contained within the historic resource. All adaptive reuses shall comply with the parking regulations applicable to the proposed use.

C.

Where approved by the Board of Supervisors as a conditional use, a property on which an historic resource is located

may be proposed for additional development consistent with the regulations of the zoning district in which the property is located, provided that the historic resource shall be adaptively reused in conjunction with the proposed development.

D.

Where approved by the Board of Supervisors as a conditional use, a property on which an historic resource is located may be subdivided for additional development consistent with the regulations of the zoning district in which the property is located, provided that the historic resource shall be located on a single subdivided lot meeting the minimum lot area and bulk regulations and design standards of the zoning district in which the historic resource is located.

E.

Where approved by the Board of Supervisors as a conditional use, a property on which an historic resource is located and adaptively reused shall be permitted one freestanding sign with a maximum area of 32 square feet for the entire property, regardless of the number of uses conducted on the property.

[Added 1-19-2010 by Ord. No. 129-A-10]

§ 240-38.6 Lot area, width, building coverage, height and yard requirements for historic resources.

[Amended 10-17-2006 by Ord. No. 129-F-06]

All lot area, width, building coverage, height and yard requirements ("area and bulk regulations") and design standards otherwise applicable in the underlying zoning district shall apply to the use or reuse of an historic resource. However, in order to facilitate the use of the historic resource permitted § [240-38.5](#), the Board of Supervisors, as part of the conditional use approval, may grant modifications to the otherwise applicable area and bulk regulations applicable to the use or adaptive reuse of the historic resource. In no event shall the Board of Supervisors grant modifications to the height requirement and design standards applicable to the historic resource.

§ 240-38.7 Specific requirements for conditional use approval.

[Amended 10-17-2006 by Ord. No. 129-F-06]

The Board of Supervisors, when determining whether to grant a conditional use to permit the use of an historic resource pursuant to § [240-38.5](#) or to modify the area and bulk or design standards applicable to an historic resource as permitted by § [240-38.6](#), shall make specific findings of fact that:

A.

All applicable standards and criteria set forth in § [240-31](#) for conditional use approval shall be complied with to the satisfaction of the Township.

B.

The granting of conditional use approval shall be deemed to be necessary to the preservation of the historic resource(s), for reasons other than purely economic grounds.

C.

Except where clearly detrimental to the historical integrity of the historic resource and where public health, safety, and welfare are otherwise adequately provided for, all other applicable standards contained in this chapter shall be complied with, including but not limited to requirements for buffering, lighting, storage, access and traffic management, interior circulation, loading, parking, and signs.

D.

The Board of Supervisors may deny the request for additional use or for modification of area and bulk regulations where, upon the review of the Historical Commission, it deems the proposal to be destructive to the integrity of the historic resource and/or where the Board finds the proposed modification(s) to be out of character with the existing uses located in the immediate neighborhood.

§ 240-38.8 Application procedures for conditional use approval.

[Amended 9-19-2006 by Ord. No. 129-D-06; 10-17-2006 by Ord. No. 129-F-06]

A.

An applicant seeking conditional use approval for use, reuse, adaptive reuse or for modification of area and bulk

regulations affecting an historic resource shall submit a conditional use application to the Township in accordance with the provisions of § [240-31](#). In addition, the conditional use application shall include the following supporting information:

[\(1\)](#)

A detailed description of the proposed use(s);

[\(2\)](#)

Any exterior physical changes proposed for the affected historic resource(s) and their surrounding landscape;

[\(3\)](#)

Any proposed modifications to otherwise applicable area and bulk regulations;

[\(4\)](#)

Photographs of all sides and interior rooms of the historic resource;

[\(5\)](#)

Twenty copies of an historic resource impact study (HRIS) or a written request for a waiver of the submission of an HRIS with justification therefor.

[B.](#)

The Historical Commission shall review the conditional use application and submit a written recommendation to the Planning Commission within 45 days of receipt by the Township.

[C.](#)

The Board of Supervisors shall act upon the application in accordance with the provisions of § [240-31B](#).

§ 240-38.9 Demolition.

[Amended 10-17-2006 by Ord. No. 129-F-06]

[A.](#)

Demolition permit requirement.

[\(1\)](#)

A demolition permit shall be required prior to the demolition, either in whole or in substantial part, of any historic resource.

[\(2\)](#)

These provisions shall not be construed to prevent:

[\(a\)](#)

The ordinary maintenance or repair of any building, structure, site, or object where such work does not require a building permit and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage; or

[\(b\)](#)

The construction of additions to or alterations of the historic resource, involving less than 50% of the exterior facades as they existed on the historic resource when it was first placed on the Historic Resources Inventory.

[B.](#)

Procedure for approval or denial of demolition permit.

[\(1\)](#)

Filing. The applicant shall submit an original and two copies of the Township's standard form application for demolition permit to the Zoning Officer. If the Zoning Officer determines that the application seeks approval for the demolition of an historic resource, the Zoning Officer shall not issue the demolition permit but shall so notify the applicant that the application is being forwarded to the Historical Commission and to the Board of Supervisors.

(2)

Submission requirements. In addition to submission of any documentation required by the Township's Building Code, an applicant seeking a demolition permit for an historic resource shall provide the following:

(a)

The identity of the owner of record; and equitable owner, if any;

(b)

Site plan showing all buildings and structures on the property and all proposed development of the property on which the resource is located;

(c)

Reasons for the demolition;

(d)

Proposed method of demolition;

(e)

Intended future use of the site and of the materials from the demolished resource;

(f)

List of alternatives to demolition which the applicant has considered;

(g)

An historic resource impact study; and

(h)

Where the applicant specifically alleges that demolition is necessary due to undue economic hardship or the lack of a reasonable economic alternative, a narrative statement, together with supporting documentation, shall be submitted to demonstrate what alternate consideration to demolition, if any, the applicant has given to practical, adaptive uses of the historic resource, particularly considering the incentives potentially available as conditionally permitted by § [240-38.5](#), and written estimates of the cost(s) of restoration and/or renovation from at least two contractors or architects specializing in historic preservation/restoration

(3)

Period for decision. The Board of Supervisors shall have a period of 60 days from the date of the filing of a complete application for demolition permit to schedule a public hearing. The Board of Supervisors shall have 45 days from the close of the public hearing(s), unless extended in writing by the applicant, to issue or deny the demolition permit.

(4)

Review by Historical Commission. The Historical Commission shall have a period of 30 days from the date of the filing of a complete application for a demolition permit to schedule a meeting to review and comment upon the application. The applicant shall receive notice seven days prior to the meeting. The Historical Commission shall review the application, and the applicant shall have the right to appear in support of his/her application. The Historical Commission shall consider the following:

(a)

The effect of demolition on the historical significance and architectural integrity of the resource in question and neighboring historic resources, if any;

(b)

Whether the applicant has demonstrated that he has considered all alternatives to demolition;

(c)

Economic feasibility of adaptive reuse of the historic resource proposed for demolition;

(d)

Alternatives to demolition of the resource;

(e)

Whether the resource in its current condition presents a threat to public safety;

(f)

Whether the resource has been intentionally neglected; and

(g)

The anticipated cost to repair and/or adapt the resource in relation to the appraised value of the property on which the resource is located.

(5)

Historical Commission recommendation. The Historical Commission shall, within 15 days from the conclusion of its meetings, communicate its recommendation(s) in a written report which specifically addresses the items set forth in § [240-38.9B\(4\)\(a\)](#) through [\(g\)](#) to the Board of Supervisors, with copy mailed to the applicant, either recommending approval of the application as submitted, recommending approval of the application with conditions, or recommending denial of the application. Failure of the Commission to act upon the application and/or issue a recommendation shall not result in a deemed approval of the application but shall be grounds for the Board to consider the application without reference to the Commission's review.

(6)

Issuance or denial of demolition permit. Where the Board acts to either approve or deny the permit application, it shall authorize the Zoning Officer to either issue the permit or give written notice of denial, as applicable. Where the approval is authorized to be granted with conditions attached, with written notice of denial and the reasons therefor, as applicable, the Zoning Officer shall be authorized to issue the permit upon his receipt from the applicant of his/her written acceptance of those conditions; otherwise, the permit shall be deemed denied. The Board may deny a demolition permit, if the applicant fails to adequately present evidence to address the criteria listed in Subsection [B\(4\)\(a\)](#) through [\(g\)](#). The decision shall be communicated to the applicant by decision of the Zoning Officer. The applicant, if aggrieved by the decision of the Zoning Officer, shall have the right to appeal the Zoning Officer's decision in accordance with the provisions of § [240-56](#).

§ 240-38.10 Historic resource impact study.

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.

Applicability. An historic resource impact study (HRIS), prepared by a registered architect specializing in historic preservation and adaptive reuse of historic buildings and structures, shall be submitted to the Township, unless waived or modified by the Board of Supervisors, in the following situations:

(1)

As part of a preliminary plan submission for any subdivision or land development application which proposes new construction of buildings, structures, roads, driveways, parking areas, or other land disturbance within 250 feet of the exterior walls of any Class I or II historic resource.

(2)

As part of a tentative plan submission for any application for a planned residential development (prd) which proposes new construction of buildings, structures, roads, driveways, parking areas, or other land disturbance within 250 feet of the exterior walls of any Class I or II historic resource.

(3)

As part of a demolition permit application.

(4)

As part of a conditional use application.

B.

Contents. The HRIS shall contain the following information, unless waived or modified by the Board of Supervisors:

(1)

Background information:

(a)

If not otherwise provided by the applicant, a general description of the site subject to the application, including topography, watercourses, vegetation, landscaping, existing drives, etc.

(b)

A general description and classification of the historic resources located within 250 feet of any proposed land development or land disturbance.

(c)

A physical description of the interior and exterior of the historic resource(s), including an interior floor plan.

(d)

A narrative description of the historical significance of the historic resource, relative to both the Township and to the region in general, including the names of past owners and their significance to the Township, region or nation.

(e)

A sufficient number of four-inch-by-six-inch photographs to show the exterior of the historic resource in its setting and, if the applicant is the owner, then photographs of the interior.

(2)

An assessment of potential impacts to the historic resources.

(a)

A description of potential impact(s) to each historic resource with regard to architectural integrity, historic setting, and future use.

(3)

Mitigation measures: suggested approaches to mitigate potentially negative impacts to historic resources, including design alternatives, buffering, landscaping, conservation of existing vegetation, and any other appropriate measures permitted under the terms of this chapter and other Township ordinances.

§ 240-38.11 Violations and penalties: enforcement.

[Amended 10-17-2006 by Ord. No. 129-F-06]

Any person who violates the terms of this article shall be subject to the enforcement procedures and remedies provided for in § [240-54](#). In addition:

A.

In the event any person demolishes an 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 restoration shall be in addition to, and not in lieu of, any penalty or remedy available under this § [240-38.11](#) or any other applicable law.

B.

In the event the Board of Supervisors authorizes the commencement of an action pursuant to Subsection [A](#) of this § [240-38.11](#), the Zoning Officer or Building Code Official shall not issue any building permit for the construction of any building or structure proposed to be located in any location on the property which would preclude reconstruction or restoration of the historic resource demolished in violation of this article or intended to replace such historic resource, unless issued for

the purpose of restoring the historic resource to its condition and appearance as existed immediately prior to the violation.

C.

The Board of Supervisors may, as a condition of approval of any conditional use application or subdivision or land development application involving any property which, at-the date of enactment of this article, was occupied by an historic resource(s) that subsequently was demolished in violation of § [240-38.10](#) of this article, impose a condition requiring the satisfactory reconstruction or restoration of any such historic resource(s).

Historic Preservation Guidelines

For the Preservation, Promotion and Regulation
of Historic Resources

Lancaster County, Pennsylvania

May 2009



Photo courtesy of Elijah Yearick





HISTORIC PRESERVATION GUIDELINES

For the Preservation, Promotion and Regulation of Historic Resources

May 2009

Prepared by

Lancaster County Planning Commission

Lancaster County Board of Commissioners

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Background

The unusual depth and breadth of historic and cultural resources in Lancaster County plays a key role in defining the county's identity. To maintain our sense of place and quality of life, we must commit ourselves to making historic and cultural preservation an integral, indispensable part of living and working here.

Our challenge lies in providing a future for our past. Resources are being lost at an ever quickening pace for a wide variety of reasons, one of which is to accommodate growth. The Lancaster County Planning Commission (LCPC) believes that retaining resources and accommodating growth are not mutually exclusive. Revitalization of the city and boroughs involves the successful adaptive reuse of existing buildings in concert with other planning tools.

In August of 2000 the state legislature amended the Pennsylvania Municipalities Planning Code (MPC). This code is the legislation that enables municipalities to plan and zone. One major change was the inclusion of historic preservation as a planning and zoning requirement. Section 301.(a)(6) says, "The municipal, multi-municipal, or county comprehensive plan . . . shall include

. . . a plan for the protection of natural and historic resources . . . and historic sites. In Section 301.(a)(7)(vi) it says, ". . . a county comprehensive plan shall identify a plan for historic preservation." Subsequently LCPC updated the Lancaster County Comprehensive Plan. This included updates of the housing plan, *Choices*, and the growth management plan, *Balance*. In addition, two new elements were created; these were *Tourism*, a strategic tourism development plan, and *Heritage*, the cultural heritage plan, a new element developed to comply with the MPC amendments. The Lancaster County Commissioners adopted all the elements to create the new Lancaster County Comprehensive Plan. All elements of the plan are designed to work together.

Another MPC amendment that is of particular importance to municipalities is Section 603.(g)(2) that says, "zoning ordinances shall provide for protection of natural and historic features and resources." The definition provided for the word "protection" is as follows: "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 . . ."

In addition to the mandate set forth in Section 603(g)(2), the MPC in Article VI (Zoning) endorses the protection of historic, natural and scenic resources in the following additional provisions:

Section 603(b)(5)

"Zoning ordinances . . . may permit, prohibit, regulate, restrict and determine: (5) protection and preservation of natural and historic resources;

Section 604(1)

"The provisions of zoning ordinances shall be designed: (1) to promote, protect and facilitate . . . preservation of the natural, scenic and historic values in the environment;"

Section 605

"The provisions of all zoning ordinances may be classified so that different provisions may be applied to different classes of situations, uses and structures. . . . Where



zoning districts are created, all provisions shall be uniform for each class of uses or structures, within each district, except that additional classifications may be made within any district:

(2) for the regulation, restriction or prohibition of uses and structures at, along or near; (vi) places having unique historical, architectural or patriotic interest or value).”



Based upon these provisions the heritage element of the Lancaster County Comprehensive Plan was designed to provide a blueprint for municipalities to help residents and visitors discover, interpret, preserve, and celebrate the county’s heritage resources. In addition to focusing on the preservation of historic buildings, Heritage celebrates the county’s people and customs. Our sense of place has as much to do with our traditions as it does with bricks and mortar. Maintaining and enhancing the county’s unique identity requires ongoing investment in both the tangible and intangible expressions of our heritage.

Creation of *Heritage* required the creation of a task force of stakeholders including citizens, government officials, local businesses, and non-profit organizations. This group identified the issues and endeavored to find feasible solutions. The process required culling

existing studies, public surveys, interviews, public workshops, municipal meetings, and many task force meetings.

The public survey is of particular interest. One question asked, “What community-defining characteristics should be protected for future generations”? The top three answers were:

- Lancaster City’s historic downtown and neighborhoods;
- Rural and agricultural landscapes and associated buildings; and
- Agricultural landscapes

Survey results showed that county residents thought the top three greatest threats to Lancaster County’s community character were:

- Suburban sprawl and unmanaged growth;
- Lack of appreciation or understanding by the general public; and
- Highway construction, roadway widening, or other public projects

A survey of Municipal Governments was also conducted. The purpose of this survey was to gather input from city, borough, and township officials about how best to preserve Lancaster County’s heritage resources. Municipal officials who returned the survey characterized their communities as rural, largely agricultural landscapes with small towns and crossroads villages. When asked what community-defining characteristics were worth preserving for future generations, they were consistent in their responses. The top three answers were:

- Agricultural landscapes;
- Small towns and crossroads villages; and
- Historic architecture throughout the county.

Officials identified the greatest threats to community character as:

- Suburban sprawl/unmanaged growth;

- Lack of economic incentives for property owners to rehabilitate historic buildings; and
- Demolition, neglect or abandonment [of historic and cultural resources].

Municipal officials were in strong agreement about the importance of quality of life, maintaining a sense of place, and encouraging strong community pride. They noted that these ideals are represented in county and regional efforts to promote heritage tourism. Specific tools or approaches that local officials agreed would help to protect and enhance the character of their municipalities include:

- Local zoning and other regulatory tools;
- Heritage events, county and local tax incentives; and
- Low-interest loans and other financial incentives for commercial property owners.

Survey conclusions indicate that residents, representatives of local agencies, organizations, and municipal officials agree on many of the heritage resource issues facing Lancaster County: suburban sprawl, unmanaged growth, demolition of resources, and lack of awareness about the importance of heritage resources. All of these factors are working to diminish Lancaster County's unique sense of place. Most respondents acknowledged that sound heritage preservation planning involves more than preserving individual historic buildings. Retention of community character requires recognition of entire communities.

Six goals were identified by the Task Force, a timeframe was established and leadership and supporting partners were identified for implementation of strategies to reach the objectives and ultimately the goals.

Goals

1. Identify, conserve, and preserve the county's diverse tangible and intangible cultural heritage resources as a basis for retaining and enhancing strong community character.
2. Integrate the conservation and preservation of historic and cultural resources in the economic development and revitalization of the County's towns, villages, and rural working landscapes.
3. Ensure that new development respects and complements the patterns, character, and scale of the county's traditional communities and rural landscapes.
4. Promote strong leadership, collaboration, awareness, and responsibility in the conservation of the county's cultural heritage resources among the county, local residents, and institutions.
5. Celebrate and promote the county's diverse historic, cultural, and archaeological heritage assets.
6. Ensure the adequate financial resources and incentives are available to carry out the implementation of the county's stated cultural heritage preservation goals.

The objectives of *Heritage* represent the ways LCPC can work toward and achieve the six goals. Each objective identifies suggested leadership and the supporting partners. A few* of the objectives that involve an LCPC and municipal partnership are:

- Expand and maintain the county's historic buildings and structures element of the cultural heritage resources database by partnering with municipalities to complete historic resource surveys.
- Link and integrate the existing cultural heritage resources database into other county, regional, and local plans, planning review process, and program.
- Encourage municipalities to adopt historic preservation ordinances and zoning





LCPC/MQ

regulations to conserve and preserve the county’s significant cultural heritage resources and landscapes

- Update zoning ordinances and other regulations to provide more adaptive use opportunities for a variety of public and private buildings including farm buildings and upper stories of buildings in urban places, and remove disincentives.
- Develop effective procedures and ordinances to discourage the demolition of significant cultural heritage resources.

* A complete list of objectives may be found in *Heritage*, available on the Lancaster County Planning Commission website homepage under Comp Plan Amendments: <http://www.co.lancaster.pa.us>



LCPC/MQ

Through the process of preparing *Heritage* we heard individuals say time and again that they’d like things to stay just the way they are, or at least change more slowly and they thought that would happen by doing nothing, making no changes, staying the course as it were. Most current zoning ordinances as well as subdivision and land development ordinances (SALDOs) are about new construction, not existing buildings. You get exactly what your zoning allows; therefore, if you want to “keep things just the way they are” the municipal zoning ordinance and SALDO need to be revised to allow that to happen. For example, adaptive reuse of existing buildings (as appropriate) rather than demolition; a demolition review process that allows discussion about alternatives and building documentation *before* the fact rather than lamentations after the fact; new construction that fits into the existing streetscape in terms of setback, orientation, size, materials and so on. LCPC often gets calls from folks who report a demolition or pending demolition, then ask how this could possibly happen or what is LCPC going to do to prevent it. The answer is simple, LCPC cannot prevent it. The local zoning ordinance in that particular municipality allowed it to happen and it can only be prevented by amending the municipal zoning ordinance to make it compatible with preservation concepts. What gets saved and adaptively reused and what doesn’t is a decision made at the local level.



Our heritage is a limited resource. While careful management might renew a damaged forest or stream, a demolished building is gone forever. Cultural traditions that are not shared with younger generations are lost to history. The historic built environment is an embodiment of our cultural traditions. Those traditions make Lancaster County unique and set it apart as a destination. Agriculture is our largest industry and tourism is our second largest industry. A growing segment of the tourism industry is heritage tourism. Tourism brings a lot of money into the county and is an important economic engine. We are allowing our uniqueness and an income stream to disappear while we run headlong into homogeneity - the state of sameness. That is not a goal to which we should aspire. We should celebrate our uniqueness and build upon it.



LCPC/MQ

It is also important to mention some of the myths that are associated with historic preservation. Historic preservation is *not* about stopping progress, turning homes into museums, requiring everyone to restore their homes, telling people what color to paint their house, etc.; the list goes on and on. The word “preservation” is synonymous with the word “maintenance.” We’d like to see our historic buildings and, therefore, our unique identity *maintained*. Another key word is “local.” There can be no regulations imposed on property owners that are not adopted at the local level, by Township Supervisors or Borough Councils through a public process.

“Our heritage is a limited resource. The historic built environment is an embodiment of our cultural heritage.”

