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EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

EAST FALLOWFIELD TWP.

ORDINANCE NO. 2004 - 08

AN ORDINANCE PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING THE EAST FALLOWFIELD TOWNSHIP ZONING ORDINANCE OF 2002, AS AMENDED, BY ADDING A NEW ARTICLE 2400 THERETO ENTITLED "HISTORIC PRESERVATION" ESTABLISHING AN HISTORIC OVERLAY ZONING DISTRICT, AN HISTORIC RESOURCES MAP, AND THE EAST FALLOWFIELD HISTORICAL COMMISSION; PROVIDING FOR THE DEMOLITION OR REMOVAL OF HISTORIC RESOURCES; ESTABLISHING PROVISIONS FOR MODIFICATIONS TO AREA AND BULK REGULATIONS; ESTABLISHING STANDARDS FOR SIGNS, FOR THE PRESERVATION OF CULTURAL LANDSCAPE OR HISTORIC SETTING, FOR LANDSCAPING, FOR THE REHABILITATION OF HISTORIC RESOURCES, AND FOR AN HISTORIC RESOURCE IMPACT STUDY; ESTABLISHING STANDARDS FOR THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS, HEARINGS, PROCEDURES, APPEALS AND ENFORCEMENT; AND ESTABLISHING CERTIFIED HISTORIC DISTRICTS AND THE EAST FALLOWFIELD HISTORICAL ARCHITECTURAL REVIEW BOARD PURSUANT TO ACT 167. EFFECTIVE FIVE (5) DAYS FROM ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of East Fallowfield Township, Chester County, as follows:

Section 1. The East Fallowfield Township Zoning Ordinance of 2002, as amended (the "Zoning Ordinance"), shall be amended by the addition of a new Article 2400, "Historic Preservation", as follows:

ARTICLE 2400
HISTORIC PRESERVATION

SECTION 2401 INTENDED PURPOSES.

- A. Declaration. It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures, and sites of historic, architectural, cultural, archeological, educational, and aesthetic merit, e.g., Historic Resources, are public necessities and are in the interests of the health, prosperity and welfare of the citizens of East Fallowfield 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 Fallowfield Township.
- B. Purposes. The purposes of the Article are:
- (1) To authorize the East Fallowfield Historical Commission to continue to serve as an advisory body to the Board of Supervisors, and to assist the Board of Supervisors in implementing this Article.

- (2) To promote the general welfare by protecting the integrity of those Historic Resources of East Fallowfield Township.
- (3) To establish a clear process by which proposed land use changes affecting Historic Resources can be reviewed by the Township.
- (4) To mitigate the negative effects of proposed changes on Historic Resources.
- (5) To encourage the continued use of Historic Resources and facilitate their appropriate reuse.
- (6) To tailor protective measures to those clearly delineated Historic Resources in East Fallowfield Township worthy of preservation.
- (7) To encourage the preservation of historic settings and landscapes.
- (8) To discourage the unnecessary demolition of Historic Resources.
- (9) 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.
- (10) To implement the provisions of Article VI of the Municipalities Planning Code, as amended, Sections 603 (b)(5) and (g)(2), Section 604 (1) and Section 605 (2)(vi), regarding the preservation protection and regulation of natural, scenic and historic resources in East Fallowfield Township.

SECTION 2402 GENERAL PROVISIONS.

- A. Compliance. Any alterations to or change in use of an Historic Resource shown on the Township's Historic Resources Map shall occur only in full compliance with the terms of this Article and other applicable regulations.
- B. Historic Overlay Concept. The Historic Resources Map shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land in East Fallowfield. The boundary of said district shall be shown upon the map entitled "Historic Districts" dated 2004, prepared by _____, attached hereto and made a part of this Article. Said map and all notations, references and other data shown thereon (including the East Fallowfield Township Historic District Listing) are hereby incorporated by reference in this Article and shall be as much a part of this Article as if all were fully described herein.
 - (1) For any property shown on the Historic Resources Map, the requirements and opportunities contained in this Article shall supersede the use and area requirements of the underlying zoning district. In the case of an inconsistency or conflict between this Article and the provisions of the underlying district, the provisions of this Article apply, as determined by the Board of Supervisors.
 - (2) Should for any reason such as a result of legislative or administrative action or judicial decision, this overlay district be determined not to be applicable, 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.

SECTION 2403 HISTORIC RESOURCES MAP.

- A. **Classifications.** The Historic Resources Map (list and map) delineates three classifications of Historic Resources in East Fallowfield, which are defined as follows:

(1) Class I historic resources.

- (a) Class I historic resources include the following and other resources of similar historical significance:

- [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.
- [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 II historic resources: buildings, sites, structures, objects and districts included in the historic resources inventory of the East Fallowfield Historical Commission not meeting Class I historic resource criteria, but determined to be of historical or architectural significance to East Fallowfield and appropriately documented to that effect by the East Fallowfield Historical Commission. *Identical HD*
- (3) Class III historic resources: buildings, sites, structures, objects and districts included in the historic resources inventory of the East Fallowfield Historical Commission but not included in the Class I or Class II historic resources above.

- B. Research Requirements and Criteria for Inclusion. Placement on the Township's Historic Resource Map requires documentation to the level required in the Pennsylvania Historical Resource Survey Form. Documentation includes visual surveys augmented by historical research at the Recorder of Deeds, the Register of Wills, the Chester County Historical Society, and other recognized sources of historical information. A list of resources that are included on the Township's Map is maintained at the Township building.
- C. 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 Fallowfield Historical Commission.
 - (2) In making a revision to the Historic Resources Map, 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.
 - (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 10 days prior to the public hearing.
- D. Official list. The Historical Commission shall maintain an updated list of resources shown on the Historic Resources Map and their respective classifications.

SECTION 2404 EAST FALLOWFIELD HISTORICAL COMMISSION.

- A. Establishment and Membership. There shall be an Historical Commission which shall consist of a minimum of five (5) members (and up to nine members) who shall be appointed by the Board of Supervisors. The membership of the Commission shall include individuals who have an interest in history, archeology or historic preservation and should include a Pennsylvania registered architect, a licensed realtor, and an individual with professional expertise or training in historic preservation and architecture. Each Commission member shall serve for a term of five (5) years which shall be so fixed that no more than two (2) terms shall expire each year. The Commission shall notify the Board of Supervisors of any vacancies in the Commission and the Board shall act within ninety (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 such expenditures have been previously 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 its business. A quorum shall be not less than a majority of the current membership. The Commission may make, alter and rescind rules and forms for its procedures consistent with the Ordinances of the Township and laws and

regulations of the Commonwealth. The Commission shall conduct business at regular public meetings. 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 1st 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 Fallowfield.
 - (2) Conduct research on and nominate significant resources to the National Register of Historic Places and any other appropriate lists or programs.
 - (3) Advise the Zoning Officer and Board of Supervisors on the issuance of demolition permits for Historic Resources.
 - (4) Review and comment on subdivision or land development applications that affect Historic Resources, in accordance with the requirements and procedures of the East Fallowfield Township Subdivision and Land Development Ordinance 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 that clearly identifies buildings, sites, structures, objects and districts and their respective classifications on the Historic Resources Map.
 - (7) Advise the Board of Supervisors or Zoning Hearing Board on all requests for, conditional uses, special exceptions, or variances affecting Historic Resources.
 - (8) Review applications for the rehabilitation, enlargement or alteration of Historic Resources as required below.
 - (9) Perform any other lawful activities, which shall be deemed necessary to further the purpose of this Article.

SECTION 2405 DEMOLITION OR REMOVAL OF HISTORIC RESOURCES.

- A. General Rule. No Historic Resource of any class shall be demolished, demolished by neglect or removed from their existing sites, in whole or in part, except as provided herein.
- B. Demolition by neglect. No 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. Unoccupied structures should be tightly sealed and fenced off to standards set forth in the Township Building Code and applicable

provisions of the National Park Service Preservation Brief #31. Any owner of an Historic Resource who has allowed that Historic Resource to be demolished as a result of neglect shall be subject to the same enforcement remedies as an owner who knowingly violates this Article by demolishing an Historic Resource without a permit for demolition. When it can be shown that the owner of a Historic Resource allowed the resource to fall into the category of demolition by neglect due to a lack of routine maintenance, and he/she cannot prove that the negligence occurred due to lack of financial ability to provide maintenance, he/she will be subject to all enforcement remedies available to the Township, at law or in equity, under this Zoning Ordinance and Article VI of the Municipalities Planning Code, as may be amended from time to time.