Identification of Historic Resources

Historic Resource: Any structure, object, site, property, or district which has a special historical, archaeological, architectural, cultural or aesthetic interest or value as part of the development, heritage, or cultural characteristics locally, statewide, or nationally identified (or yet to be identified) and qualify for listing in the local, or county historic resources inventory.

Heritage Resource: The same as historic resource with the addition of cultural traditions such as ways of dress, ways of worship, passing down of traditions from generation to generation, craftsmanship, work ethic, and more. All the intangible things that identify us as individuals or groups within a larger community are heritage resources.

Past Surveys

The Lancaster County Planning Commission conducted a survey of representative types of buildings that was published in *Lancaster's Heritage* in 1972. In 1982 and continuing through 1984 the Historic Preservation Trust of Lancaster County (HPT), funded by a grant from the Pennsylvania Historical and Museum Commission (PHMC), conducted a county-wide windshield survey. The results were published in a book entitled "Our Present Past." This information is very useful, unfortunately, this data is incomplete; the survey ended when the grant period ended, and the data has never been completed or updated. This is currently the only data available. A new inventory is needed to update and complete the existing data.

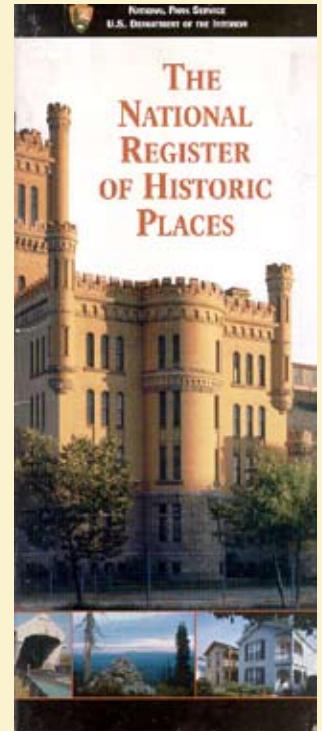
There are a few exceptions. One exception is Manheim Township. The township contracted with the HTP to inventory the historic resources within the township in 1990; consequently a comprehensive survey was done. The final report was presented to the township in 1991 along with a manual on historic preservation techniques. In 1992 the township adopted regulations for certain activities that had an impact upon historic resources listed in the inventory. These regulations created a review process but did not take steps to actually preserve historic buildings. The township is to be commended for being among the first to do a comprehensive inventory and develop a review process for certain activities; however, many years have passed, the inventory should be updated and the regulations need to be updated based upon the amendments to the MPC made in August, 2000.

Municipalities that have conducted historic resource surveys since 1998 include the City of Lancaster, Manheim Borough, Millersville Borough, Ephrata Borough, Mount Joy Borough (partial), Millersville Borough, Adamstown Borough and Lancaster Township. The Lititz Borough, Warwick and Elizabeth Township Region just completed their survey and West Lampeter Township has their historic resource inventory underway.

Benefits of a Historic Resource Inventory

A complete and up-to-date inventory is a planning tool. An inventory identifies the character defining elements of a community and provides a foundation for future comprehensive plan, zoning, and subdivision and land development updates. It can also be an economic development tool. Buildings listed or eligible for the National Register or considered to be contributing to a National Register Historic District may qualify for the Federal Rehabilitation Investment Tax Credit program if rehabilitated for income producing purposes, including rental residential. Another reason is to have a record of the buildings at a particular time in history for the municipality's historical record.

The Main Street Program was developed by the National Trust for Historic Preservation



as an economic development tool for downtown commercial districts trying to revitalize their business districts. The majority of buildings in these areas are historic buildings. This program can provide funds for facade rehabilitation. The Elm Street Program provides funds to rehabilitate neighborhoods surrounding a downtown area. Identification and recognition of historic resources can also be a marketing tool for a community trying to attract visitors, business, or industry.

An inventory also allows owners of individual buildings to apply for listing on the National Register of Historic Places, a program with no regulations that bestows a distinctive status upon the building. Groups of buildings can also apply for listing on the Register as a district. Recognition, whether through the National Register or through a local recognition program promotes community pride and awareness of the heritage of the community.

Finally, an inventory can serve as a basis for regulations intended to retain community character. Regulations can be as stringent or as lenient as desired by the municipality; regulations can be tailored to meet the goals of a particular municipality. Regulations are the tools used to “slow down change” and to “keep things the way they are,” which is what many people say they want.

Of course, the inventory must be kept up to date by the municipality if it is to continue to be useful.

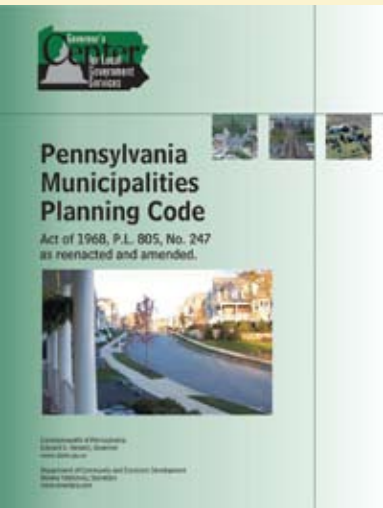
Types of Regulations

There are *two basic types* of preservation regulations in Pennsylvania.

One type is enabled by the Pennsylvania Historic District of 1961, Act 167, as amended. This type of district can work well where resources are densely concentrated, such as a, city, borough, or neighborhood. This Act requires that the district be on the National Register or certified as historic by PHMC. It also requires the establishment of a Historical Architectural Review Board (HARB) and regulations may include aesthetics as well as structural changes. Everything inside the district boundaries must abide by the regulations. In Lancaster County only Lancaster City, Strasburg and Columbia Boroughs use this type of preservation regulations and, of those, only one is very stringent - and that was a local decision.

The other type of regulations is enabled by the Pennsylvania Municipalities Planning Code (MPC), the legislation that allows municipalities to plan and zoning. Section 603.(g)(2) states: “zoning ordinances shall provide for protection of natural and historic features and resources. This is accomplished by using the tools in Section 603(b)2, “Zoning ordinances . . . may permit, prohibit, regulate, restrict and determine: size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.” ***Regulation of aesthetics is not permitted under the MPC.*** The MPC works well in communities where resources are dispersed and in areas where resources are densely concentrated. Under the MPC, Section 605, an overlay district is created in which all historic resources are identified and any regulations adopted by the municipality apply only to the historic resources. This is the tool most recommended by LCPC.

If a municipality desires to develop historic preservation regulations the Lancaster County Planning Commission is available to work with the municipality to develop regulations appropriate for their goals. There is no one-size-fits all; however there are basic components from which municipalities may choose (this is true for Act 167



or for MPC regulations). Within a component there may be various options for the municipality to decide upon. The choices made by a municipality are what make the regulations either stringent or lenient - these choices are made at the local level. The resulting regulations are an amendment to the zoning ordinance and must go through the same public process as other amendments and updates.

Guidelines for the Development of Historic Preservation Regulations under the MPC

LCPC can assist in the development of regulations under *either* the Historic District Act or the MPC. LCPC recommends the MPC because it is more familiar to both municipalities and the public and it works well in both urban and rural settings. In the model that follows there are parenthetical remarks interspersed at those points where a municipality has a choice to make and an explanation of each choice is given.

Note that throughout the model language the term “designated body” is used. Any preservation provisions contained in a zoning ordinance are administered by the zoning officer, the governing body, and the zoning hearing board, in terms of hierarchy; however, the municipal officials may establish a specific body to provide the zoning officer, governing body and zoning hearing board with information and guidance much like the planning commission advises the governing body on land development plans. The members of the “designated body” are appointed by the governing body and could be an existing entity, such as a local historical society, Planning Commission members, a combination of both, or a totally new body. This body can be created by ordinance or resolution. Municipalities are empowered to create such “designated bodies” by the General Powers bestowed in the Borough/Township Code. A sample resolution and a sample ordinance to create a “designated body” can be found at the end of this booklet.

The “designated body” can be called whatever you choose to call it: Historic Commission, Historic Committee, Heritage Commission, Heritage Committee, Heritage Task Force, etc. The name is not as important as the function, providing the zoning officer, governing body and/or zoning hearing board with the information needed to make decisions about historic buildings in the municipality. A list of possible functions and/or duties of such a body is also included here. It is important to emphasize that the “designated body” only provides information and recommendations, it has no decision making powers.

It is recommended that members of a “designated body” be knowledgeable about the history of the municipality, local architecture, or related areas such as construction, or real-estate. Having the building inspector on the committee should also be considered.

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.

COMPONENTS

Menu of Historic Preservation Tools

Following is a list of components that **may** be used in historic preservation regulations. A municipality should **choose** those components that best meet their goals. Each component chosen should be tailored to meet the specific goals of the municipality. Parenthetical remarks are included where choices must be made.

COMPONENT FOR

I. Demolition Process

Demolition, Removal or Relocation of Historic Resources

(Note: Demolition review can be administered in one of several ways. It can use the same process used by the planning commission, they receive a plan, review it and send their comments to the governing body for their decision only in this instance the “designated body” would receive the application, review it and sent their comments to the governing body for their decision.

*It can be administered as a conditional use, **or**
It can be administered as a special exception.*

The choice is made at the local level by the municipality. Conditional Use and Special Exceptions require a hearing, the cost of which is borne by the applicant. If you use the planning commission model the application can be acted upon at a regularly scheduled public meeting, the criteria for review and other procedures do not change.

Also, these provisions should be cross referenced in the Subdivision and Land Development Ordinance so it does not come as a surprise to a developer that he can't just clear the land to facilitate his project that may or may not happen in the future.)

A. General Requirements

Demolition, removal or relocation of a historic resource shall be regulated in accordance with this Section. No historic resource shall be demolished, removed or otherwise relocated without a permit obtained under this provision except for emergency demolitions.

(The language that follows is sample language; the municipality should insert whatever provisions they may have for emergency demolitions, or eliminate this paragraph.)

Emergency demolitions to protect the health, safety and welfare of the citizens of (name of municipality) are regulated under the Township/ Borough Property Maintenance Code, Uniform Building Code (or applicable code), (section), or its successors and the provisions of that code shall take precedence over the provisions contained herein.

B. Application Procedures

When the zoning officer receives a complete application, that application shall be forwarded to the “designated body” for their review and recommendations to the (governing body).



Jeff Geoghan



Jeff Geoghan

1836 brick double-dwelling demolished. The owner's plans never materialized – a vacant lot remains.

(The text for the application should mirror the criteria for review, below)

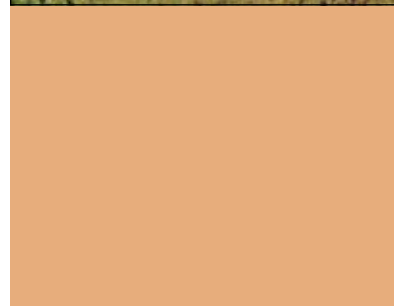
C. Criteria for Review

Applicants for a permit to demolish, remove, or relocate a historic resource in whole or in part must provide, as part of their application, a written statement as to whether the following statements are correct and provide detailed substantiation for each statement which is believed to be correct. In each instance the burden of proof is on the property owner to demonstrate that the property owner has been deprived any profitable use of the relevant parcel as a whole. The recommendation of the “designated body” and the decision of the (governing body) shall be based upon a review of the information submitted by the applicant against all criteria and not any one criterion. The goals and development objectives of the municipality shall also be considered.

1. It is not feasible to continue the current use.
2. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
3. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
4. The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
5. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
6. The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
7. A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
8. The building is structurally unsound.
9. The denial of demolition would result in unreasonable economic hardship to the owner. Forms for the determination of economic hardship are available at the municipal office.
10. Sale of the building or structure is impossible or impractical.
11. Denial of demolition will deprive the property as a whole of all beneficial use.

D. Review Procedure

1. The applicant shall be provided an opportunity to present their proposal



to the “designated body” at a regularly scheduled monthly meeting.

2. The written recommendations of the “designated body” shall be forwarded to the (governing body) before the (governing body’s) next regularly scheduled meeting. The (governing body) shall consider the recommendations as well as the community goals set forth in the comprehensive plan. The applicant shall be invited to attend and speak to the issue if desired.

This could also be administered as a conditional use or a special exception - the municipality must make a choice.

E. Associated Land Development Plan

Cross reference this article, section and item # in the Subdivision and Land Development Ordinance. The purpose is to prevent speculative demolition for a project that may never occur or may not be desirable for the municipality.

If the application for a permit for Demolition, Removal or Relocation of a historic resource is being requested to facilitate future development of the land, the said permit shall not be issued until the following additional requirements have been satisfied.

1. approval of the land development plan by the “governing body.”
2. issuance of any necessary zoning approvals; **and**
3. the recording of the approved subdivision or land development plan for the parcel where the Demolition, Removal or Relocation is proposed.

F. Pre-demolition Requirements

In those instances where an application for demolition is approved, the building(s) to be demolished shall be historically and photographically documented. The extent of the documentation will be determined by the significance of the building(s). When documentation is complete the building shall be dismantled and recycled to the greatest extent possible.

(Recycled means salvage of reusable building materials for reuse.)

G. Denial of Demolition

If an application for demolition is denied, the applicant may challenge the decision through the Zoning Hearing Board (or the Court of common Pleas if the demolition review process is administered as a special exception.)

H. Enforcement

In addition to the enforcement provisions found in (section #) of the (name of municipality) zoning ordinance the (governing body) *may* authorize action to withhold issuance of any and all zoning and building permits for a period of up to _____ **years** for any property that at the time of the enactment of these provisions, was occupied by a Class I or Class II historic resource that was subsequently demolished, removed or relocated without obtaining a permit as provided for herein.

In addition, the (governing body) may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Article.

COMPONENT FOR

II. Demolition by Neglect

(Note: cross-reference in the SALDO.)

A. General Requirements

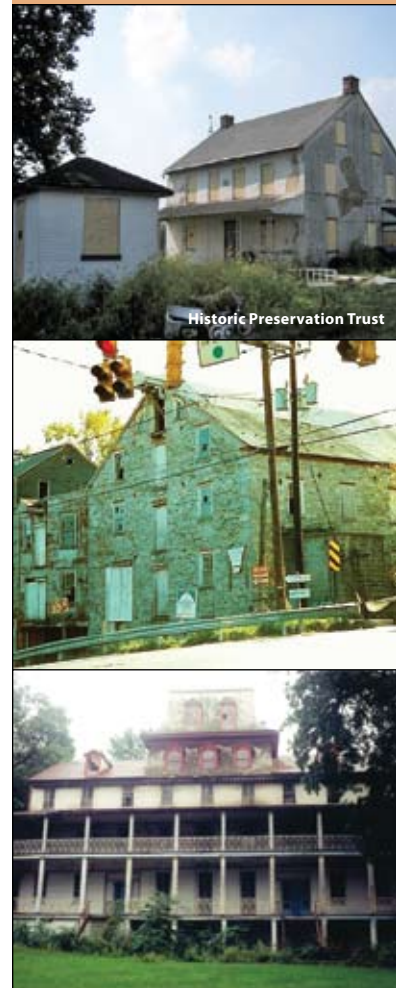
Demolition by Neglect is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation.

1. Codes Violations: If the Codes Enforcement Officer has cited a property owner of a historic resource for conditions that has or could lead to structural weakness, decay or deterioration in a building or structure and the property owner fails to correct the condition(s) in the time specified, that property owner may be cited also for demolition by neglect under these provisions and be subject to the penalties contained herein.
2. The owner of unoccupied Principal or Accessory Buildings or Structures that have been cited for violations shall develop a written maintenance program for the protection of any and all unoccupied Class I or Class II resources. Said maintenance program shall be established in accordance with the (name of municipality) Property Maintenance Code. A copy of the maintenance program shall be filed with the Codes Enforcement Officer and implementation begun in accordance with an established time-table.
 - i. The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building or structure. Structural features requiring stabilization include, but may not be limited to: roof; chimney(s), cornice, soffit, fascia, spouting, columns, beams, posts, as well as window and door sills, lintels and jambs.
 - ii. The exterior and interior of the building or structure shall be inspected no less than annually by the Codes Enforcement Officer with the owner or the owner's agent to determine code compliance with the established maintenance program.

B. Enforcement

Enforcement: In addition to the enforcement provisions found in the (name of municipality) Zoning Ordinance and incorporated herein by reference, the (governing body) *may* authorize action to withhold issuance of any and all zoning and building permits for a period of up to _____ years for any property that at the time of the enactment of these provisions, was occupied by a Building or Structure that was subsequently demolished by neglect. Except that permits may be issued for the abatement of any cited condition governed by (name of municipality).

In addition, the (governing body) may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Article.





****Note: Often, demolition and demolition by neglect is related to the lack of adaptive reuse opportunities. The municipality's zoning ordinance should encourage adaptive reuse of buildings where possible and desirable. Regulations should encourage flexibility and ingenuity.*

COMPONENT FOR

III. Additions, Alterations, Rehabilitation and Reconstruction

A and B, below will be repeated to provide an example of how you can have different requirements for Class 1 and Class 2 if you so desire

Example # 1

A. General Requirements

No alterations, additions, reconstruction or rehabilitation, visible from a public (way, street), on or to a historic resource shall be issued by the Zoning Officer without a permit obtained under these provisions.

Completed applications will be reviewed by the "designated body". The applicant will have the opportunity to present the proposed project to the "designated body". The "designated body" shall review the proposed alterations, additions, reconstruction or rehabilitation, based upon *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, which is set forth in Section 3.B, below. The "designated body" shall submit written recommendations to the governing body for their review and decision. Challenges to decisions go to the Zoning Hearing Board for review.

B. The Secretary of the Interior's Standards for the Treatment of Historic Properties

Any proposed alteration, addition, reconstruction or rehabilitation of a Class I or Class II resource shall be in substantial compliance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* published by the U.S. Department of the Interior, National Park Service. The ten standards for rehabilitation are reprinted in their entirety below:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.



Inappropriate alterations change the character of a building

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Example # 2

A. General Requirements

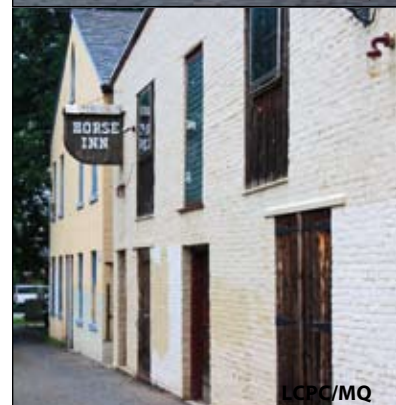
No alterations, additions, reconstruction or rehabilitation, visible from a public (way, street), on or to a historic resource shall be issued by the Zoning Officer without a permit obtained under these provisions.

Completed applications will be reviewed by the “designated body”. The applicant will have the opportunity to present the proposed project to the “designated body”. The “designated body” shall review the proposed alterations, additions, reconstruction or rehabilitation, based upon the ten standards below. The “designated body” shall submit written recommendations to the governing body for their review and decision. Challenges to decisions go to the Zoning Hearing Board for review.

B. Standards for Class 2 Resources

Any proposed alteration, addition, reconstruction or rehabilitation of Class 2 resource shall be in substantial compliance with the ten standards below:

1. A property will should be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will should be retained and



preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will should be avoided.

3. Each property will should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will should not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will should be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will should be preserved.
6. Deteriorated historic features will should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will should match the old in design, color, texture, and, where possible, materials. Replacement of missing features will should be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will should be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will should be protected and preserved in place. If such resources must be disturbed, mitigation measures will should be undertaken.
9. New additions, exterior alterations, or related new construction will should not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall should be differentiated from the old and will should be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

C. Application Procedures

1. Applications for any proposed alteration, addition, reconstruction or rehabilitation of a historic resource shall comply with the provisions in this section. The completed application shall be submitted to the Zoning Officer and shall include:
 - a. a written description of the proposed alteration, addition, reconstruction or rehabilitation; and, where applicable:

The requirements of this section are flexible - enter those things that your municipality needs to make a decision. The following are examples.

- i. A drawing or site plan at a scale designated by the Zoning Officer;
- ii. Schematic architectural drawings of the proposed construction or alterations;
- iii. Materials list and disposition of existing materials;
- iv. Photographs;
- v. *Other ...*

2. Administrative Review

Administrative Review is optional, at the discretion of the municipality. Many municipalities want to try to streamline the permitting process by designating a number of activities that do not have to be reviewed. Other municipalities want to review everything. This is your decision as to whether or not you include Administrative Review and, if so, what those items will be.

Permits for the activities listed below may be issued by the Zoning Officer without any further review. The Zoning Officer shall determine through photos, printed materials, samples, etc. that the proposed activity does meet the criteria as specified below. The Zoning Officer shall provide a record of all administrative approvals to the “designated body” monthly, for their information.

- a. In-kind replacements (to be documented by the zoning officer)
- b. Full-light storm doors
- c. *Etc.*

D. Review Procedures

1. Completed applications must be received seven (7) (*or whatever number is suitable for the meeting schedule of the municipality*) business days before the next regularly scheduled meeting of the “designated body” to be placed on the agenda for review at that meeting.
2. Applicant Notification. At the time the completed application is submitted, the applicant will be notified of the date, time and place at which the “designated body” will review the application. The applicant will be encouraged to attend to explain the application.
3. Criteria for Deliberation. ***The Secretary of the Interior’s Standards for Historic Properties*** as listed in section 3.B, above, shall be the criteria considered in the review. Any proposed work requiring a permit shall be in substantial compliance with the “Standards.”
4. The “designated body” recommendations shall include findings of fact related to the specific proposal and shall set forth the reasons for the recommendation for approval, with or without conditions, or for denial.

5. Within five (5) business days of the meeting, the “designated body” shall submit their written recommendations to the (governing body) for their decision to:
 - a. Approve the permit.
 - b. Deny the permit.
 - c. Approve the permit subject to specified changes and/or conditions to bring the proposed activity into compliance.
6. The zoning officer shall carry out the decision of the (governing body).

COMPONENT FOR

IV. New Construction

This section should be cross-referenced in the SALDO.

A. Design Guidelines – Basic Principles

New construction in a neighborhood of historic buildings or in an area near historic buildings or in a historic landscape has the potential to add to or detract from the surroundings. To retain community character new construction should achieve compatibility through appropriate massing shape, size, materials, orientation, set-back and the like:

1. **Size, Scale, and Proportion.** New construction should relate to the dominant proportions, size and scale of the buildings in the surrounding area.
2. **Shape and Massing.** New construction should incorporate massing, building shapes, and roof shapes that are present in the surrounding area.
3. **Materials.** Building materials should be compatible with those of buildings in the surrounding area. Traditional materials that are common to the area, such as brick, wood, and stone are preferred.
4. **Patterns and Rhythm.** The rhythm of facades along the street and the components thereof should be maintained. Large buildings can be divided into bays to reflect rhythms exhibited by smaller structures.
5. **Cornice and Floor-to-Floor Heights.** New construction should continue the floor-to-floor and cornice heights that are dominate in the surrounding area, or incorporate detailing to suggest those heights.
6. **Windows and Doors.** New construction should use window and door openings of design and size typical of those in the surrounding area.
7. **Orientation.** Principal facades of new construction should face the same direction as other existing buildings on the street or as indicated by predominant patterns in the surrounding area.
8. **Location.** New construction should not be placed in a way that does not adversely affects a historic resource or viewshed in terms of



The one-story building violates all the basic principles of design for an urban streetscape. It does not look like it belongs here; rather, it belongs in a suburban shopping mall with other like buildings

proximity or visually.

The basic design guidelines included here can be expanded into a book or multiple booklets to include information on building maintenance, history of the municipality, etc.

B. Modifications to Area and Bulk Provisions

This can be accomplished through the traditional planning process.

In the interest of preserving the Township/Borough's Historic Resources and the historic context of these resources, and to encourage appropriate use/reuse of historic resource (s) and viewsheds, modifications to the Lot size, Dimension, and Yard size shall be encouraged for plans affecting Historic Resources and Viewsheds. The planning commission shall include the "designated body" in their plan review process. The "designated body" shall provide written recommendations to the planning commission.

1. Allowable Modifications

- a. Lot Standards: In a subdivision proposing to use the Lot Averaging or Cluster Development option the lot size in said development may be adjusted downward if an identified historic resource is retained on a lot of sufficient size to retain historic context.
- b. Number of Dwellings: In subdivisions proposing to use the Lot Averaging or Cluster Development option, additional dwelling units may be created in excess of the maximum number of Dwelling Units otherwise permissible for an historic resource (s) to be preserved as a dwelling unit or units, or adaptively reused in the subdivision plan.
- c. Setbacks: In proposed subdivisions, setback and yard requirements may be modified if necessary to preserve the integrity of an historic resource to be retained or to maintain/create a traditional village appearance.
- d. Infill: When a new building is to be constructed in an existing neighborhood or village the lot size, set-backs, and yard requirements may be modified to conform with the lot size, set-backs and yards of the surrounding neighborhood or village.
(Density Bonuses are authorized in MPC Section 605.(3))

COMPONENT FOR

V. Adaptive Reuse

This section is intended to facilitate adaptive reuse of historic resources on a case by case basis – because every building may present different opportunities and those opportunities must be weighed against the impact they may have on a neighborhood or community. To further facilitate adaptive reuse, municipalities may want to allow uses for historic resources that are not otherwise permitted under the use regulations for the base zoning district.



The historic building should be on a lot of sufficient size to retain some of its context and should be buffered from the new building with trees and or shrubs.



LCPC/MQ



LCPC/MQ

*Prince Street Galleries
Adaptive use of existing
buildings*



Foundry to Restaurant



Foundry to Shops



Warehouse to Hotel



Row of warehouses to Student Housing

To encourage the retention and adaptive reuse of historic resources, applications for an adaptive reuse that is not permitted by right in the base zoning district shall be regulated as a conditional use on a case by case basis.

A. Review Procedure

1. Completed applications must be received seven (7) (*or whatever number works for the municipal meeting schedule*) business days before the next regularly scheduled meeting of the “designated body” to be placed on the agenda for review at that meeting.
2. Applicant Notification. At the time the completed application is submitted, the applicant will be notified of the date, time and place at which the “designated body” will review the application. The applicant will be encouraged to attend to explain the application.
3. Criteria for Deliberation. *The Secretary of the Interior’s Standards for Historic Properties* are as presented in Section III.B.1-10 shall be the criteria considered in the review. Any proposed work requiring a permit shall be in substantial compliance with the “Standards.”
4. The “designated body” recommendations shall include findings of fact related to the specific proposal, including but not limited to:
 - a. Impact of the proposed adaptive reuse on neighboring resources and/or the neighborhood;
 - b. Impact of signage, lighting, parking and the like.

The written recommendations shall set forth the reasons for the recommendation for approval, with or without conditions, or for denial.
5. The “designated body” shall submit their written recommendations to the (governing body) for their review and decision.

COMPONENT FOR

VI. Historical Cemeteries (a.k.a. Burial Grounds)

This section reiterates much of the language found in the Commonwealth’s “Historic Burial Places Preservation Act of 1994 P.L. 141, No. 22” and references “Removal of Dead Bodies, Authority Granted to Courts,” adopted in 1923, P.L. 281, No. 180.

- A. No fence, tomb, monument or gravestone or fragment thereof within a historic burial place shall be destroyed. No fence, tomb, monument or gravestone or fragment thereof within any historic burial place shall be removed except in accordance with the provisions of this section.
- B. The owner of the property on which the burial ground is located shall recognize and respect the burial ground, and all fences tombs, monuments, gravestones or fragments thereof.

1. The burial ground shall not be neglected and allowed to become overgrown with trees, bushes, grasses, weeds, vines, and the like. It shall be maintained in good order except that the property owner is not responsible for the repair or replacement of gravestones or monuments. Any fence or wall that may exist shall be maintained.
2. Ingress and egress will be allowed for lineal descendants, researchers and others with prior notification of the property owner, subject to the limitations on liability as set forth in 9 P.S. Section 202.
3. If not already existing, a sign or plaque should be placed to properly identify the cemetery as the (Name) Family Cemetery.

C. Procedure for lawful temporary removal: A gravestone or other memorial for the dead may be removed for the purpose of repair or replacement with:

1. The consent of a lineal descendant or the property owner.

D. Court order for permanent removal: Upon written application of the owner of the property on which the burial ground is located or a lineal descendant, the court of common pleas may, after a hearing, with notice of the hearing having been given to interested parties and otherwise as the court deems appropriate, order the removal of the gravestone or memorial if it finds that the removal is necessary or desirable for the protection and preservation of the gravestone or memorial. Likewise, the applicant must seek permission of the court, in accordance with the laws of this commonwealth, for the removal of remains.

E. Violations: No fence, tomb, monument or gravestone or fragment thereof within or belonging to a historic burial place shall be destroyed or removed except in accordance with this section and applicable laws of the commonwealth. The fines and penalties contained in this ordinance shall apply.



Additional Topics for Consideration

Following are examples of other types of impacts on historic buildings and the character of historic neighborhoods or landscapes. The entire zoning ordinance should be examined for any language that may contradict or be potentially detrimental to preservation objectives.

Lighting

In a historic district or historic neighborhood lighting should be limited to providing sufficient lighting for the safety and security of customers of the establishment but not infringe upon neighboring properties. Lighting fixtures should reflect the era and/or blend into the streetscape. This is true not only for commercial enterprises but also for municipalities considering streetscape improvements. Lighting can make a big difference in establishing the atmosphere of a village, town, or neighborhood.

Signs

Signs can also make a big difference in establishing the atmosphere of a village, town, or neighborhood. Most municipalities have sign regulations; these regulations should be examined to determine how they could be more compatible with historic areas. For example, internally lit signs are generally not appropriate. Signs appropriate for the era of the building should be encouraged. Design guidelines with pictures or drawings of appropriate signs should be considered.

Parking

Often historic buildings are demolished to provide surface parking to meet parking regulations for commercial enterprises. In cases where adherence to existing parking requirements are detrimental preservation of historic buildings, neighborhoods or landscapes, alternatives shall be sought before demolition is undertaken. This includes a reduction in the number of parking spaces required, location of parking, and access to parking. Most historic buildings/districts existed before cars were in widespread use and parking was not an issue. Today, based upon the suburban zoning in place in most communities, the buildings that made up the original, historic community are all “non-conforming” and are often demolished to comply with suburban zoning, thus destroying the historic atmosphere of a commercial center – which may be what drew the business and/or the customers in the first place.

If regulations for parking require the demolition of historic buildings for compliance then that is a major conflict that must be dealt with.

Front yard parking shall be discouraged.

Rear parking shall be encouraged.

- Access from a common alleyway which runs along the rear of all properties in the block shall be considered.
- Access from a common driveway that serves a number of buildings shall be considered.

Shared parking shall be encouraged for two or more commercial establishments operating in close proximity to one another.

Municipal parking shall be considered.

All parking areas shall be lighted and landscaped in such a way as to maintain the character of the neighborhood/community.

Village Districts/Neighborhood Districts

Note: If you designate a Village District or Village Overlay, you may want to include some or all of the other components depending on your goals.

Specific villages/neighborhoods may have special characteristics that define not only the village/neighborhood, but the heritage of the municipality as a whole. The purpose of the village/neighborhood district is to promote the continuation of the village/neighborhood concept and to perpetuate the historic character within village/neighborhood districts.

Creating a village/neighborhood district without looking at the zoning designation, the uses permitted by right, conditional uses, and special exception uses, is counter-productive. If, for example, you designate an area V-R for village residential but do not change the lot size, set-back and side yard requirements for new construction then infill development will be suburban, not village in nature thus defeating the purpose. Parking, lighting, and signs also play a role.

Define what characteristics give the village its character, and then adjust the zoning regulations accordingly so the village pattern can be continued. Village/neighborhood districts shall be pedestrian oriented so sidewalks are an important feature. If there is the potential for growth, consider a village extension rather than a dramatic change from village to suburban zoning. Consider establishing a grid pattern of interconnecting streets and sidewalks to improve connectivity and walkability.

Permitted Uses

Uses permitted by right in a historic village or neighborhood should consider the nature of the village/neighborhood and the types of uses that existed historically or that are desirable for the future. If the village/neighborhood is residential, then commercial uses should be considered as conditional uses and evaluated upon the impact upon the area. Retention of the historic nature of the building should always be a goal.

Conditional Uses

These should be considered on a case by case basis in an effort to encourage the adaptive reuse of historic resources that is appropriate to the circumstance. Retention of the historic characteristics of the building and surrounding area should be priorities. For example, a B&B is considered a commercial use and is not allowed in a residential area; however, within the residential area is a large, historic dwelling that can no longer be maintained as a single dwelling and a B&B is proposed. The impact of a B&B on a residential neighborhood is low and it ensures the retention of the historic characteristics of the building. This is but one example. Often, it's a matter of common sense.

Design guidelines are useful to illustrate the look you are trying to achieve. Examples of appropriate signage and lighting can be included; building types can be shown and described. LCPC has examples of many types of design guidelines plus we have a model and are developing a template for use by municipalities.

Protecting Landscapes and Rural Resources

The subdivision and land development ordinance (SALDO) is another tool that can be used to protect historic resources and retain the character of landscapes. The SALDO and the Zoning ordinance should cross-reference each other. If the Zoning Ordinance regulates demolition, that should be cross-referenced in the SALDO to inform developers they may not clear the land of existing buildings before submitting development plans. Classifications, described below, allow identification of and regulation of "places having unique historical, architectural, or patriotic interest of value."

Classifications

The classifications of Historic/Not Historic or Class I, Class II, and Class III as they relate to historic buildings also have other applications. Other types of classifications may be made - the key is that any regulations adopted apply only to a particular classification and must be administered uniformly within the classification.

In Section 605 of the MPC where classification is established as a zoning tool, it says:

“Where zoning districts are created, all provisions shall be uniform for each class of uses or structures, within each district, except that additional classifications may be made within any district:

- (1) For the purpose of making transitional provisions at and near the boundaries of districts
- (2) For the regulation, restriction or prohibition of uses and structures at, along or near:
 - (i) major thoroughfares, their intersections and interchanges, transportation arteries and rail or transit terminals; ...
 - (iv) places having unique historical, architectural or patriotic interest or value;

As among several classes of zoning districts, the provisions for permitted uses may be mutually exclusive, in whole or in part.

- (3) For the purpose of encouraging innovation and the promotion of flexibility, economy and ingenuity in development ...”

What this means in terms of historic, cultural or scenic preservation is that a municipality may regulate *at, along, or near* historic, cultural, or scenic areas, districts, sites, buildings, and objects.

A municipality may regulate how close a new building can be built to a historic building; so, when a new development on or near a parcel containing a historic complex of farm buildings is planned, the municipality may specify that new building cannot be built within a designated number of feet - for example, 300 ft., of the existing buildings. They can use design guidelines to encourage compatibility of new construction with the existing conditions. They can require vegetative buffering to offset visual and/or auditory impacts, etc.

A municipality may regulate buildings and uses at intersections, along main roads going into and out of a community (gateways). If an intersection has a large historic dwelling or commercial building on each corner, the municipality may deny demolition, or deny certain uses such as gas stations. If one or more corners are vacant they can specify that new construction be compatible with the neighborhood in height, orientation, fenestration, etc., so you don't get a one-story flat roofed building in a 2-1/2 story neighborhood. It is possible to prevent an intersection from becoming a macadam eyesore that may lower the value of the surrounding homes.

A municipality may regulate buildings and uses in the area surrounding or next to a historic, cultural, or scenic district or area creating a buffer or transition zone.

Of course, a major component of this is the identification of the various historic, cultural, or scenic buildings, objects, sites, districts, and areas and the creation of an inventory so classifications can be made and appropriate regulations developed.

As stated in 605.(3) the ability to classify is “for the purpose of encouraging innovation and the promotion of flexibility, economy and ingenuity in development.” It is not true that there are no options, that your hands are tied; there is nothing to be done. The key ingredient is political will.

IEBC

A Member of the International Code Family[®]

INTERNATIONAL EXISTING BUILDING CODE[®]



If a municipality wants to maintain its character it is extremely important to use the appropriate building code. Until 2003 there was not a separate code for existing buildings – everything was regulated as if it was new construction. It's surprising that all the people who live in existing housing stock didn't rise up and demand change long ago. Many homeowners did not do updates or make additions because of the cost of bringing the entire building up to new construction standards.

In Pennsylvania all municipalities were required to adopt a uniform code system. This system is the International Code system that includes the International Building Code (IBC), International Electrical Code (IEC), International Fire Code (IFC), *and the International Existing Building Code (IEBC)*, among others.

The International Building Code (IBC) applies to new construction and, unfortunately, is also applied to the repair, alteration, change of occupancy, additions to and relocation of existing buildings. Although the IEBC was created in 2003, most municipalities continued to do things as they had always done them and just continued using the IBC. For this reason, it is very important to get the word out to property owners, contractors, and municipal building officials about the IEBC. If municipalities do not have a copy they should obtain one; the IEBC is one of the International Code publications and is available from the same source. Individuals may purchase a copy online at the International Code Council website/bookstore:

<http://www.iccsafe.org/e/prodshow.html?prodid=3550S06&stateInfo=ddlbidjlkaFkwvfW2022j3>

This code book is worth the investment if you intend to do any work to your existing buildings. The second edition came out in 2006 and a third edition in 2009. These regulations apply to all existing buildings, not just historic buildings. Historic buildings, however, are treated separately in the code (Chapter 11).

Chapter I of the IEBC, Administration, provides detailed information on scope and applicability of the IEBC, which is summarized below.

The provisions of the IEBC shall apply to the repair, alteration, change of occupancy, additions and relocation of existing buildings. The intent of the IEBC is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard public health, safety and welfare as may be applicable. Alterations complying with the laws in existence at the time the building or affected portion of the building was built shall be considered in compliance with the provisions of this code. The provisions of the IEBC apply only to the section of the building being altered or rehabilitated, other areas of the building do not have to be changed or updated.

Chapter 2, Definitions, contains the following:

Existing Building

A building erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.



Historic Building

Any building or structure that is listed in the State or 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 or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

It goes without saying that buildings that have been listed or determined eligible for the National Register Places of Historic Places are historic; however, the process to become listed on the National Register is a long and complicated one that usually requires the hiring of a consultant, which subsequently can cost thousands of dollars and several years of work. Most people who live in existing buildings don't even know what the National Register is let alone consider applying for listing on the register; therefore, just because a building is not listed or eligible for the register, does not mean it is not historic. *And*, there are levels of significance. Many buildings would not be eligible for listing on the National Register individually but that does not mean they don't have local architectural or historical significance. It is not only appropriate but very significant that the definition of historic building includes buildings that may be identified as historic at the local level by survey or that are subject to local preservation regulations.

Chapter 11 of the IEBC is specifically for historic buildings as defined above; the intent of this chapter is to provide means for the preservation of historic buildings. In all sections of this chapter, *exceptions and alternatives are provided* to standard treatment. For example, "Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the authority having jurisdiction, the alternative requirements shall be permitted. The alternative requirements are, 1) to provide an alternative entrance that is accessible, even if it's into a non-public area; or 2) to fit the main door with a notification system of some sort (doorbell, intercom, etc.). This is one of many alternatives allowed under Chapter 11 of the IEBC for historic buildings and it illustrates why it is important for the public to know about the IEBC and for the municipality to use the IEBC.

The IEBC is an extremely important tool in the preservation of the historic character of buildings, neighborhoods, and communities.

Conclusion

What is the vision for your municipality? Is there a vision for the future or are things handled more or less as they come up without thought to the long-term effects? The vision should be established by the local governing body through the Comprehensive Planning process with public input. Is the vision expressed in the Comprehensive Plan being implemented through zoning? Or are the vision and the zoning ordinance mutually exclusive? There are formal “visioning” exercises that can be done by communities to obtain public input and determine goals the participants want their elected officials to implement. If, as most people say, they “want things to stay the way they are” then steps must be taken to allow that happen - you need a plan to identify those characteristics you believe are character defining in your community and you need zoning that implements the plan. You get what your zoning allows. Preservation is not something that is done to you; rather, it is something that is done by you. Preservation begins at the local level. Political will is important but no less so than citizen involvement. Zoning creates regulations that restrict certain individual liberties - but it is for the good of the whole. The whole is the entire municipality. If you’ve got a historic community, find ways to make that history and the historic buildings work for you. Why allow it to be destroyed and replaced with suburban style buildings and commercial uses that already exist everywhere else? Your municipality is unique and you have the tools to keep it that way.

Creating a “Designated Body”

By Ordinance

By Resolution



Bylaws

Creating a “Designated Body”

The “designated body” is the body created by the municipal officials in accordance with the general powers given them in the Borough/Township Code. This body’s function is to review applications for permits required by the historic resource preservation regulations. Their review is based upon specific criteria and they are required to provide written recommendations to the zoning officer, governing body and zoning hearing board, as applicable, for use in their deliberative process. This body may be created by ordinance or by resolution and samples of both are included here. This body may also have additional functions and duties.

This body may be given any name that you choose to give it. Some municipalities call it a Historical Commission, others call it a Heritage Review Committee, or just Heritage Committee, Demolition Review Board, etc. The name is a local decision.

All documents should be formatted in the way customary to the municipality. The following format is generic.

*Following is a template of a **Resolution** for the creation of a “Designated Body.”*

**BOROUGH/TOWNSHIP OF _____
LANCASTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. _____

A RESOLUTION TO PROVIDE FOR THE ESTABLISHMENT OF A (insert name of designated body) TO SERVE AS AN ADVISORY BOARD TO (name of municipality) ZONING OFFICER, THE (GOVERNING BODY), ITS BOARDS AND COMMISSIONS AND TO DELINEATE THE FUNCTIONS AND DUTIES OF THE (NAME OF DESIGNATED BODY)

Statement of Intent and Purpose: In creating the (name of municipality & name of designated body) under the general powers contained in the (Borough or Township) Code, the (governing body) is establishing a policy to support historic preservation, in accordance with provisions of the Pennsylvania Municipalities Planning Code, Act 247, of 1968, as amended and re-enacted.

The (governing body) recognizes the importance of the (Borough/Township’s) historic resources as elements that help define the character of the (Borough/Township) and the people who live here. The (governing body) also realizes the potential economic development tool that historic resources can be in attracting businesses, tourists and residents.

Goals: It is the goal of the (governing body) to provide tools to the residents of the community that can be utilized to preserve and enhance the historic character that makes (name of municipality) a unique, distinctive and identifiable place.