C. Demolition permit requirements for Historic Resources.

- (1) Permit required. No part of a structure of an 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 this Zoning Ordinance and complies with all of the additional procedures and requirements of this Article. The provisions of this Article 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 in evaluating an application for a demolition permit and if the application requests the demolition of an Historic Resource, the Zoning Officer shall not issue the demolition permit until approval is first obtained from the Board of Supervisors under this Article and the applicant complies with all applicable procedures and requirements of this Article. 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.

D. Application Requirements for Historic Resources: In addition to applicable requirements under the Township Building and Fire Codes, any applicant seeking a permit to demolish or remove a Historic Resource shall provide the following information with regard to that Historic Resource with the application in writing.

- (1) Owner of record.
- (2) Classification of the Historic Resource on the Historic Resources Map.
- (3) Site plan showing all buildings and structures on the property, with appropriate measurements and drawings of all floors and elevations (facades).
- (4) Recent photographs (8x10, black & white) of the Historic Resource proposed for demolition.

- (5) Reasons for the demolition or removal.
- (6) Method of demolition or removal.
- (7) Proposed future uses of the site and of the materials from the demolished resource.
- (8) In any instance where there is a claim that an Historic Resource cannot be used for any purpose for which it is or may be 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 Historic Resource has or may have alternate uses consistent with preservation.

E. Review by the East Fallowfield Historical Commission. The Zoning Officer shall notify the Commission of the application for demolition or removal within (5) days of acceptance of a properly completed application, including the necessary filing fee. Within forty-five (45) days of the date of the complete application the Commission, at a regular or special meeting, shall consider the application for demolition or removal. In reviewing the application, the Historical Commission shall consider the following:

- (1) The effect of demolition or removal on the historical significance and architectural integrity of the resource in question and neighboring contributing historic resources.
- (2) The economic feasibility of adaptively reusing the resource proposed for demolition or removal.
- (3) Whether the applicant has demonstrated that her or she has considered and/or pursued all conceivable alternatives to demolition or removal of the resource.
- (4) Any expert testimony, such as, but not limited to, a certified engineering report regarding the structural stability of the resource, that would indicate threats to public safety.
- (5) Whether the resource has been intentionally neglected.
- (6) Whether the required retention of the resource would represent an unreasonable economic hardship.
- (7) The archaeological potential of the site.
- (8) Any cogent public comment germane to the topic.

Any costs incurred by the Commission as agreed to by the applicant in reviewing plans or studies submitted by consultants specifically retained for this application shall be reimbursed by the applicant.

F. Initial Recommendation of the East Fallowfield Historical Commission. Unless the Historical Commission elects to use the time periods described below in Subsection (4), 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:

- (1) Immediate approval. After reviewing the demolition permit application with attachments, the Commission may recommend approval of the demolition permit as provided below.
- (2) Delay of demolition. The Commission may recommend delay of demolition in accordance with the section below.
- (3) Denial of demolition. The Commission may recommend denial of demolition.
- (4) 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 III historic resources: 45 days.
 - [2] For Class II historic resources: 60 days.
 - [3] For Class I historic resources: 90 days.

G. Approval, denial or delay of demolition permit 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 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 this Section at E. 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 building permit. Where the Board acts to approve the application, it shall authorize the Zoning Officer to issue the permit. Where the approval is granted with conditions attached, the Zoning Officer shall be authorized to issue the permit upon receipt from the applicant of written acceptance of those conditions.

H. 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, II and III); to allow for complete historical documentation of the resource (as set forth below, Class I and Class II only); and/or for preparation of a financial analysis (as set forth below, Class I and Class II only). The Historical Commission shall make every effort to open a dialogue with the applicant to inform him or her of the historical importance of the resource, its significance to the Township and alternatives to demolition (additional uses, etc.).
- (2) Class III historic resources. For Class III historic resources, the Commission may recommend approval of the demolition permit and may so advise the Board of Supervisors not later than the end of the applicable ninety-day time period. The Board of Supervisors shall act upon the application for demolition of Class III historic resource(s) in accordance with the provisions of paragraph G. above, within or at 90 days, whether it received a recommendation from the Historical Commission or not.
- (3) Special provisions for Class I and Class II historic resources.
 - (a) Documentation of Class I and Class II historic resources. When prescribing the delay of demolition for a Class I 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 Subsection D.(8) above, 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 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 this Section. Then the Board shall vote either to approve the application or to approve the application with changes as set forth 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.