BE IT HEREBY RESOLVED by the (governing body) of the (name of municipality), Lancaster County, Pennsylvania, as follows:

Section 1. Creation of “designated body”: The (governing body) of the (name of municipality) hereby creates a “designated body” which shall report to the (governing body) and which shall consist of (5, 7 or 9) members who shall be appointed by the (governing body). The membership of the “designated body” shall include individuals who have professional expertise or a demonstrated interest in cultural history, architectural history, archaeology, historic preservation, or knowledge in a field related to the objectives

of the “designated body”, such as: real estate, construction, grant writing, fund raising, local business, economic development and the like.

Section 2. Term of Service: Each “designated body” member shall serve for a term of five (5) years. The creation of the “designated body” shall be established so that one (1) term shall expire each year. The “designated body” shall notify the Chair of the (governing body) of any vacancies in the “designated body” and the (governing body) shall act within ninety (90) days to fill those vacancies. Appointments to fill vacancies for unexpired terms shall only be filled for the unexpired portion of the term vacated. Members shall serve without pay, but shall be reimbursed for any personal expenditure in the conduct of “designated body” business when authorized by the (governing body).

Section 3. Organization: The “designated body” shall annually elect, from its own membership a Chair who will direct the activities of the “designated body” and such other officers as may be required to conduct its business. A quorum shall be a majority or more of its membership. The “designated body” may make, alter, and rescind rules and forms for its procedures consistent with the Ordinances of the (governing body) and laws and regulations of the Commonwealth. The “designated body” shall conduct business at regular public meetings. An agenda for each public meeting shall be available for inspection prior to the start of each meeting.

Section 4. Records and Reporting: The “designated body” shall keep full public records of its business and shall submit a report of its activities to the (governing body) annually. The report shall include at minimum: a.) a list of all regular and special meetings, b.) a listing of all cases handled and the decision in each case, c.) a list of all “designated body” members, and d.) a list of all expenditures and a proposed budget. All records and reports shall be kept on file in the municipal office building.

Section 5. Expenditures for Services: Within the limits of funds appropriated by the (governing body), the “designated body” may employ staff or contract for clerical, consulting or other technical services.

Section 6. Conflict of Interest: “Designated body” members are required to recuse themselves from any discussion and disqualify themselves from voting on any project in which their own financial interest or those of their immediate families are involved.

Section 7. Functions and Duties: In accordance with the purposes of this Ordinance, the “designated body” shall have the following functions and duties:

1. Aid the zoning officer, (governing body) and its boards and commissions in the administration of preservation overlay regulations by gathering historical and architectural information and providing written recommendations.
2. Advise the Zoning Hearing Board and (governing body) on all requests for special exceptions, conditional uses, or variances affecting historic resources directly or indirectly.
3. Provide information on historic preservation issues to the (governing body), its boards and commissions.
4. Review and comment to the Planning Commission on proposals for infill or new construction at, along, or near historic resources.
5. Participate in the preparation of Comprehensive Plan updates generally and specifically with the development of the historic preservation component of said Comprehensive Plan update.
6. Participate in the periodic review and update of (borough/township) ordinances to ensure implementation of the preservation goals set forth in the Comprehensive Plan and to ensure against provisions which may conflict with historic preservation goals.

7. Make proposals to (governing body) for the creation of historic preservation regulations as amendments to a zoning ordinance, if applicable, that is not in the update process.
8. Prepare or participate in the preparation of design and maintenance guidelines to serve as an aid to owners of historic buildings and to the Planning Commission considering plans for infill development.
9. Maintain the historic resource inventory list and map and make recommendations to the (governing body) for changes in historic classification.
10. Review and comment, as a consulting party, on the potential impact of actions, funded in whole or in part by federal funds or licensed by the federal government, on historic resources through the Section 106 review process.
11. Advise property owners about the National Register of Historic Places.
12. Develop informational and educational materials about the Township/Borough's history, its historic resources, and historic preservation regulations
13. Promote, conduct, or participate in activities which educate or enhance the community's understanding of the township/borough's history and historic resources i.e. walking tours, festivals, special observances, etc.
14. Pursue funding through grants, gifts, donations, and other sources for the purposes stated herein.
15. Perform any other lawful activities which shall be deemed necessary to further the purposes of the historic preservation policy goal.

Section 8. Written Recommendations: All "designated body" recommendations provided to the Applicant, zoning officer, planning commission and/or (governing body) shall be written and shall include a description of the proposed activity, recommendations and shall further note all points where the "designated body" and applicant agreed on the implementation of either the proposal and/or modification of the proposal.

DULY ADOPTED this _____ day of _____, 2____, by the (governing body) of the (name of municipality), Lancaster County, Commonwealth of Pennsylvania, in lawful session duly assembled.

(Name of Municipality)
Lancaster County, Pennsylvania

By: _____
Chair of the (governing body)

Attest: _____
(Borough or Township) Secretary/Treasurer

(Seal)

##

As mentioned earlier, a "designated body" may be created by ordinance or by resolution. The basic criteria for the "designated body" are the same whether you are a township or a borough. A suggested list of functions and duties of the "designated body" are included. The content of this document must be edited based on your goals and objectives and formatted appropriately in the tradition of the municipality.

Following is a template of an **Ordinance** for the creation of a "Designated Body."

**BOROUGH/TOWNSHIP OF _____
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A "Designated Body" TO SERVE AS AN ADVISORY BOARD TO _____ TOWNSHIP/BOROUGH ZONING OFFICER, THE (Governing Body), ITS BOARDS AND COMMISSIONS. THE ORDINANCE SHALL DELINEATE THE FUNCTIONS AND DUTIES PERTAINING TO THE _____ TOWNSHIP/BOROUGH "Designated Body".

Statement of Intent and Purpose: In creating the _____ Township/Borough "designated body" under the general powers contained in the Township/Borough Code, the (governing body) is establishing a policy to support historic preservation, in accordance with provisions of the Pennsylvania Municipalities Planning Code, Act 247, of 1968, as amended and re-enacted.

The Board of Supervisors recognizes the importance of the Township/Borough's historic resources as elements that help define the character of the Township/Borough and the people who live here. The (governing body) also realizes the potential economic development tool that historic resources can be in attracting businesses, tourists and residents.

Goals: It is the goal of the Board of Supervisors to provide tools to the citizens of the community that can be utilized to preserve and enhance the historic character that makes Township/Borough a unique, distinctive and identifiable place.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the (governing body) of the Township/Borough of _____, Lancaster County, Pennsylvania, as follows:

- A. **Creation of "Designated Body":** The (governing body) of the Township/Borough of (name of municipality) hereby creates a "designated body" which shall report to the (governing body) and which shall consist of five (5, 7 or 9) members who shall be appointed by the (governing body). The membership of the "designated body" shall include individuals who have professional expertise or a demonstrated interest in cultural history, architectural history, archaeology, historic preservation, or knowledge in a field related to the objectives of the "designated body", such as: real estate, construction, grant writing, fund raising, local business, economic development and the like.
- B. **Term of Service:** Each "designated body" member shall serve for a term of five (5) years. The creation of the "designated body" shall be established so that one (1) term shall expire each year. The "designated body" shall notify the Chairman of the (governing body) of any vacancies in the "designated body" and the (governing body) shall act within ninety (90) days to fill those vacancies. Appointments to fill vacancies for unexpired terms shall only be filled for the unexpired portion of the term vacated. Members shall serve without pay, but shall be reimbursed for any personal expenditure in the conduct of "designated body" business when authorized by

the Board of Supervisors.

(The two items below, concerning the general operation of the “designated body” may appear in the ordinance or can be removed and placed into bylaws concerning the general operation of the “designated body.”)

- C. Organization: The “designated body” shall annually elect, from its own membership a Chairman who will direct the activities of the “designated body” and such other officers as may be required to conduct its business. A quorum shall be a majority or more of its membership. The “designated body” may make, alter, and rescind rules and forms for its procedures consistent with the Ordinance of the Township/Borough of _____ and laws and regulations of the Commonwealth. The “designated body” shall conduct business at regular public meetings. An agenda for each public meeting shall be available for inspection prior to the start of each meeting.
- D. Records and Reporting: The “designated body” shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors annually. The report shall include at minimum: a.) a list of all regular and special meetings, b.) a listing of all cases handled and the decision in each case, c.) a list of all “designated body” members, and d.) a list of all expenditures and a proposed budget. All records and reports shall be kept on file in the Township/Borough Office Building.
- E. Expenditures for Services: Within the limits of funds appropriated by the Board of Supervisors, the “designated body” may employ staff or contract for clerical, consulting or other technical services.
- F. Conflict of Interest: “Designated Body” members are required to reclude themselves from any discussion and disqualify themselves from voting on any project in which their own financial interest or those of their immediate families are involved.
- G. Functions and Duties: In accordance with the purposes of this Ordinance, the “designated body” shall have the following functions and duties:
 - 1. Aid the zoning officer, (governing body) and its boards and commissions in the administration of preservation overlay regulations by gathering historical and architectural information and providing written recommendations.
 - 2. Advise the Zoning Hearing Board and (governing body) on all requests for special exceptions, conditional uses, or variances affecting historic resources directly or indirectly.
 - 3. Provide information on historic preservation issues to the (governing body), its boards and commissions.
 - 4. Review and comment to the Planning Commission on proposals for infill or new construction at, along, or near historic resources.
 - 5. Participate in the preparation of Comprehensive Plan updates generally and specifically with the development of the historic preservation component of said Comprehensive Plan update.
 - 6. Participate in the periodic review and update of (borough/township) ordinances to ensure implementation of the preservation goals set forth in the Comprehensive Plan and to ensure against provisions which may conflict with historic preservation goals.
 - 7. Make proposals to (governing body) for the creation of historic preservation regulations as amendments to a zoning ordinance, if applicable, that is not in the update process.

8. Prepare or participate in the preparation of design and maintenance guidelines to serve as an aid to owners of historic buildings and to the Planning Commission considering plans for infill development.
9. Maintain the historic resource inventory list and map and make recommendations to the (governing body) for changes in historic classification.
10. Review and comment, as a consulting party, on the potential impact of actions, funded in whole or in part by federal funds or licensed by the federal government, on historic resources through the Section 106 review process.
11. Advise property owners about the National Register of Historic Places.
12. Develop informational and educational materials about the Township/Borough's history, its historic resources, and historic preservation regulations
13. Promote, conduct, or participate in activities which educate or enhance the community's understanding of the township/borough's history and historic resources i.e. walking tours, festivals, special observances, etc.
14. Pursue funding through grants, gifts, donations, and other sources for the purposes stated herein.
15. Perform any other lawful activities which shall be deemed necessary to further the purposes of the historic preservation policy goal.

H. Applicant Notification: All "designated body" reviews provided to the applicant, zoning officer, planning commission and/or (governing body) shall be written and shall state the activity proposed by the applicant, the "designated body" recommendations and shall further note all points where the "designated body" and applicant agreed on the implementation of either the proposal and/or modification of the proposal.

I. Severability: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, part, or provisions of this Ordinance. It is hereby declared to be the intent of the (governing body) that this Ordinance would have been enacted if such illegal, invalid, or unconstitutional section, entence, clause, part or provision had not been included herein.

J. Effective Date: The Ordinance shall become effective immediately upon enactment by the (governing body) of (name of municipality)" provided by law.

DULY ADOPTED this _____ day of _____, 2____, by the (governing body) of the (name of municipality), Lancaster County, Commonwealth of Pennsylvania, in lawful session duly assembled.

(Name of Municipality)
Lancaster County, Pennsylvania

By: _____
Chair of the (governing body)

Attest: _____
(Borough or Township) Secretary/Treasurer

(Seal)

##

Following is a sample set of bylaws. The bylaws are meant to lay out the meeting procedure and record keeping procedures of the “designated body” to ensure structure and consistency. This would include the procedure and timing of the selection of the chairman and other officers that may be deemed necessary, such as a vice-chairman and a recording secretary. The bylaws may contain the same language as the ordinance/resolution creating them if you choose to include it; otherwise, it can simply refer to the appropriate section in the ordinance/resolution. Any specifics on meeting protocol, use of Robert’s Rules of Order, attendance, criteria for dismissal from the board (lack of attendance), how minutes and reports are done and what information they contain, and the like. If there is ever a legal challenge, the meeting minutes are vital and must be accurate and well presented.

**BYLAWS
OF THE
“Name of Designated Body”
OF**

LANCASTER COUNTY, PENNSYLVANIA

The (governing body) of _____ Borough/Township created a “designated body” on _____, 2_____ by (ordinance/resolution).

*(*Indicate here any of the particulars that were set forth when the “designated body” was established.)*

This “designated body shall be known as _____.

Now, therefore, the “designated body” establishes bylaws which shall guide the organization, activities, and operation of said “designated body”.

Membership

1. Members shall be appointed by the governing body.
2. The “designated body” shall consist of (5, 7, or 9) members.
3. The membership of the “designated body” shall include individuals who have professional expertise or a *demonstrated interest* in cultural history, architectural history, archaeology, historic preservation, or knowledge in a field related to the objectives of the “designated body,” such as: real estate, construction, grant writing, fund raising, local business, economic development and the like.
4. Each “designated body” member shall serve for a term of _____ (_____) years. The creation of the “designated body” shall be established so that one (1) term shall expire each year. Therefore, the initial members shall have appointments on an ascending scale of one year to the maximum of _____ years. The subsequent appointments shall serve the full term.
5. The “designated body” shall notify the Board of Supervisors of any vacancies in the “designated body” and the (governing body) shall act within ninety (90) days to fill those vacancies.
6. Appointments to fill vacancies for unexpired terms shall only be filled for the unexpired portion of the term vacated.
7. Lack of attendance without justification and/or notification is cause for dismissal from the “designated body.”

8. Members shall serve without pay, but shall be reimbursed for any personal expenditure in the conduct of “designated body” business when authorized by the (governing body).

Organization and Procedure

1. The “designated body” shall annually elect, from its own membership a Chairman who will direct the activities of the “designated body” and such other officers as may be required to conduct its business.
2. A quorum shall be a majority its membership.
3. The “designated body” may make, alter, and rescind rules and forms for its procedures consistent with laws and regulations of the Commonwealth.
4. The “designated body” shall conduct business at regular public, advertised meetings. An agenda for each public meeting shall be available for inspection prior to the start of each meeting.

Records and Reporting

1. The “designated body” (or designated officer of the “designated body”) shall keep records of its business and shall submit a report of its activities to the Township/Borough annually. The annual report shall include at minimum:
 - a. A list of all regular and special meetings,
 - b. A listing of all matters considered and the decision in each matter,
 - c. A list of all “designated body” members, and attendance,
 - d. A list of all expenditures and a proposed budget (if/when applicable).
2. Meeting minutes should include, at a minimum:
 - a. A list of “designated body” members who were present and those who were absent
 - b. A list of guests present at the meeting (this can be an attachment of a sign-in sheet)
 - c. A record of the dialogue between the applicant and the “designated body” as it relates to the application being reviewed.
 - d. A record of all motions and decisions

All records and reports shall be kept on file in the Township/Borough Office Building and be available for public inspection.

Expenditures for Services

1. Within the limits of funds appropriated by the Township/Borough, the “designated body” may employ staff or contract for clerical, consulting or other technical services.

Conflict of Interest

1. “Designated body” members are required to recuse themselves from any discussion and disqualify themselves from voting on any project in which their own financial interest or those of their immediate families are involved.

Functions and Duties

In accordance with the purposes of this Ordinance, the “designated body” shall have the following functions and duties.

1. Aid the zoning officer, (governing body) and its boards and commissions in the administration of preservation overlay regulations by gathering historical and architectural information and providing written recommendations.
2. Advise the Zoning Hearing Board and (governing body) on all requests for special exceptions, conditional uses, or variances affecting historic resources directly or indirectly.
3. Provide information on historic preservation issues to the (governing body), its boards and commissions.
4. Review and comment to the Planning Commission on proposals for infill or new construction at, along, or near historic resources.
5. Participate in the preparation of Comprehensive Plan updates generally and specifically with the development of the historic preservation component of said Comprehensive Plan update.
6. Participate in the periodic review and update of (borough/township) ordinances to ensure implementation of the preservation goals set forth in the Comprehensive Plan and to ensure against provisions which may conflict with historic preservation goals.
7. Make proposals to (governing body) for the creation of historic preservation regulations as amendments to a zoning ordinance, if applicable, that is not in the update process.
8. Prepare or participate in the preparation of design and maintenance guidelines to serve as an aid to owners of historic buildings and to the Planning Commission considering plans for infill development.
9. Maintain the historic resource inventory list and map and make recommendations to the (governing body) for changes in historic classification.
10. Review and comment, as a consulting party, on the potential impact of actions, funded in whole or in part by federal funds or licensed by the federal government, on historic resources through the Section 106 review process.
11. Advise property owners about the National Register of Historic Places.
12. Develop informational and educational materials about the Township/Borough’s history, its historic resources, and historic preservation regulations
13. Promote, conduct, or participate in activities which educate or enhance the community’s understanding of the township/borough’s history and historic resources i.e. walking tours, festivals, special observances, etc.
14. Pursue funding through grants, gifts, donations, and other sources for the purposes stated herein.

15. Perform any other lawful activities which shall be deemed necessary to further the purposes of the historic preservation policy goal.

Adopted by the "designated body" on: _____

By: _____

Chairman of "Designated Body"

##

EPILOGUE

Finally, it is extremely important that all “designated bodies” are consistent from one meeting to the next in terms of the conduct of the meeting and in terms of applicants/applications and decisions. For example, if the “designated body” has approved changes to a front porch for one applicant they must, *in similar situations*, approve changes to a front porch for another applicant. Also, applicants must be treated in a similar fashion, whether you know the applicant well, or don’t know the applicant at all. The meeting minutes will reflect both consistency and inconsistency. In the remote possibility of a legal challenge, the minutes will be very important documents that can help or hurt your case based upon the conduct of the meeting. The master set of minutes should be kept in the municipal building and the recording secretary may have their own set. There should be an agenda available prior to the meeting and at the meeting and minutes should be given to each “designated body” member, preferably sent to them along with the applications several days before the meeting to provide time for review.. The master set at the municipal building must be open for inspection.

A “designated body” can only review the items specified in the ordinance for their review. They cannot go beyond, or ignore, these particulars. Every member of the “designated body” should be provided with a 3-ring notebook containing the preservation regulations, the document creating the “designated body,” and the bylaws. This is also an appropriate place for each member to keep their copy of the minutes, notes or other related materials.

Please call the Historic Preservation Specialist at the Lancaster County Planning Commission, (717) 299-8333, with questions or concerns and to obtain advice and assistance with establishing regulations, establishing the “designated body,” conducting historic resource inventories, meeting conduct, record-keeping or any other concerns you may have related to preservation of historic resources.

HISTORIC PRESERVATION GUIDELINES

Lancaster County Planning Commission

150 North Queen Street • Suite 320 • Lancaster, PA 17603 • (717) 299-8333

www.co.lancaster.pa.us/planning

May 2009

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.