I. Enforcement.

- (1) Fines and Penalties. Any person who violates the requirements of this Section shall be subject to the fines and penalties imposed under this Zoning Ordinance in accordance with Article 2100, as well as those fines and penalties imposed under the Township Building and Fire Codes.
- (2) 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 this Section 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.
- (3) The Board of Supervisors shall withhold issuing any building permits for a minimum of one (1) year for a property which, at the date of enactment of this Ordinance, was occupied by an Historic Resource which subsequently was demolished or removed in violation of this Section.
- (4) 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.

- (5) In addition to the above remedies, the Township may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Article.

SECTION 1206 MODIFICATION TO AREA AND BULK REGULATIONS; BONUSES.

- 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 this Ordinance, 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 this article.
 - (4) A recommendation is received from the East Fallowfield 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 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.
- B. Standards for historic resources, where bonus units or use(s) are provided. When expressly authorized in the base zoning district, where renovation or reuse of any Class I or Class II historic resource is proposed, in order to develop dwelling units in addition to the maximum otherwise permissible under the base provisions of the R-1, R-2 or R-3 Residential Zoning Districts, the applicant shall comply with the standards contained in the sections entitled "Rehabilitation Standards" and "Landscaping and Buffering" of this article. Said standards shall specifically apply to Class II as well as Class I historic resources where bonus density is provided. Compliance shall be determined by the Board of Supervisors in the course of conditional use approval, with review and comment

requested from the East Fallowfield Historical Commission. As a condition of approval, the applicant shall provide for long-term protection of affected historic resources through establishment of appropriate deed restrictions, easement(s) or other agreement in a form acceptable to the Township.

SECTION 1207 REVIEW OF APPLICATIONS

- A. Building permits. No building permit for the rehabilitation, enlargement or alteration of an Historic Resource shall be issued by the Zoning Officer or Building Inspector prior to review and comment on the application by the East Fallowfield Historical Commission, in accordance with the terms of this Article.
- 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 Fallowfield 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 rehabilitation standards contained 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 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 building permit.
- E. If the Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the building permit until:
 - (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.

SECTION 1208 REVIEW OF PROPOSED SIGNS.

- A. Permits. No permit for a sign to be located on or within one hundred (100) feet of the exterior walls of an Historic Resource shall be issued by the Zoning Officer prior to the review of and comment on the application by the East Fallowfield Historical Commission, in accordance with the terms of this Section. In addition to the requirements of Article 1600, signs for historic resources must adhere to the following standards:
 - (1) The maximum total size of signs including support structures shall be six (6) square feet and the maximum height or width of signs shall be three (3) feet.

- (2) No more than one sign may be erected on any one street frontage of any lot.
 - (3) Lighting. In addition to the standards contained in §139-106, the following shall apply:
 - a. Lighting fixtures and illumination levels shall be compatible with the characteristics of the area. Lighting fixtures shall be made of materials which blend into their settings.
 - b. Free-standing signs shall only be illuminated from ground level by incandescent light.
 - c. Attached signs shall not be specifically illuminated.
 - (4) Materials. Natural materials such as wood, brick or stone are preferred for signs relating to historic resources. Under no circumstances will plastic, internally illuminated signs be allowed in relation to an identified Historic Resource.
- B. Zoning Officer. The Zoning Officer shall provide the Commission with a copy of the permit application, together with any plans or diagrams required by Article 1600 of this Ordinance, within five (5) days of receipt of a complete application.
 - C. East Fallowfield Historical Commission. The Commission shall within twenty (20) days of receipt of a complete permit application review the plans and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans will have any detrimental effect on the architectural integrity or public enjoyment of an Historic Resource. The report shall indicate what specific changes in the plans can be made to mitigate detrimental effect.
 - D. Issuance of Permit. Upon receiving a report of no detrimental effect from the Commission, and providing the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.
 - E. If the Commission's report indicates that the plans will have a detrimental effect, the Zoning Officer shall not issue the permit until (1) the plans have been revised by the applicant in accordance with the Commission's recommendations, or (2) thirty (30) days have elapsed from the date of application, and all requirements of the Township have been satisfied.