OAKBOURNE PARK MASTER PLAN

COMMUNITY MEETING NO.2

NOVEMBER 10, 2020, 7:00 PM



Board of Supervisors

Richard (Dick) Pomerantz, Chair

Carol R. De Wolf, Vice Chair

Scott E. Yaw, Esq., Police Commissioner

Project Coordinator:

Mila Robinson



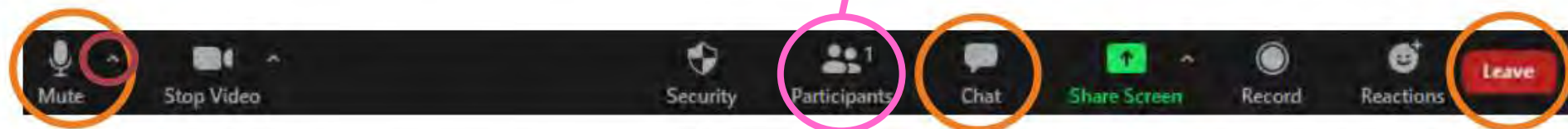
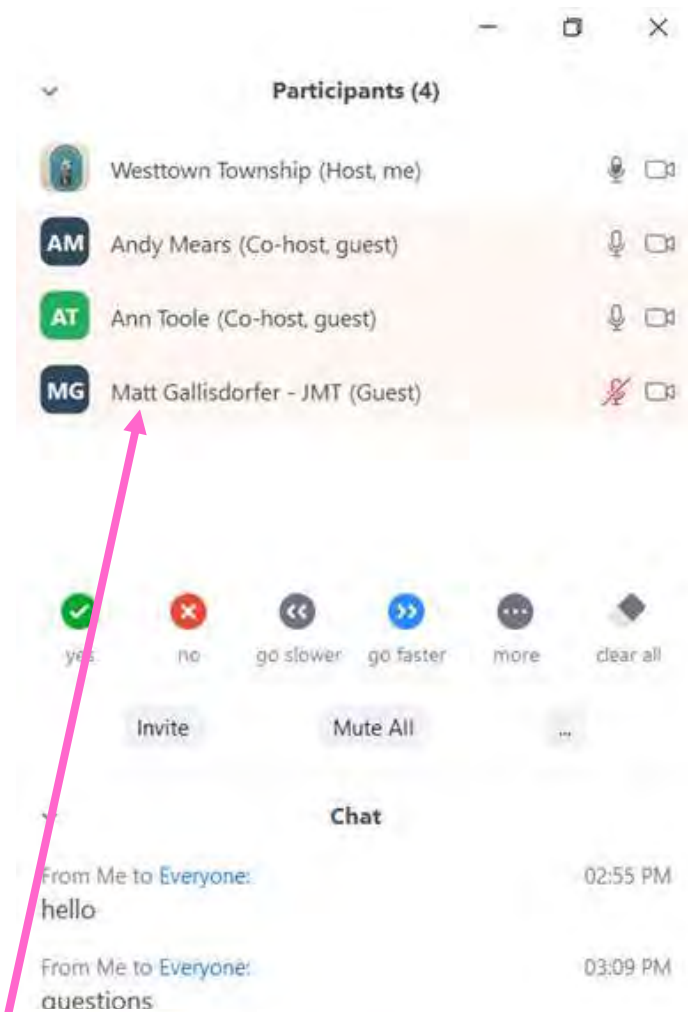
Virtual Zoom Meeting

1. Please ensure your name appears correctly by clicking the "Participants" button and "Rename" next to your Participant ID and add any affiliation

Example : Jack Doe -

- Adjacent Neighbor
- Township Resident
- Sports League
- Recreation League
- Township
- Other

2. If you have a question, you can "Raise hand" in the participant ID box, or send a Chat
3. This meeting is being recorded and this presentation will be posted to Townships website



Public Meeting Agenda



- I. Welcome**
- II. Introduction of Design Team**
- III. Existing Conditions + Site Context**
- IV. Master Site Plan Improvements**
- V. Question + Answers**
- VI. Next Steps**



Team At a Glance



Key Contacts & Classification



Andrew Mears, PLA
Project Manager/
Park Planner



Ann Toole, CPRP, CPP
Operations & Management/
Public Engagement



Neil Beach, PE
Transportation/
Trail Planner



Matt Gallisdorfer, PLA
Landscape Architect



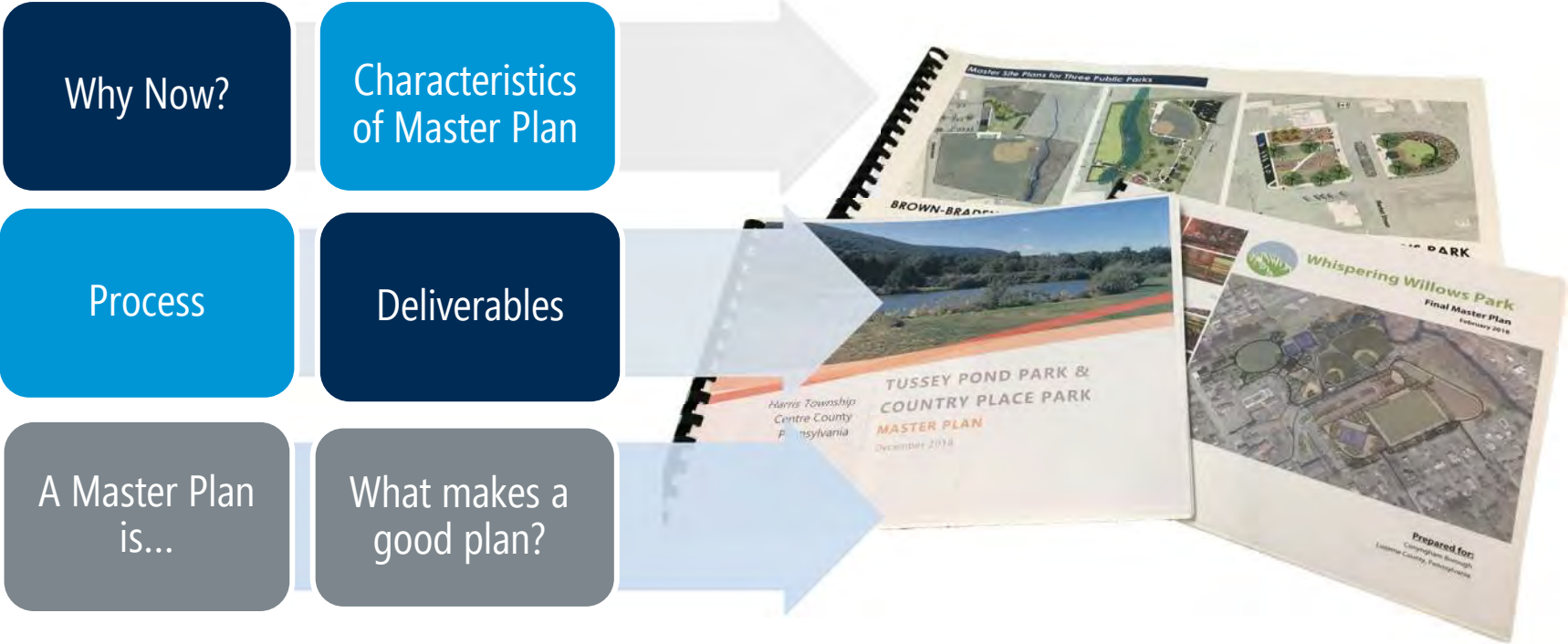
1,650+
Employee
Owners

49 YEARS
in Business

#52 (ENR)
Top 500 Design Firms

#3 (ENR)
Top Design Firms
in the Mid-Atlantic

Master Plan

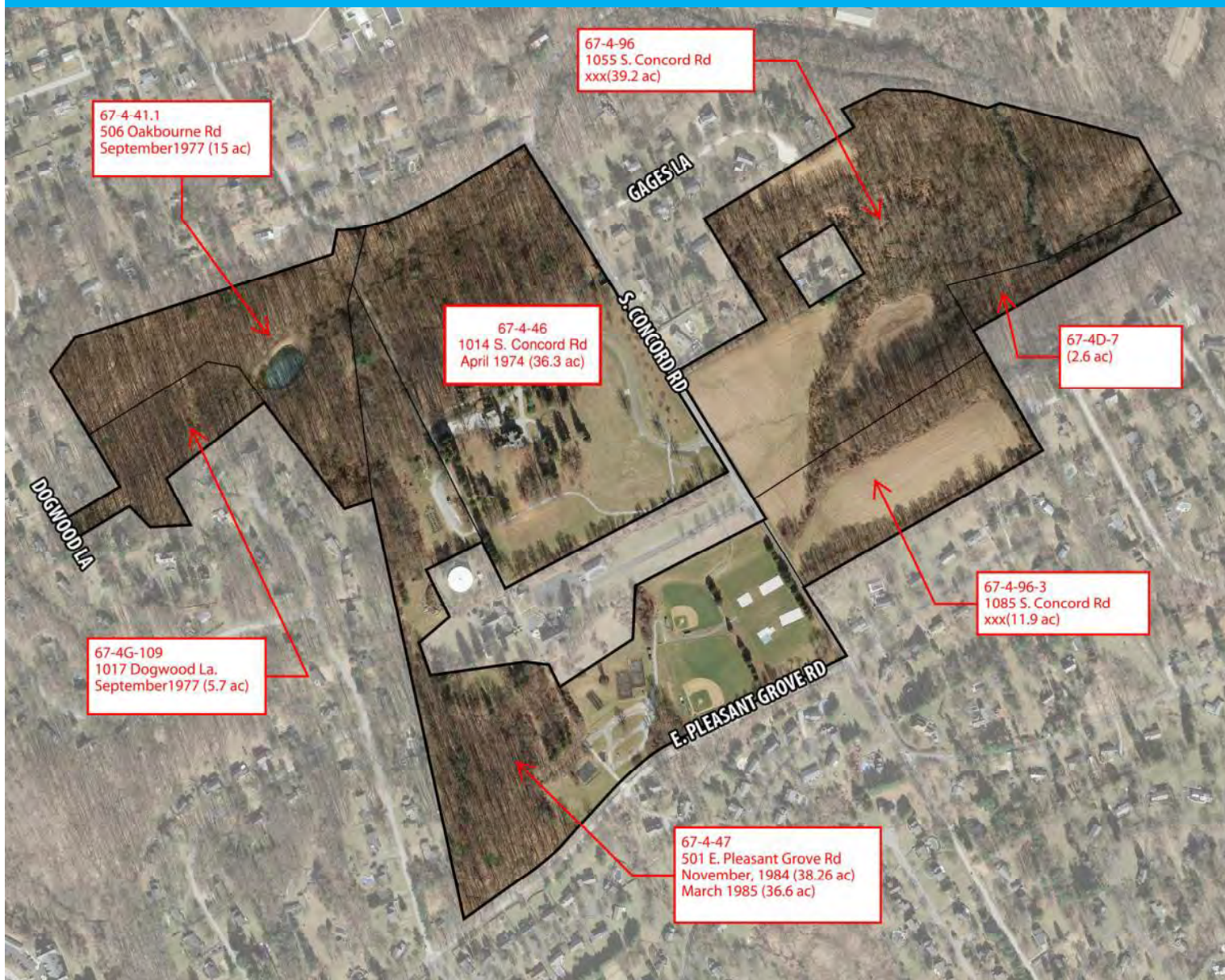




ANALYSIS OF EXISTING

Evolution of Oakbourne Park Master Plan

Park Area



144.7 Acres

Total Area

53.7 Acres

East Side of South
Concord Road

91 Acres

West Side of
Concord Road

10.8 Acres

Gaudenzia House

Analyses



Oakbourne Park Existing Site Inventory



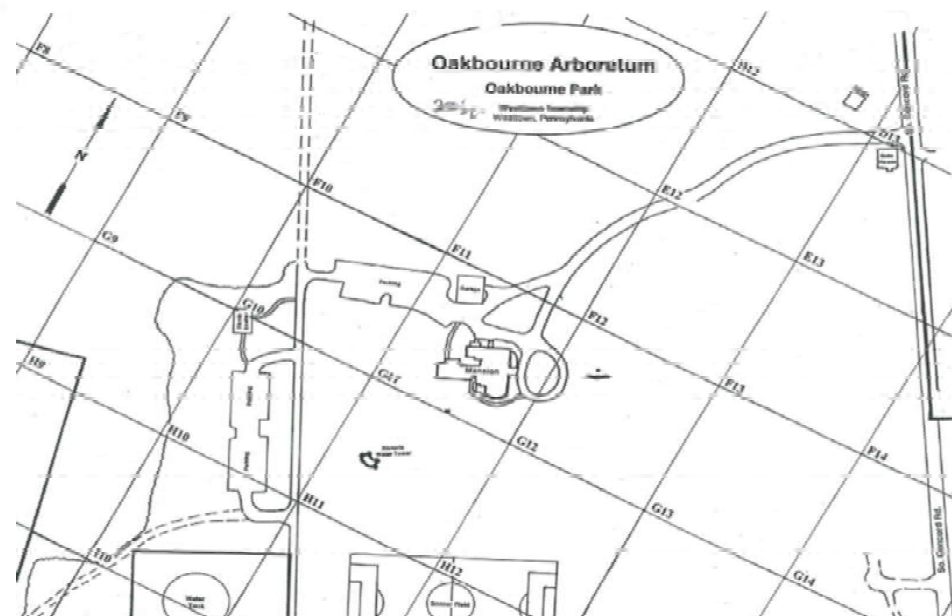
Oakbourne Park Existing Site Inventory

Oakbourne Park	
Buildings	5
Paths and trails miles	3.5
Playgrounds	1
Picnic shelters	1
Community gardens	1
Basketball courts	1
Baseball field (300')	1
Baseball field (200')	1
Batting cages	2
Multi-purpose field (360'x225')	1
Multi-purpose field (360'x145')	1
Tennis Courts	2
Portable toilets	4
Natural area acres	90.5
Mowed Lawns area acres	36
Parking spaces	195
ADA Parking spaces	2

- A** 33 Spaces (2 ADA)
- B** 37 Spaces (0 ADA)
- C** 125 Spaces (0 ADA)
- D** 2 Spaces (0 ADA)



Oakbourne Park Trails



Analyses



Oakbourne Park Landform/Elevation



Oakbourne Park Slope Map



Oakbourne Park Soils Map



Oakbourne Park Hydrologic Groups





Analyses – 5 Landscape Types

Oakbourne Park
Existing Site Inventory



- CIVIC
- NATURAL
- ACTIVE
- AGRICULTURE
- SERENE

Analyses



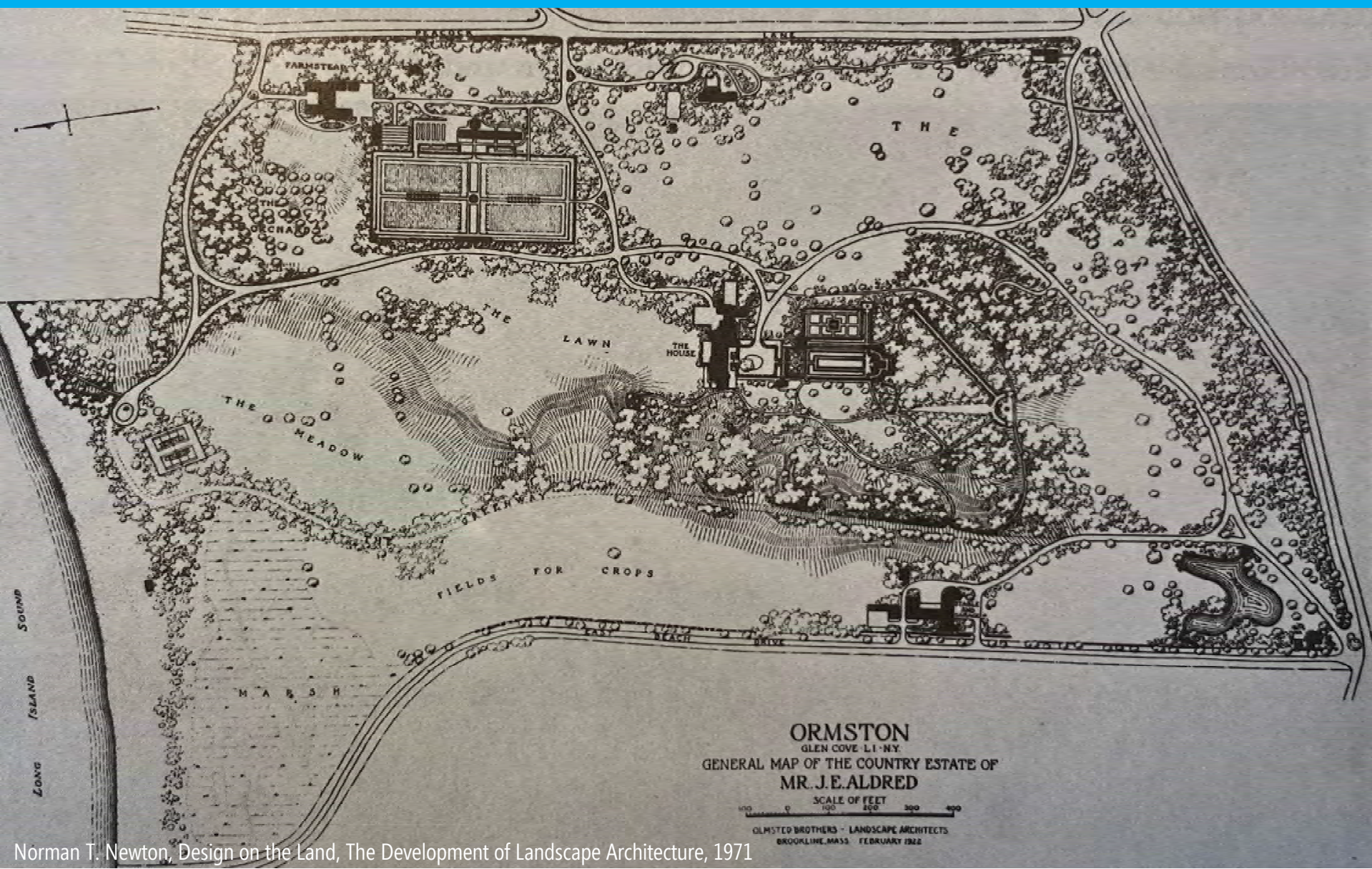
Oakbourne Park Natural Capacity to Support Development



Oakbourne Park



Country Place Era



Norman T. Newton, Design on the Land, The Development of Landscape Architecture, 1971

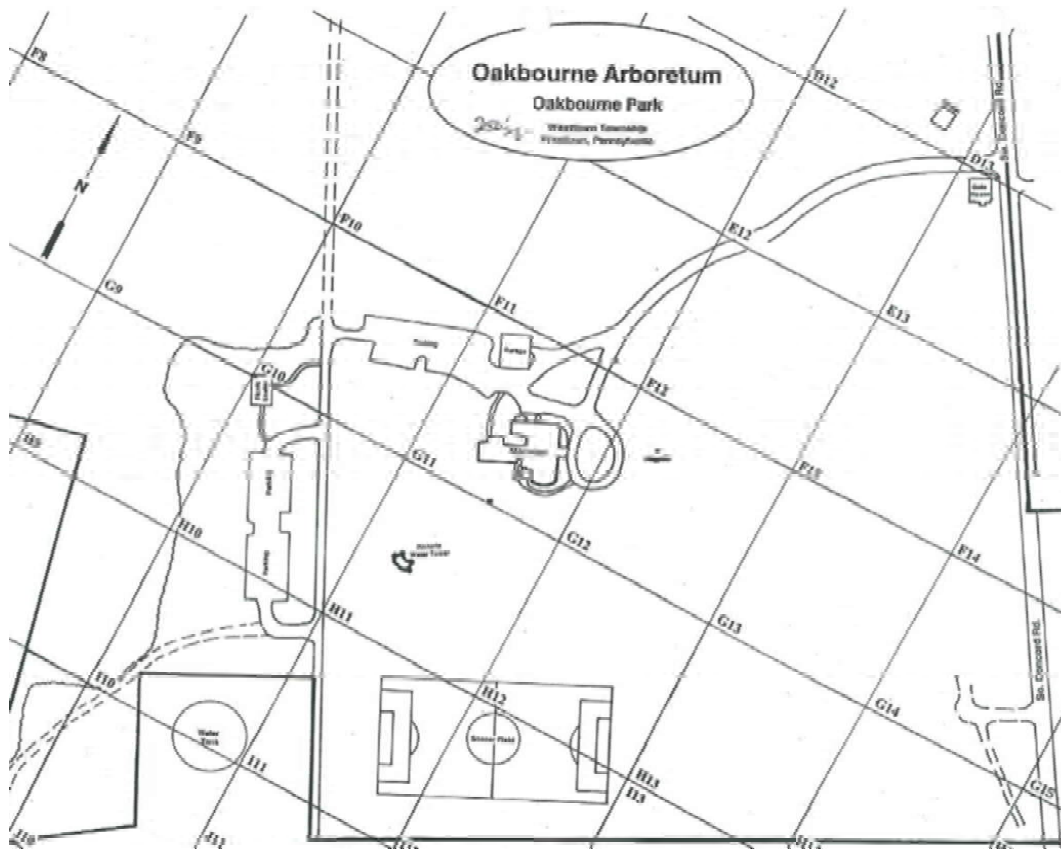
Country Place Era



The Main Line Country Houses 1870-1930, William Morrison

View from Rosemont Station, ca. 1905

Arboretum



The Arboretum is part of the story!

America's Garden Capital



The Gardens

Brandywine Valley

- 1 Brandywine River Museum of Art
- 2 Hagley Museum and Library
- 3 Longwood Gardens
- 4 Mt. Cuba Center
- 5 Nemours Estate
- 6 Welkinweir
- 7 Winterthur Museum, Garden & Library

Bucks County

- 8 Andalusia Historic House and Gardens
- 9 Bowman's Hill Wildflower Preserve
- 10 The Gardens at Mill Fleurs
- 11 Henry Schmierer Arboretum
- 12 Hortulus Farm
- 13 Tyler Formal Gardens

Main Line & Del. County

- 14 Barnes Arboretum at Saint Joseph's University
- 15 Chanticleer
- 16 Haverford College Arboretum
- 17 Henry Botanic Garden
- 18 Jenkins Arboretum & Gardens
- 19 Scott Arboretum

20 Stoneleigh:
a natural garden

21 Tyler Arboretum

Montgomery County

- 22 Ambler Arboretum
- 23 The Highlands Mansion & Gardens
- 24 PHS Meadowbrook Farm

New Jersey

25 Barton Arboretum and Nature Preserve of Medford Leas

26 Grounds For Sculpture

27 Camden Children's Garden

Philadelphia County

28 The Arboretum at Laurel Hill & West Laurel Hill Cemeteries

29 Awbury Arboretum

30 Bartram's Garden

31 James G. Kaskey Memorial Park

32 Morris Arboretum of the University of Pennsylvania

33 Philadelphia Zoo

34 Shofuso

35 The Woodlands

36 Wyck Historic House, Garden, Farm



Brandywine Valley

No: 6

Welkinweir

1368 Prizer Road • Pottstown, PA 19465

Welkinweir is a 219-acre oasis of natural beauty in the pastoral heart of northern Chester County. The former estate features a 55-acre arboretum, historic estate house, and ecologically diverse woodland, wetland, and meadow habitats.

Est. 1935

Must-see Feature:

The Pennsylvania state champion Chinese hackberry.

Admission:

Free, no tickets required.

Passport Fulfillment:

Write down the secret code word found on the kiosks in the visitor parking lot.

Garden Types



219
acres

Activities & Interest



[@welkinweir](#) [welkinweir.org](#)

Country Place Era



<https://tclf.org/landscapes/bryn-athyn-historic-district>



COMMUNITY INPUT

Evolution of Oakbourne Park Master Plan



Gathering Community Input

1

**Project Study
Committee**



2

**Stakeholder
Interviews**



3

**Focus Group
Discussions**



4

**Community
Online Survey**



5

**Public Input
Meetings**





Public Meeting Recap

- Total registered 49
 - Total attendees 64
 - 55 comments
-
- The provided comments and questions are all posted on the website.

<https://www.westtownpa.org/parks-trails/>

Community Input Public Meetings

The first public meeting occurred on September 15, 2020 via Zoom webinar. The consulting team provided an overview of Oakbourne Park and reviewed the planning process. The consultants shared information about the existing conditions and limitations, and gathered feedback from the meeting participants on their interests. We thank everyone who participated in the webinar, and encourage residents to join the next virtual public meeting on November 10.

[Oakbourne Park Master Plan Community Input Meeting No. 1 – Presentation
Provided Questions and Comments \(09-15-2020\)
Meeting No. 1 Recording](#)



Community Survey Summary

Oakbourne Park Survey Findings (as of 11.10.2020)

- 427 Responses: 97% park users
- 90% Residents
- 99% can get to the Park within 15 minutes by any means
 - Only 9% by cycling; 36% by walking
- Predominantly households with children
- 35 - 44 and 45 – 64 age groups
- Barriers: After "busy-ness": poor quality facilities, nothing of interest

Community Survey Summary



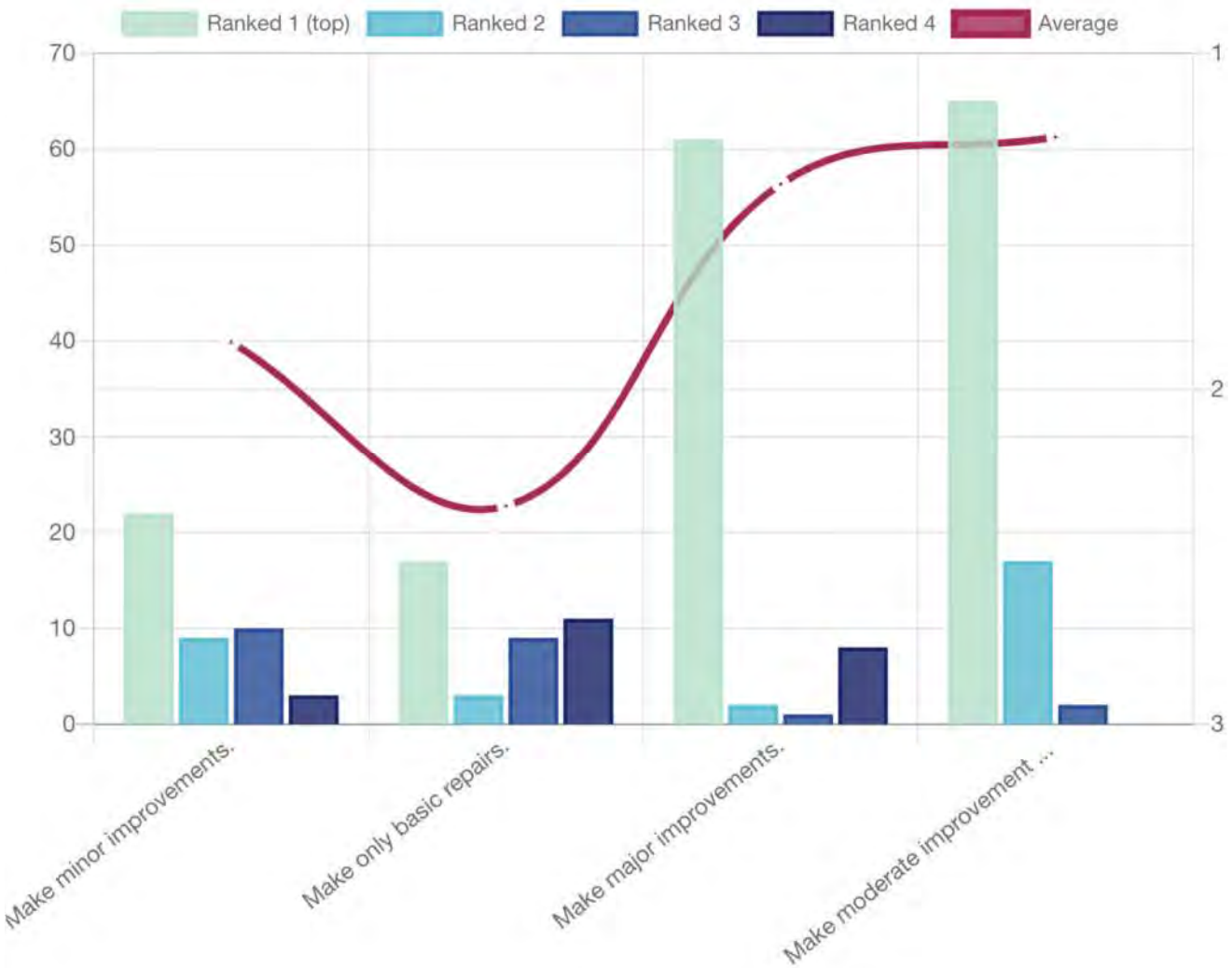
Big Picture

- Improvement Level: Moderate to Major
- Top Three Uses: Trails, General Park Use, & Playground
- Spend their money on Trails, Restrooms, and Playground
- Top Desired Improvements: Restrooms, Historic Preservation of Park, & Programs
- Top Programs: Special Events, Nature & Fitness - Families & 5 -12 Yrs
- Preferred Information Sources: Website, Newsletter & Facebook

Community Survey Summary



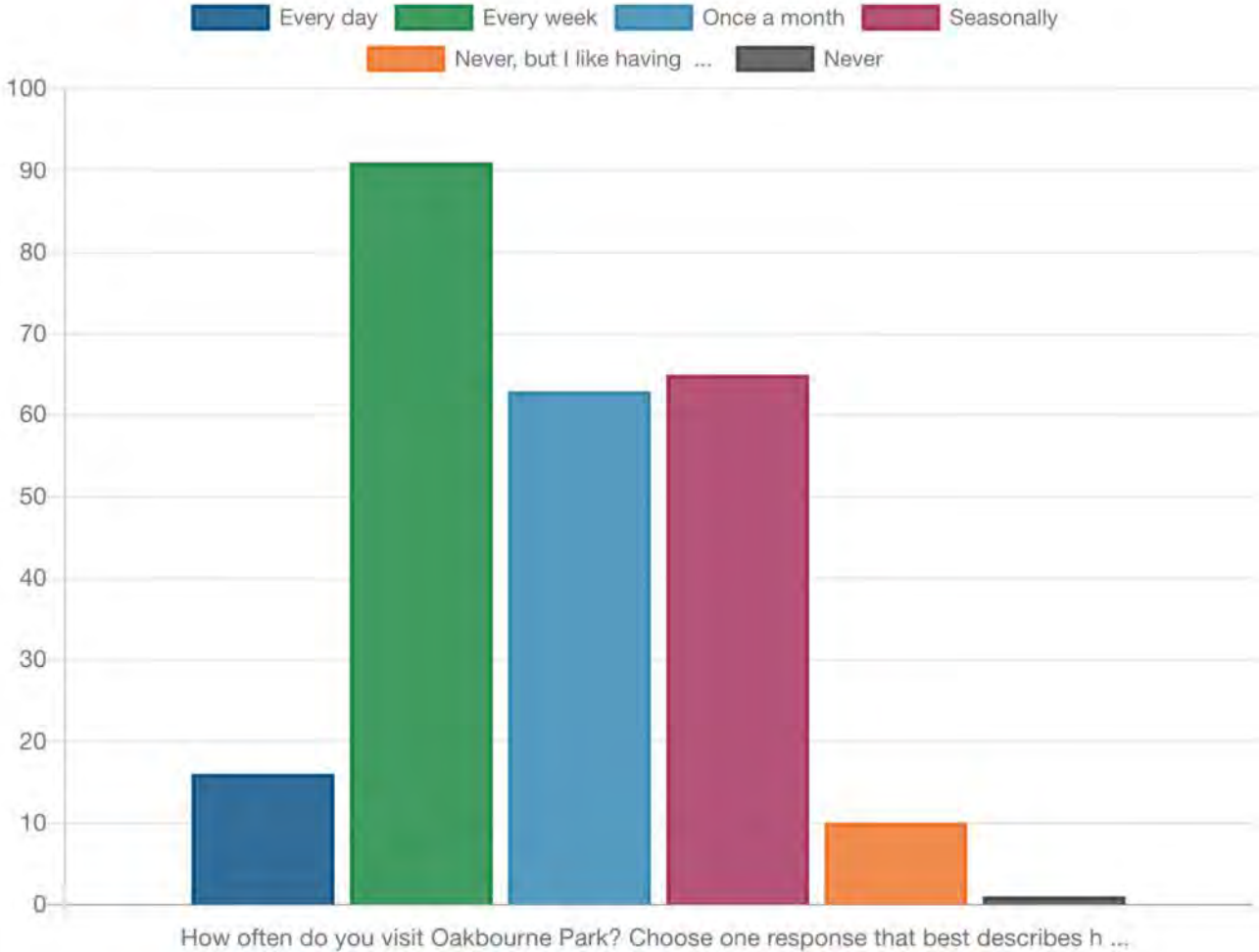
How would you improve Oakbourne Park?



Community Survey Summary



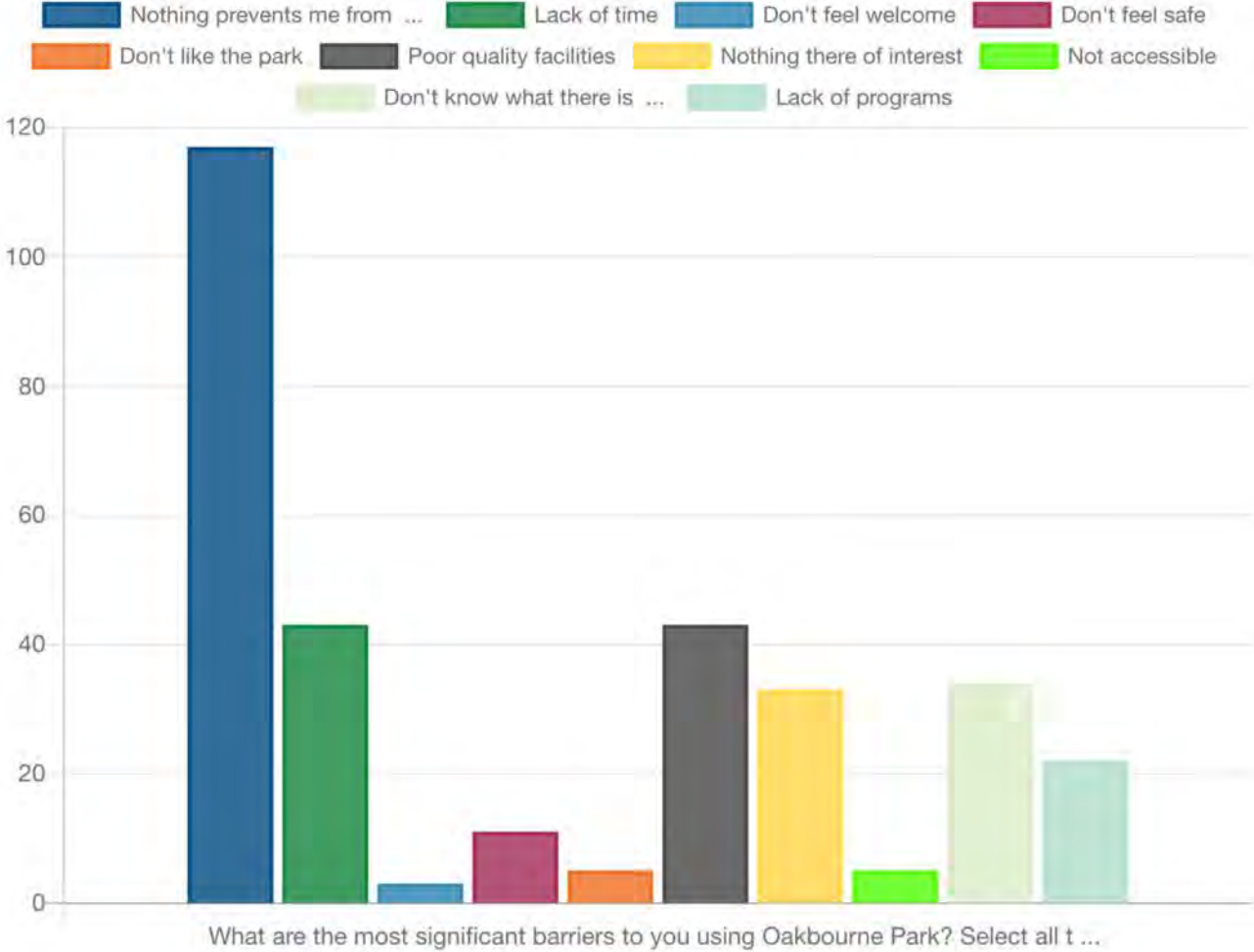
How often do you visit Oakbourne Park? Choose one response that best describes how frequently you go there.



Community Survey Summary



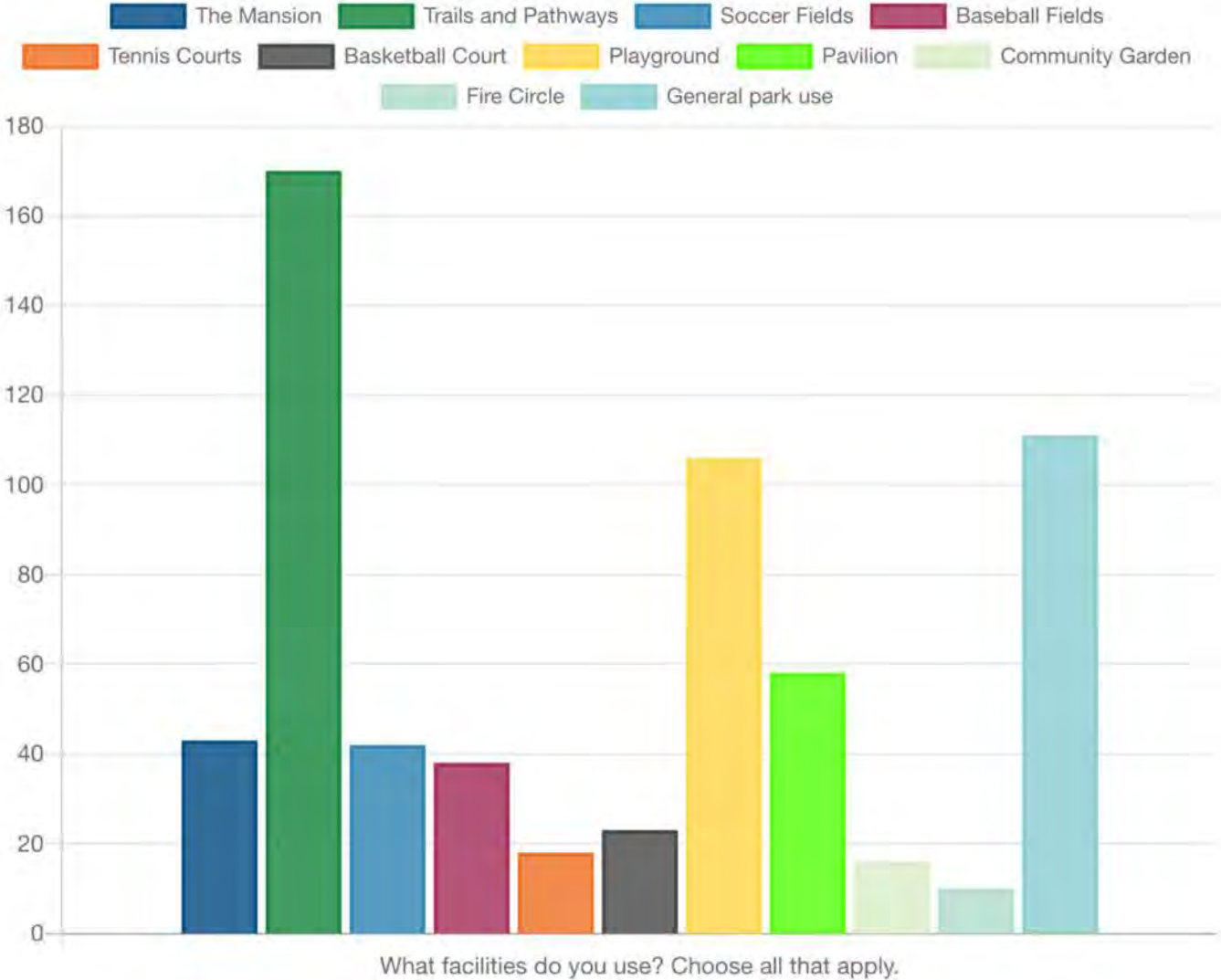
What are the most significant barriers to you using Oakbourne Park? Select all that apply.



Community Survey Summary



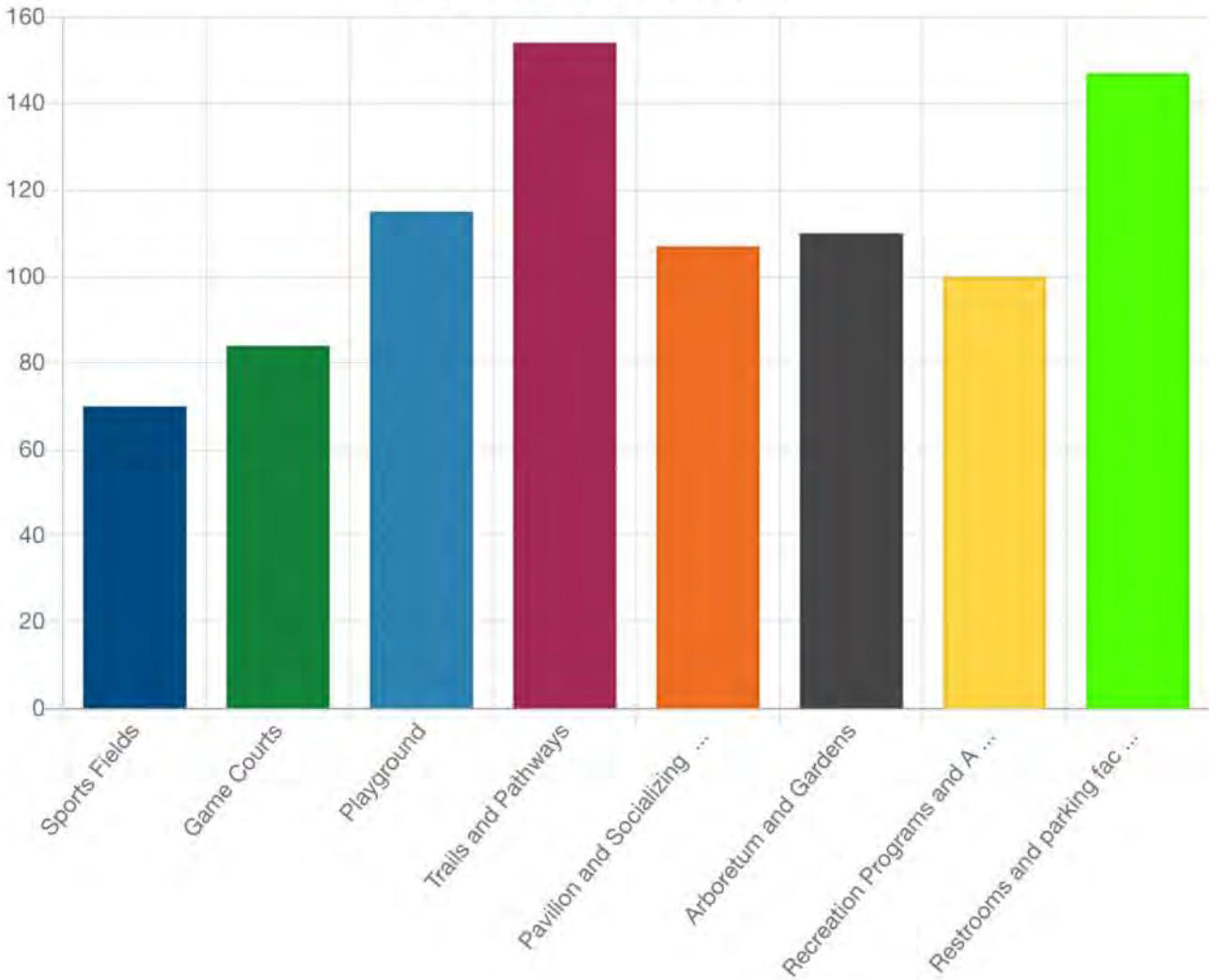
What facilities do you use? Choose all that apply.