SECTION 1209 INTEGRITY OF CULTURAL LANDSCAPE OR HISTORIC SETTING.

- A. The subdivision or land development of a lot which contains an Historic Resource shall be accomplished in such a manner that the resulting lot containing the resource is large enough to preserve the integrity of the cultural landscape or historic setting of the resource. A goal of the Township shall be to preserve outbuildings, significant site features, and immediate yard areas significant to the resources on the lot with the resources.

- B. The size and configuration of the subdivided lot shall depend upon the class of the Historic Resource and the natural characteristics and the landscaping of the subdivided lot and adjacent lots. Lot boundaries shall, in general, conform to the lines of identifiable natural features including landscaping, topography, geology, lot configuration etc. on the site. Site development shall be based, in general on the standards for rehabilitation of this Article. Review and recommendations regarding the resource, its subdivided lot, and the proposed land developments shall be made by the East Fallowfield Historical Commission to the Planning Commission and the Board of Supervisors. The Board may require that a lot size be increased above the minimum lot size for the zoning district in which the resource is located if necessary to preserve the integrity of the resources cultural landscape. Conversely, in cases where the historic resource contains two or more contributing structures (barns, springhouses, etc.), the required lot size may be adjusted downward to accommodate conversion of these structures to residential use to preserve the integrity of the historic complex, by special exception granted by the Zoning Hearing Board pursuant to the standards and criteria set forth in Section 1206.A. above. Finally, in cases where only a contributing structure of 2000 square feet or less remains, the required lot size may be adjusted downward to accommodate the construction of a new primary residential structure consistent with the historic and architectural character of the contributing structure, by special exception granted by the Zoning Hearing Board pursuant to the standards and criteria set forth in Section 1206.A. above.

SECTION 1210 LANDSCAPING AND BUFFERING.

- A. Applicability. In addition to applicable landscape and buffering requirements under Article 1800, a landscape plan for the grounds surrounding an Historic Resource may be required by the Board of Supervisors, Zoning Hearing Board or Zoning Officer when a tract proposed for subdivision or land development contains an Historic Resource and/or when an Historic Resource is proposed for use by conditional use or special exception.
- B. Landscape Plan. The plan, as referenced in A, above, must be prepared by a landscape architect or a qualified nursery and show all pertinent information, including the location, size and species of all individual trees and shrubs to be planted or preserved. Through screening, buffering and selection of plant material, the plan should strive to protect the integrity of the cultural landscape or historic setting, including any historic plant material of the Historic Resource. Under no circumstances shall historic trees, as mapped and documented in the Township's Open Space, Recreation, and Environmental Resources Plan (under locally important vegetation), be removed without prior review by the Historic Commission, and approval by the Board of Supervisors. The landscape plan shall detail how such trees will be protected, including limitations to grading necessary to accomplish preservation. Should an identified historic tree not be protected or be intentionally destroyed, permits for all activity within a five hundred (500) foot radius of said tree shall be revoked for a period of not less than one nor more than three years.
- C. Buffering. When a subdivision, land development or commercial use is proposed on any property within 100 feet of the exterior walls of an Historic Resource, the applicant shall be required to submit a plan for buffering the 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 Fallowfield Historical Commission prior to plan approval.

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

SECTION 1211 STANDARDS FOR REHABILITATION.

- A. Standards. Any proposed rehabilitation, alteration or enlargement of a Class I Historic Resource should be in substantial compliance with the Secretary of the U. S. Department of the Interior's Standards for Rehabilitation as reproduced below.
- (1) Every reasonable effort shall be made to provide a compatible use for a property that 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 that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
 - (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
 - (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- B. Compliance. Determinations of compliance with these standards shall be made by written report of the East Fallowfield Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings to apply the Standards to each project.

SECTION 1212 HISTORIC RESOURCE IMPACT STUDY.