Community Survey Summary



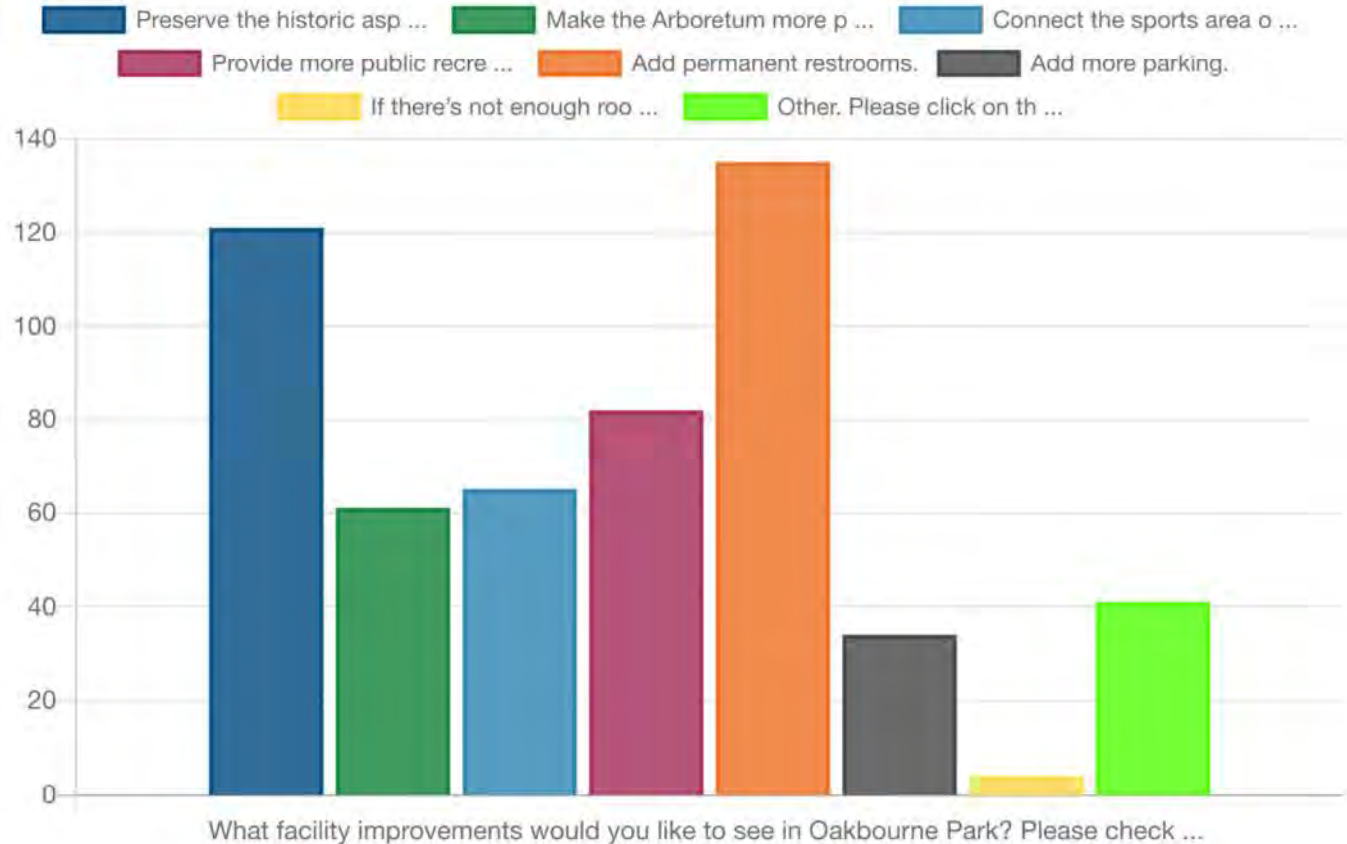
Spend Your Money



Community Survey Summary



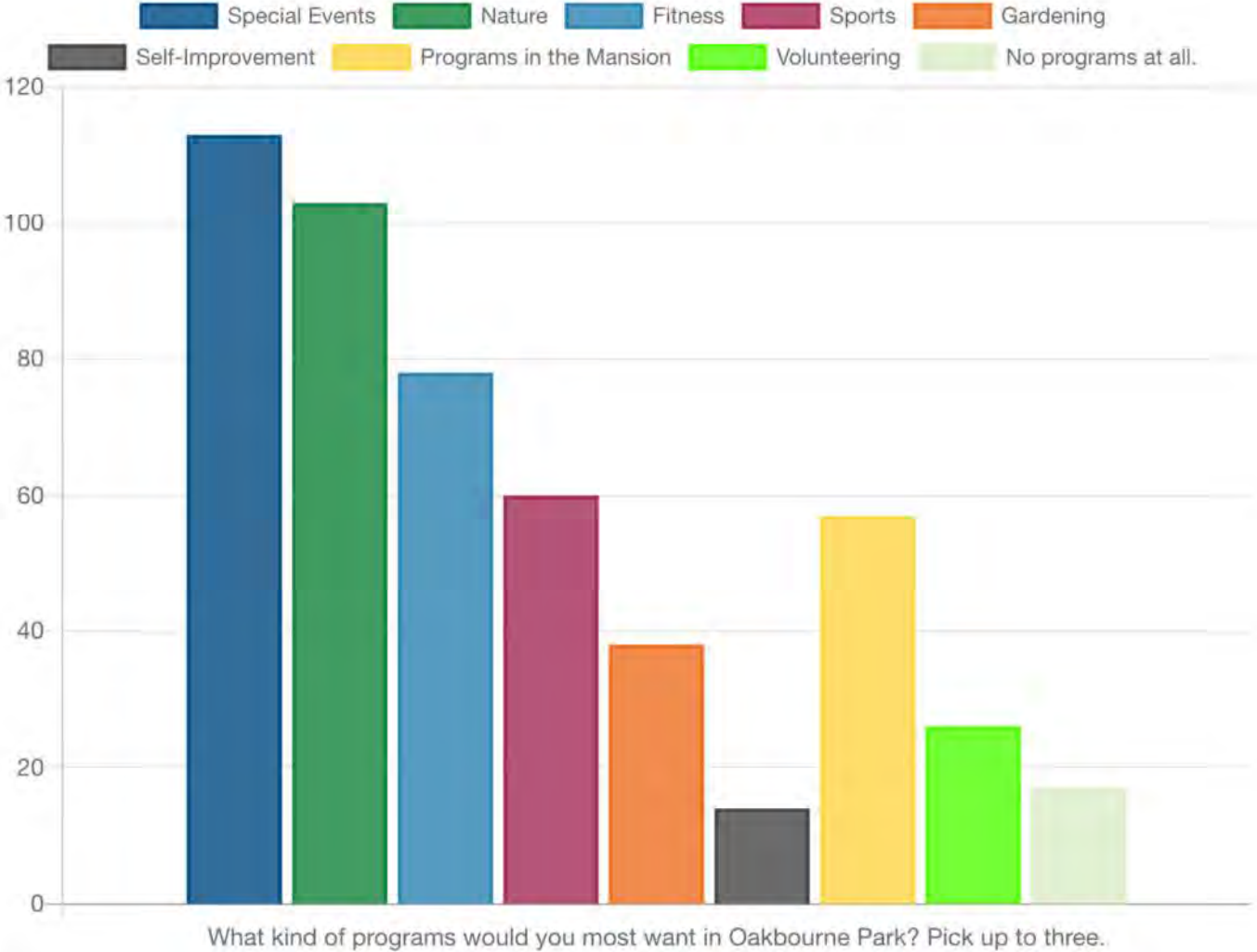
What facility improvements would you like to see in Oakbourne Park? Please check the improvements you would like to see made. If you'd like other improvements, please click on the white bubble in the blue bar above to type in your ideas.



Community Survey Summary



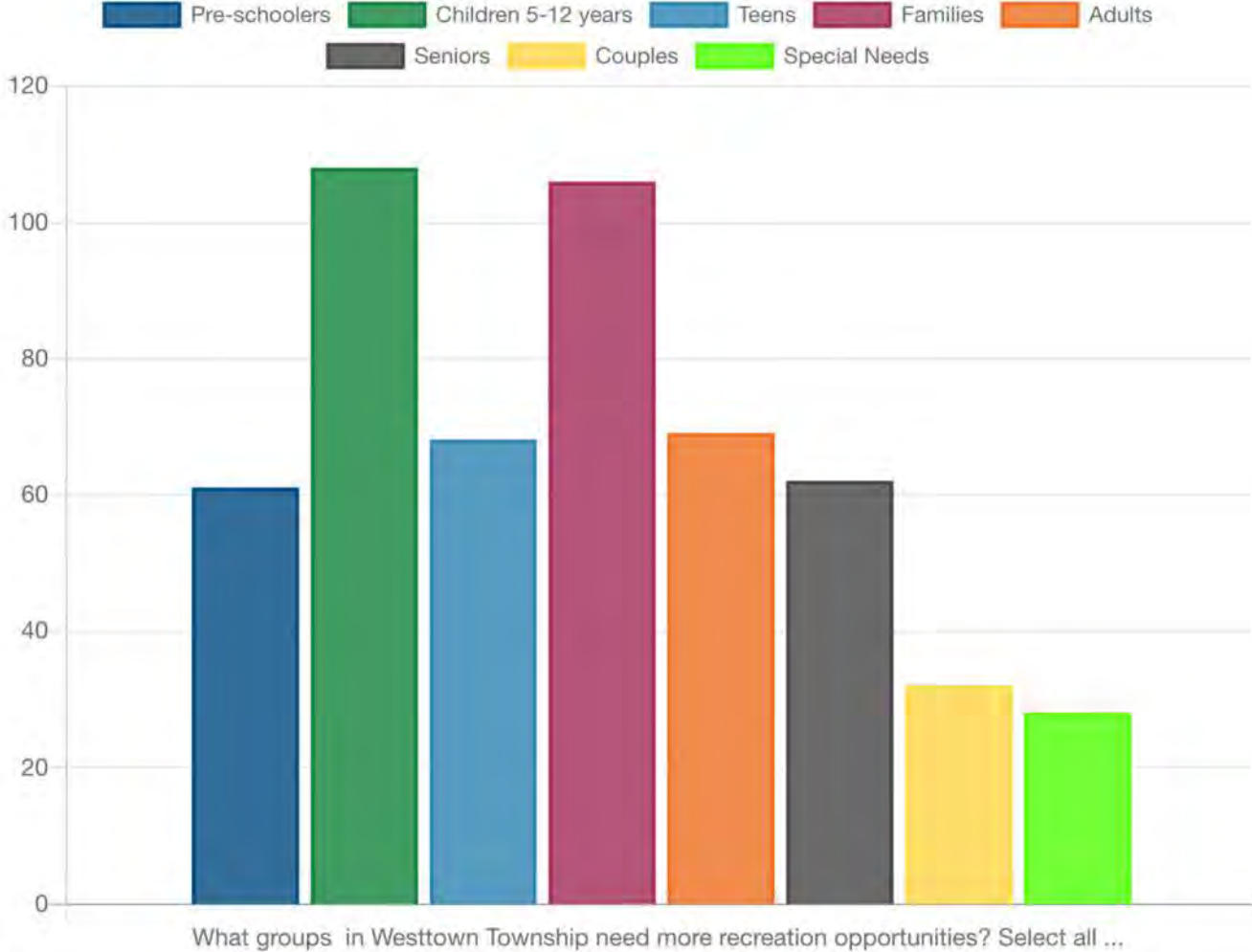
What kind of programs would you most want in Oakbourne Park? Pick up to three.



Community Survey Summary



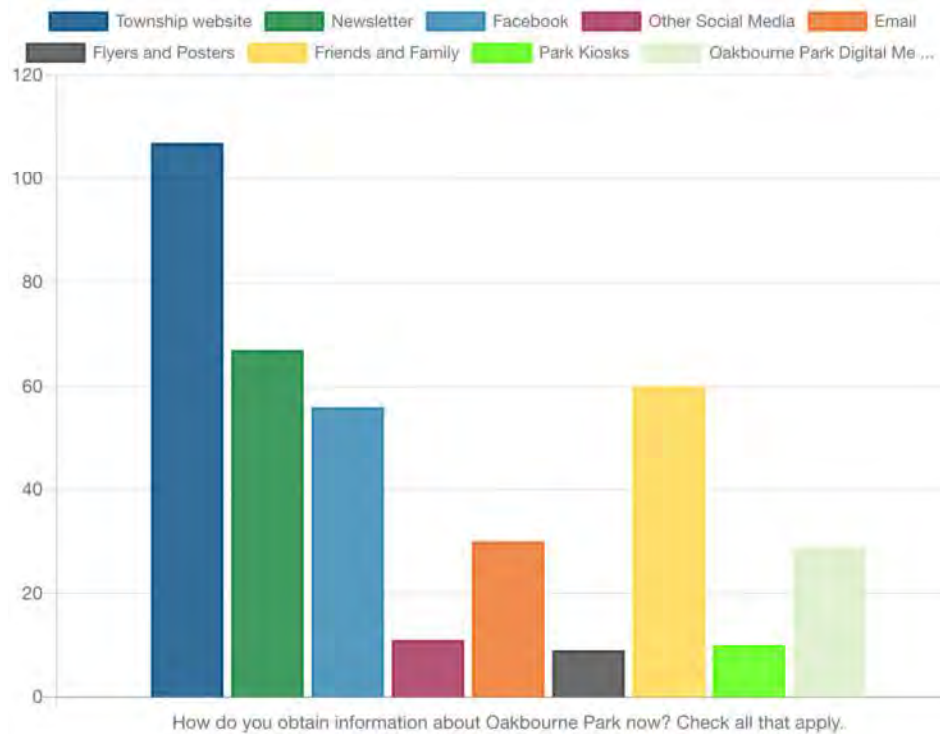
What groups in Westtown Township need more recreation opportunities? Select all that apply.



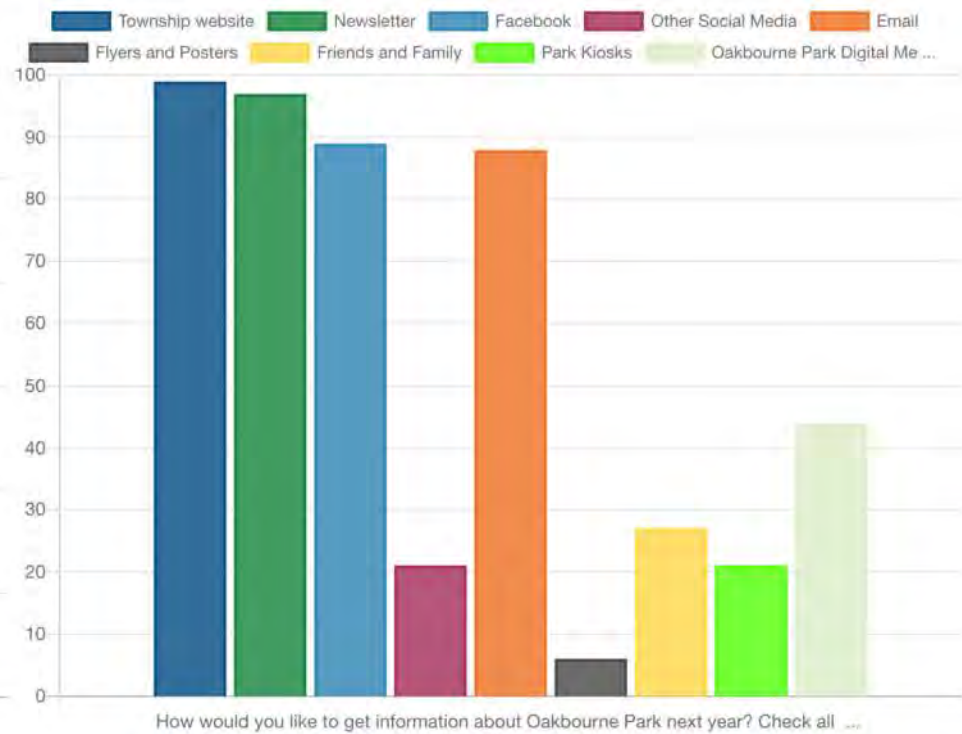


Community Survey Summary

How do you obtain information about Oakbourne Park now? Check all that apply.



How would you like to get information about Oakbourne Park next year? Check all that apply.



Community Values



Values - Your values are the things that you believe are important in the way you plan, manage, maintain, program, and support Oakbourne Park.

- **Preservation:** Culture, history, agricultural heritage, and open space with an emphasis on accessibility, sustainability, and beauty.
- **Recreation:** Park visitors play, learn and develop a greater capacity to enjoy life.
- **Education:** Park visitors understand and enjoy the history of the park and its cultural and natural resources.
- **Responsiveness and Innovation:** Recognize the need for leadership and excellence in park maintenance, programming and management.
- **Quality over Quantity:** Park elements are of high quality and maintained at a sustainable level. We will provide an optimal level of programs and support to assure superior visitor experiences.
- **Sustainability** - Environmental and Financial: We will make decisions that result in providing services at a sustainable rate and facilities that can be reasonably maintained, set realistic program and service delivery targets, and modifying park management and maintenance methods and procedures to increase efficiency.
- **Collaboration:** Foster an ongoing working practice whereby public and private partners work together toward the common purpose of achieving the vision and goals of Oakbourne Park.

Vision Statement



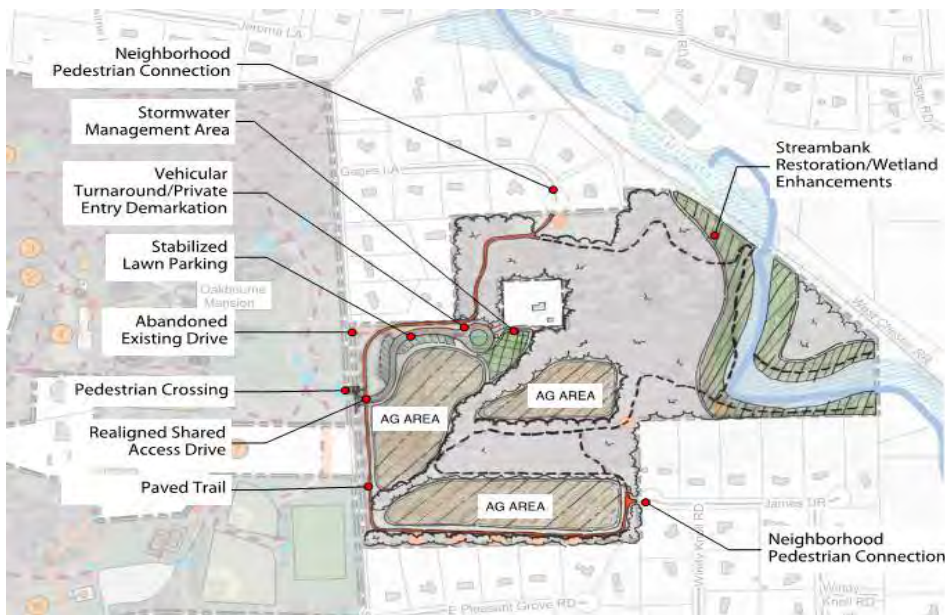
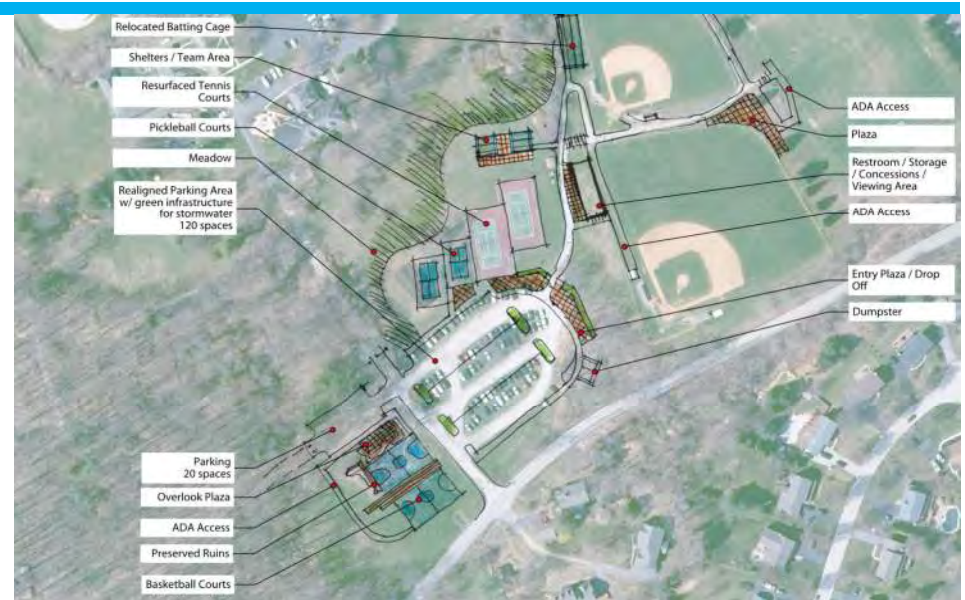
Oakbourne Park is a premier historic year-round recreation destination that welcomes and captivates residents and visitors. The Park with its heritage, beauty, and recreation opportunities are part of daily life in our community and shape the character of Westtown Township. Historical, natural, and recreational resources cultivate outstanding experiences, health, enjoyment, fun, and learning for all people. Oakbourne Park is sustainable, well-maintained, safe, and meets the needs of individuals, families, and community organizations. The focus on preserving our history and our open space continues through Oakbourne Park, with a strong emphasis on connecting people to our public lands and each other. Aware of its value to their lives, residents are proud stewards and supporters of an extraordinary park, Oakbourne Park.



INITIAL CONCEPTS

Evolution of Oakbourne Park Master Plan

Working Concepts





PRE-FINAL DESIGN CONCEPTS

Evolution of Oakbourne Park Master Plan

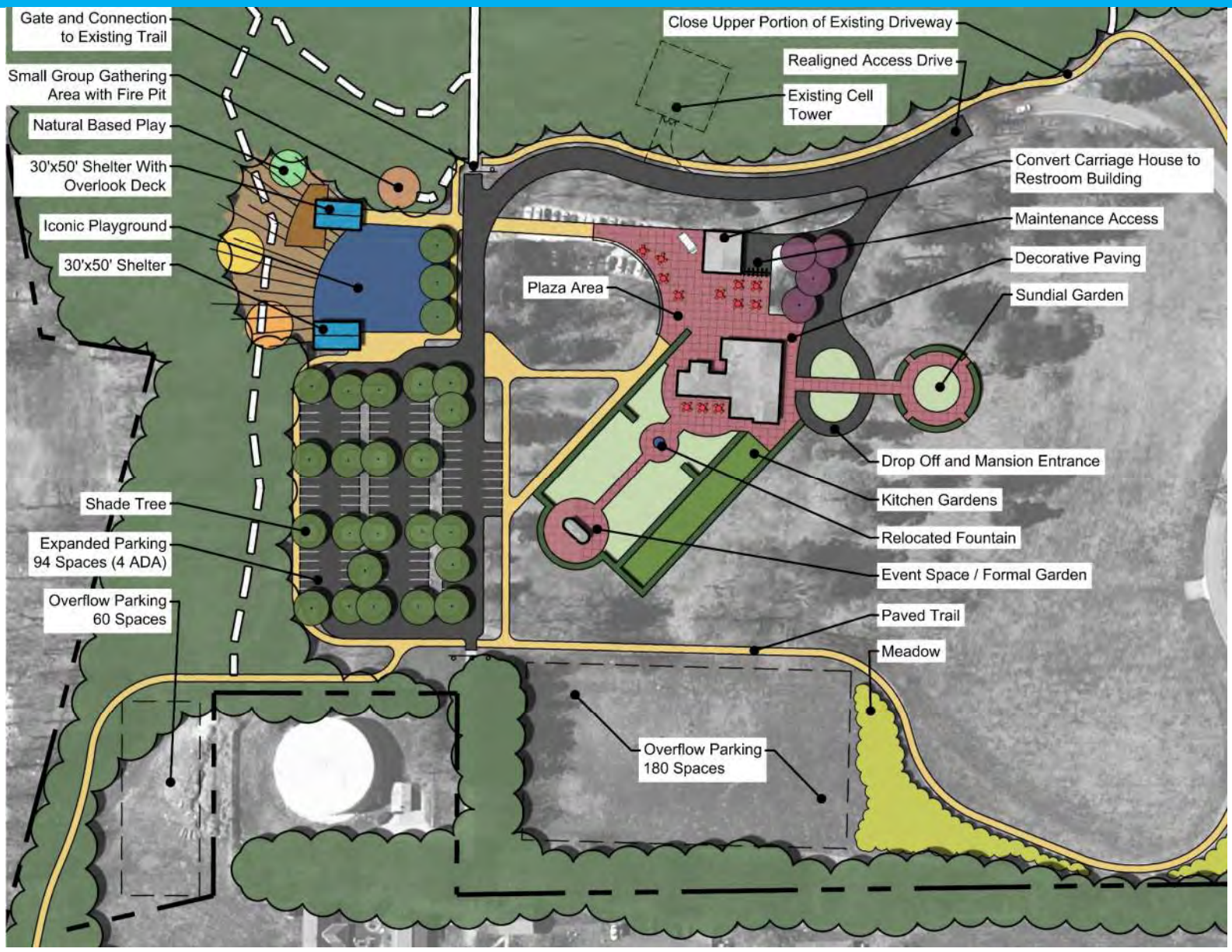
Master Plan – Illustrative Plan Refinements



Master Plan – Enlargement #1



Master Plan – Mansion Core

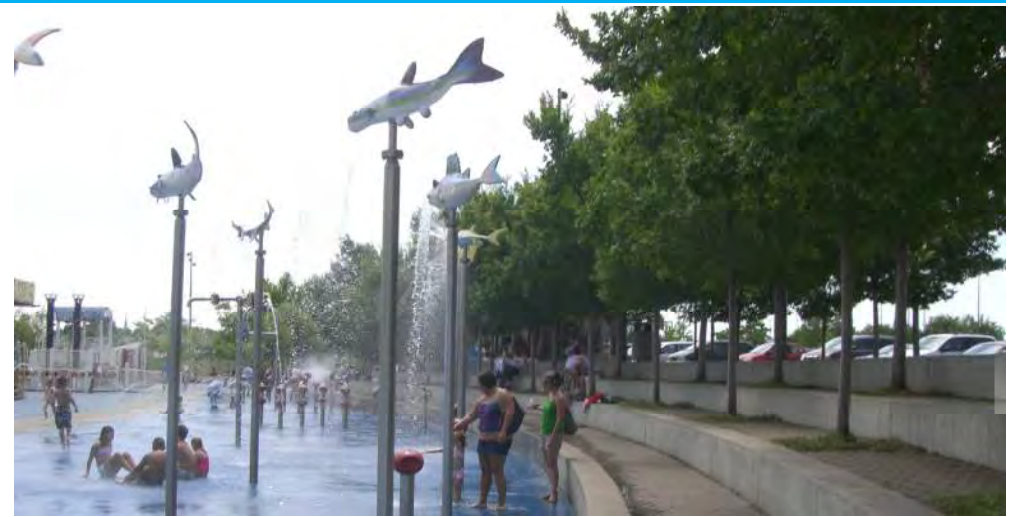




"Designed" Themed Multi-Generational Playground



"Designed" Themed Multi-Generational Playground





"Designed" Themed Multi-Generational Playground

- **Interactive Themed Playground**
- **Precedent Project**
 - The Big Back Yard at the Science Museum of Minnesota
 - "Welcome to our wondrous outdoor playground, er, we mean our educational interactive biodiversity and ecological exhibit"
 - 9-hole miniature golf course where your ball represents a drop of water on its course from uplands through various landscape and finally into the sea



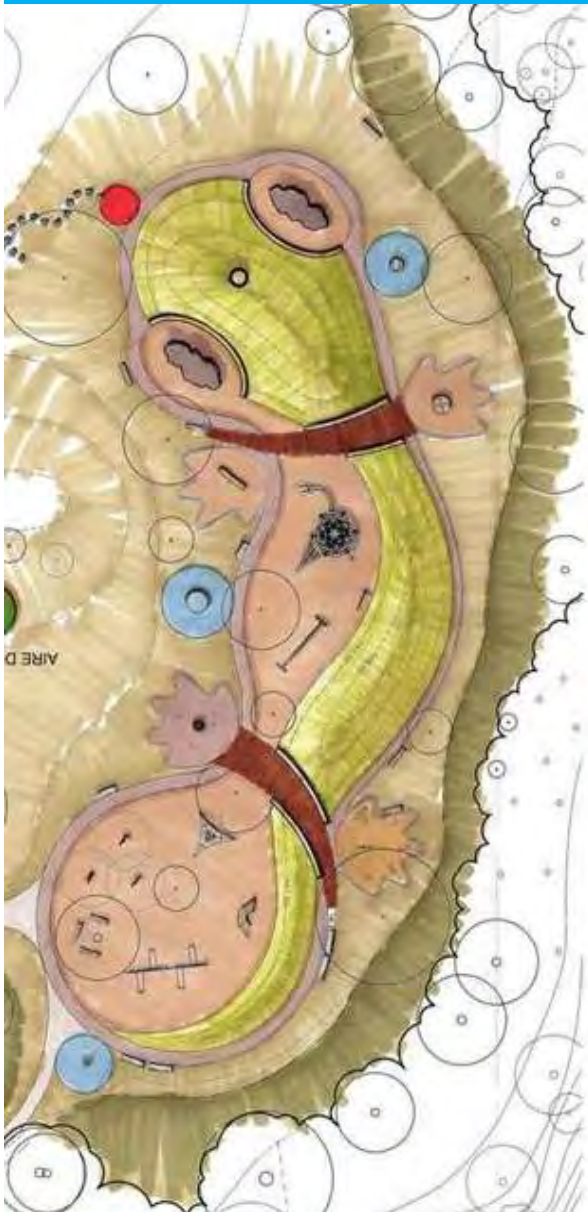
“Designed” Themed Multi-Generational Playground



Iconic Play Feature



"Designed" Themed Multi-Generational Playground



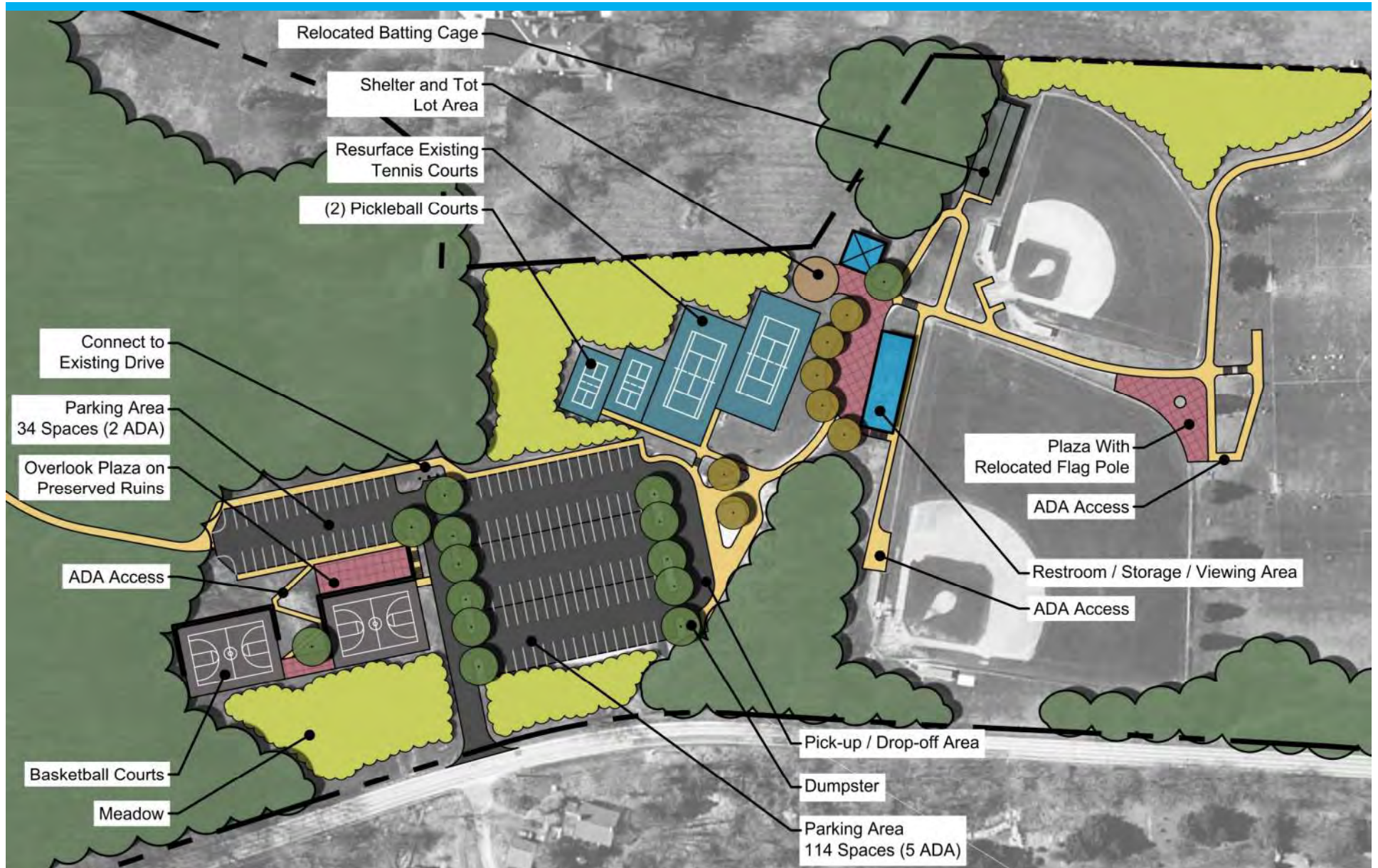
Story Trail



Master Plan – Enlargement #2



Master Plan – Athletic Core



Relocated Batting Cage

Shelter and Tot Lot Area

Resurface Existing Tennis Courts

(2) Pickleball Courts

Connect to Existing Drive

Parking Area 34 Spaces (2 ADA)

Overlook Plaza on Preserved Ruins

ADA Access

Basketball Courts

Meadow

Plaza With Relocated Flag Pole

ADA Access

Restroom / Storage / Viewing Area

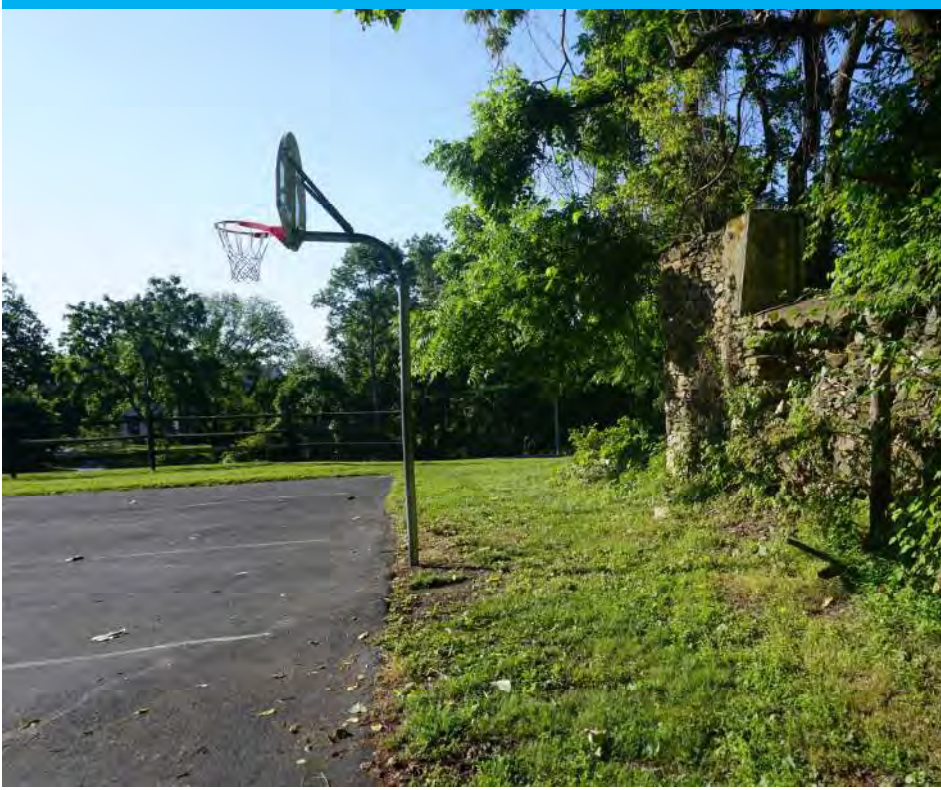
ADA Access

Pick-up / Drop-off Area

Dumpster

Parking Area 114 Spaces (5 ADA)

Basketball Court



Multi-Purpose Building



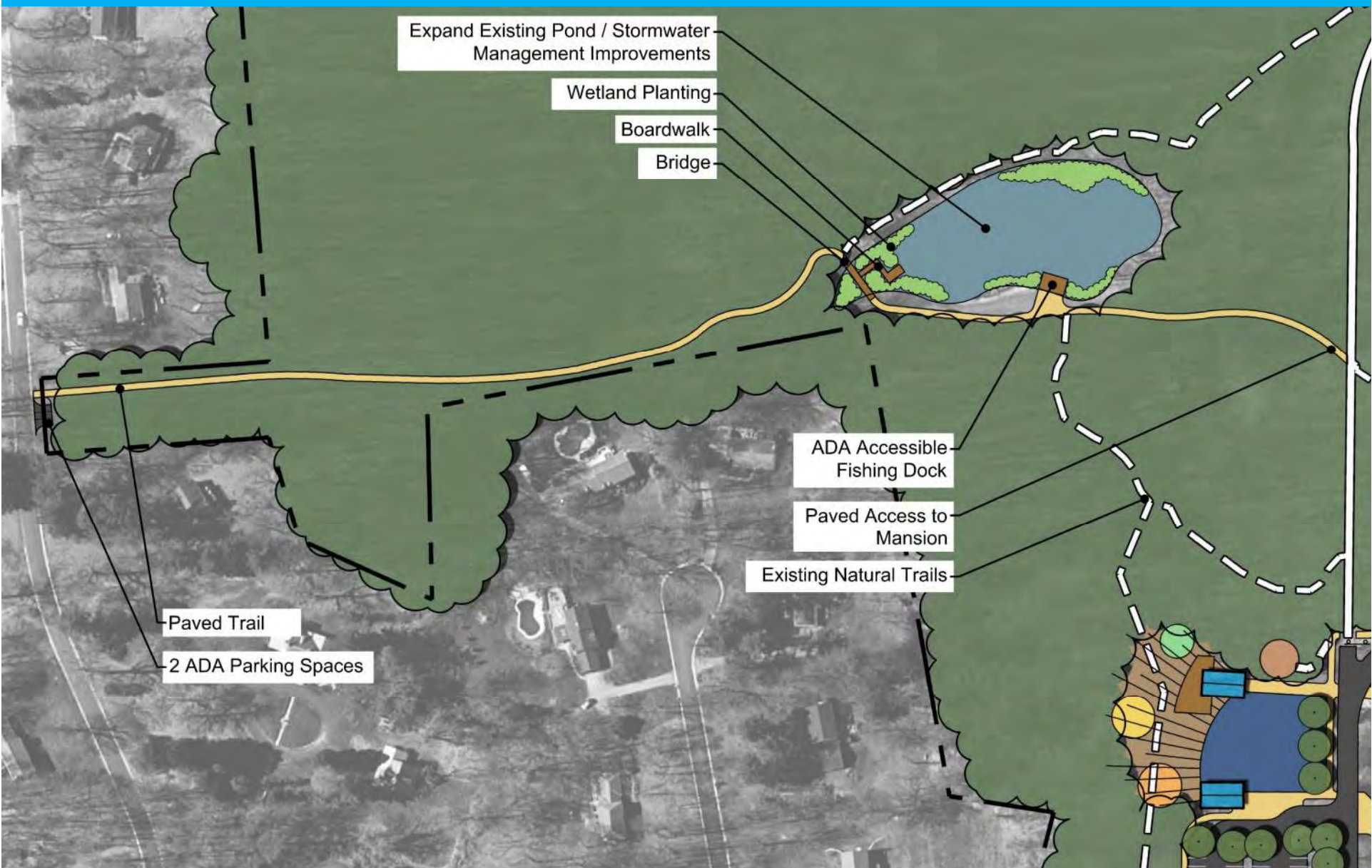
Multi-Purpose Building



Master Plan – Enlargement #3



Master Plan – Pond Core



Master Plan – Enlargement #4



Master Plan – Cope Tract



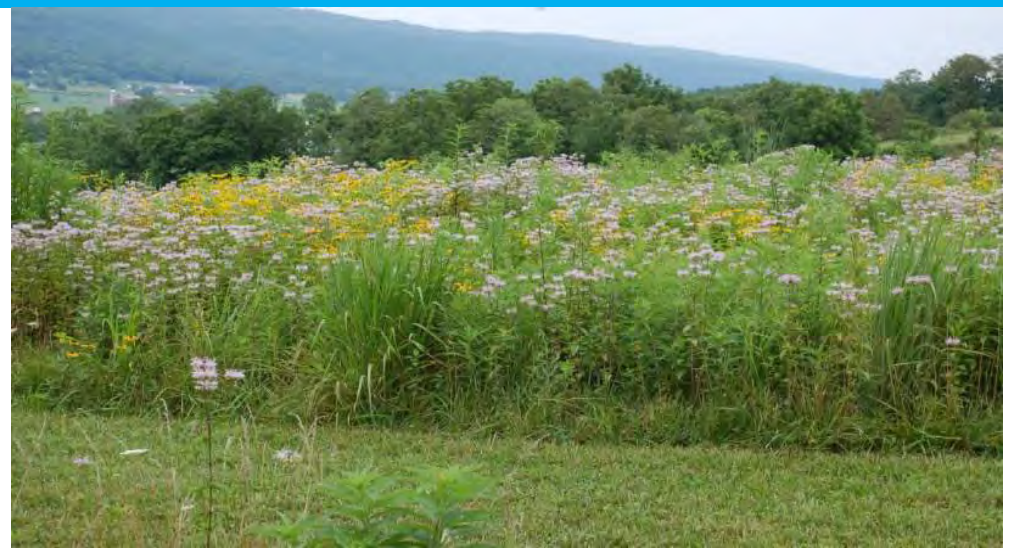
Master Plan – Cope Tract Recreation Overlay



Master Plan – Meadows



Meadows



Master Plan – Stormwater Management



Master Plan – Vehicular Circulation



VEHICULAR CIRCULATION ————
UTILITY SERVICE CIRCULATION ————

Master Plan – Parking Areas



Master Plan – Pedestrian Circulation



Master Plan – Building Structures



Questions + Comments



Next Steps



Please email any additional questions or thoughts to:

amears@jmt.com

Andy Mears, PLA

- I. Refine Pre-Final Designs
- II. Develop Operations and Maintenance Plan
- III. Develop Implementation Plan
- IV. Meet with MPSC to review final plan recommendations
- V. Present Plan to BOS