- A. Applicability. When, in the judgment of the Board of Supervisors, a designated 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 Supervisors, of mitigating such adverse impacts. Existing conditions, proposed changes, and proposed mitigation measures, if necessary, shall be described in an Historic Resource Impact Study. An Historic Resource Impact Study, or any applicable portions thereof, shall be required, unless waived or modified by the Board of Supervisors when any of the following are proposed.
- (1) On-Site: Subdivision or land development plans which include an on-site Historic Resource identified on the Township Historic Resources Map.
 - (2) Off-Site: Subdivision or land development of tracts within three hundred (300) feet of the exterior walls of an off-site Historic Resource identified on the Township Historic Resources Map.
 - (3) Off- Site: Any construction or improvement, including sub-surface and grading work, to be undertaken in conjunction with a subdivision or land development within three hundred (300) feet of the exterior walls of an off-site Historic Resource identified on the Township Historic Resources Map.
- B. The Historic Resource Impact Study shall be prepared by a qualified professional in historic preservation, historical architecture, planning, or related disciplines and presented by the applicant or his agent for discussion at a meeting of the East Fallowfield Historical Commission.
- C. Contents. The study shall contain the following information, as required by the Board of Supervisors:

(1) Background Information:

- (a) If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.
- (b) General description and classification of all Historic Resources as described in A, above.
- (c) Physical description of all Historic Resources identified in subsection (b), above.
- (d) Statement of the significance of each Historic Resource, both relative to the Township and region in general.
- (e) Sufficient number of black and white eight (8) by ten (10) photographs to show every Historic Resource identified in subsection (b), above, in its setting.
- (f) Narrative description of the historical development of the subject tract or road (historical context).

(2) Proposed Change.

- (a) General description of project, including time tables or phases.
- (b) Description of impact on each Historic Resource identified in subsection (1)(b), above, with regard to architectural integrity, historic setting and future use.
- (c) General description of effect of noise and traffic and any other impacts generated by the proposed change on each Historic Resource.

(3) Mitigation Measures.

Proposals for mitigating the project's impact on Historic Resources for consideration by the Board of Supervisors, including design alternatives, landscaping and buffering in accordance with Section 1210, and any other appropriate measures permitted under the terms of this and other Township Ordinances.

- D. East Fallowfield Historical Commission. The Historic Resource Impact Study will be reviewed by the East Fallowfield Historical Commission. The Commission shall set forth its evaluation and recommendations in a written report to the Board of Supervisors.

SECTION 1213 CERTIFIED HISTORIC DISTRICTS.

- A. Districts. The provisions of this Section 1213 apply only to historic districts in East Fallowfield which have been certified by the Pennsylvania Historical and Museum Commission in accordance with the Act of June 13, 1961, P. L. 282, as amended: 53 P.S. §8001 et seq., "An act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."
- (1) The boundaries of certified historic districts are shown on the Historic Resources Map.
 - (1) The provisions of the Section apply to all land, buildings and structures within the boundaries of certified historic districts.
 - (2) No structure or building shall hereafter be used and no structure or building shall hereafter be erected, reconstructed, altered, restored, demolished or razed, in whole or in part, without full compliance with the provisions of this section and other applicable regulations.
- B. Historical Architectural Review Board. 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 East Fallowfield Historical Commission, or a subcommittee thereof, as the Historical Architectural Review Board (HARB).
- (1) Membership. HARB shall consist of not less than five (5) members, of whom one (1) shall be a registered architect, one (1) shall be a licensed real estate broker and one (1) should be a member of the East Fallowfield Township Planning Commission. The remaining members shall have a knowledge of and interest in the preservation of historic districts.
 - (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 Ordinance and the Act of June 13, 1961, and shall hold such hearings and render such reports as are required by §139-172, hereof. In determining the counsel to be given to the Board of Supervisors relative to the issuance of a certificate of appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historic and architectural aspect and nature of the buildings and structures located within the certified historic district, including:
 - (a) The effect that the proposed change will have upon the general historic and architectural character and appearance of the district.
 - (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.

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, alteration, restoration, demolition or razing 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.
- (1) Duties of Zoning Officer. The Zoning Officer of East Fallowfield Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition or alteration of buildings or structures subject to the provisions of this Ordinance, shall issue no permit for any such building changes until a certificate of appropriateness with respect thereto has been received from the Board of Supervisors.
 - (2) Application for Permit. The application for a building permit for any building or structures subject to the provisions of this Ordinance shall be filed with the Zoning Officer together with the filing fee required under the schedules of fees then in effect. The application shall include a site plan at a scale of one (1) inch to forty (40) feet, schematic architectural drawings of the proposed construction or changes at a scale of (1) foot to one-quarter (1/4) inch, and such other material and such number of copies thereof as may from time to time be required by the Board of Supervisors. Within three (3) days after receiving such application for a building permit, the Zoning Officer shall forward the application, together with all plans and other documentation submitted therewith, to the Board of Supervisors and Historical Commission.
 - (3) Standards for Determining Appropriateness. In determining whether or not any proposed work for the erection, reconstruction, alteration, restoration, demolition or razing of any building or structure within the certified historic district is appropriate to the district, HARB and the Board of Supervisors shall be guided by the Secretary of the U.S. Department of the Interior's Standards for Rehabilitation, as revised (as reproduced in Section 1211, above, and Guidelines for Rehabilitation Historic Buildings and consider the following criteria, where relevant:
 - (a) Mass (height, bulk, and nature of roof line).
 - (b) Proportions (height to width).
 - (c) Nature of yard space.
 - (d) Extent of landscaped areas versus paved areas.

- (e) The nature of façade 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 architectural details and style.
 - (i) The nature of 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, when the primary basis for comparison shall be the structure itself (in its then-existing state as compared to its state after the proposed work), and the secondary basis for comparison shall be the effect of the proposed work on the basis as a whole.
- D. Hearing. Within thirty (30) days from the time a complete application for a building permit is filed with the Township, a hearing shall be held to consider the recommendations which it will give to the Board of Supervisors. The person applying for the permit shall be given ten (10) days notice as to the time and place of the hearing and shall be invited to appear to explain his/her reasons for such application.
- (1) Findings After Hearings. Within thirty (30) days following the conclusion of the hearing or hearings, the Historical Commission shall, by official written communication to the applicant, recommend either:
 - (a) The issuance of a certificate of appropriateness authorized in 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.
 - (c) The issuance of a certificate of appropriateness with respect to the proposed changes as submitted.
 - (2) Failure of the Historical Commission to so act within the said period shall be deemed to constitute a recommendation for the issuance of a certificate of appropriateness with respect to the application as submitted. In the event that the recommendation for the issuance of a certificate of appropriateness is subject to conditions, the applicant may, within ten (10) days after receiving a copy of the

official written communication from the Historical Commission, give notice of his refusal to accept all of the conditions, in which case the Historical Commission shall be deemed to have recommended against the issuance of a certificate of appropriateness. In the event that the applicant does not, within the said period, notify the Historical Commission of his refusal to accept all of the said conditions, conditional approval of the application with all conditions shall stand as granted.

- (3) Report to Board of Supervisors. Upon or before the expiration of the aforesaid forty (40) day period, the Historical Commission shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a certificate of appropriateness to authorize a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building, site, or area for which an application for a building permit has been made. The written report shall set out the following matters:

- (a) The exact location of the area in which the work is to be done.
- (b) The exterior changes to be made or the exterior character of the structure to be erected.
- (c) A list of the surrounding structures 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 the Historical Commission, 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 the Historical Commission regarding the issuance of or refusal to issue a certificate of appropriateness.
- (g) Any changes in plans and specifications recommended by the Historical Commission.

- E. Public Meeting of the Board of Supervisors. Upon receipt of the written counsel of the Historical Commission, 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 ten (10) days notice of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the meeting held by the Board of Supervisors.

- (1) Decision of Board of Supervisors. Within fifteen (15) days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication to the applicant, either:
 - (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.
 - (c) Deny a certificate of appropriateness with respect to the proposed changes as submitted.
- (2) Failure of the Board of Supervisors to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case the Board shall be deemed to have denied a certificate of appropriateness. In the event the applicant does not, within the said period, notify the Board of Supervisors of his refusal to accept all of the said conditions, the approval, with all conditions, shall stand as granted.
- (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 Ordinance, granting or denying a certificate of appropriateness or authorizing or refusing to authorize a modification of such certificate of appropriateness, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P. L. 805, as amended, 53 P.S. §10101, et seq.
- G. Enforcement. The Zoning Officer, or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Ordinance, shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to the Historical Commission as may be necessary to assure compliance with the provisions of this Ordinance and the conditions of the certificate of appropriateness.