

ARTICLE XVI

HISTORIC RESOURCE PROTECTION STANDARDS

Section 1600 STATEMENT OF PURPOSE AND INTENT

It is the purpose of East Pikeland Township to promote, protect, enhance and preserve historic resources for the educational, cultural, economic and general welfare of the public; to safeguard the Township's heritage by preserving and regulating certain historic resources and historic districts that reflect cultural, social, economic, political and architectural history; to preserve and enhance its historic neighborhoods; to strengthen and foster economic development including the stimulation of tourism; to establish and improve property values; and to foster civic pride in the accomplishments of the Township's past.

To achieve these purposes, and pursuant to the authorities granted to the Township by the Pennsylvania Municipalities Planning Code and the Historic District Act, this Article establishes the East Pikeland Historical Commission and the East Pikeland Township Board of Historical Architectural Review (hereinafter HARB) to serve as an advisory body to the Board of Supervisors and Zoning Officer; requires the issuance of certain permits and approvals before a historic resource may be demolished or altered; provides for appeals from refusals of such permits; provides for modifications to bulk and density requirements; and encourages and permits the preservation of historic resources.

Section 1601 GENERAL PROVISIONS

1. Compliance. Any demolition, enlargement, structural alteration, demolition by neglect, or construction to or on a Historic Resource shown on the Historic Resources List shall occur only in full compliance with the terms of this Article and other applicable regulations.
2. Historical Overlay. The Historic Resources List and all associated land parcels shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land in East Pikeland Township.
 - A. For any Historic Resource shown on the Historic Resources List, the requirements contained in this Article shall *supersede* the otherwise applicable requirements of the underlying zoning district.
 - B. Should the Historic Resources List or any section of this Article be revised as a result of legislative or administrative action or judicial decision separate from and independent of the authority of East Pikeland Township, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district and shall remain in full effect.

- C. All property, including land and improvements shown on the Historic Resources List is considered part of the Historical Overlay and is governed by the provisions of this Article.
- 3. Certified Historic District (CHD). These general provisions also include all Historic Resources within a Certified Historic District (CHD).
- 4. 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 1602 EAST PIKELAND HISTORICAL COMMISSION / HARB

- 1. Establishment and Membership. There shall be a Historical Commission (hereafter, the Historical Commission or Commission), which will be one body serving as both Historical Commission and HARB. The Commission shall consist of a minimum of five (5) members who shall be appointed by the Board of Supervisors.
 - A. The membership of the Commission shall include individuals who have professional expertise or a demonstrated interest in history, archaeology, historic preservation, or related fields and shall include a registered architect, building inspector, and licensed real estate broker or appraiser.
 - B. Each Commission member shall serve for a term of five (5) years that shall be so fixed that no more than two (2) terms shall expire each year.
 - C. 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.
 - D. Members shall serve without pay, but shall be reimbursed for any personal expenditure in the conduct of Commission business when authorized by the Board of Supervisors.
- 2. Organization.
 - A. The Commission shall annually elect from its own membership a chair, who will direct the activities of the Commission and such other officers as may be required for the conduct of its business.
 - B. A quorum shall be not less than a majority of the current membership.

- C. 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 of Pennsylvania.
 - D. The Commission shall conduct business at regular public meetings or special meetings as needed and called by the chair.
 - E. An agenda of each public meeting shall be available for inspection prior to the meeting.
 - F. The Commission shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors on a monthly basis or by March 1 of each year.
 - G. The Commission shall maintain separate records for the administrative actions of the Commission and the HARB.
3. Expenditures for Services. Within the limits of funds appropriated by the Board of Supervisors, the Commission may employ staff or contract for clerical, consulting, or other technical services.
4. Functions and Duties. In accordance with the purposes of this Article, the Commission shall have the following functions and duties:
- A. Maintain a system for the survey and inventory of historic resources in the Township that clearly identifies historic resources and their respective categories for inclusion on the Historic Resources List and in accordance with the survey and documentation protocols established by the Pennsylvania Historical and Museum Commission, and provide same to the Planning Commission.
 - B. Conduct research on Historic Resources and propose the nomination of such resources for inclusion on the National Register of Historic Places and other appropriate lists or programs.
 - C. Advise the Zoning Officer and/or Board of Supervisors on the issuance of permits for alteration, demolition and/or construction, and actions relative to demolition by neglect, with regard to Historic Resources or Certified Historic District(s).
 - D. Review and comment on subdivision or land development applications that affect Historic Resources, in accordance with the requirements and procedures of the East Pikeland Township Subdivision and Land Development Ordinance.
 - E. Make recommendations to the Board of Supervisors concerning revisions to the Historic Resources List and Certified Historic District(s).

- F. Advise the Zoning Hearing Board and Board of Supervisors on all requests for special exceptions, conditional uses, or variances affecting Historic Resources and/or Certified Historic District(s).
 - G. Photograph and/or otherwise document ongoing changes to the Township's physical landscape.
 - H. Participate in continuing education to maintain Certified Local Government status and more effectively administer this ordinance.
 - I. Educate East Pikeland Township citizens and others as to the importance of protecting the Township's heritage.
 - J. Educate East Pikeland Township citizens and particularly owners of Historic Resources about this ordinance and how to use it.
 - K. Periodically review and update (if needed) Kimberton Village Historic District Design Guidelines Ordinance.
 - L. Perform any other lawful activities that shall be deemed necessary to further the purposes of this Article.
5. In addition to the above, the specific purpose of the HARB is to protect the distinctive historical character of Certified Historic District(s) and to regulate, through the Board of Supervisors, the erection, reconstruction, construction, alteration, restoration or demolition of or on Historic Resources within the Certified Historic District(s), by reviewing applications and making recommendations to the Board of Supervisors regarding the issuance of Certificates of Appropriateness.

Section 1603 HISTORIC RESOURCE DESIGNATION

- 1. **Historic Resources List.** The East Pikeland Township Historic Resources List contains properties of importance to the Township and designated as "Historic Resource(s)" in the list. The Historic Resources List has been adopted by the Board of Supervisors as Appendix G of the Zoning Ordinance herein.
- 2. **Criteria for Designation.** A property containing a building, site, structure, object, or grouping thereof determined by the Township to be of historical, cultural, or architectural significance that is within a Certified Historic District or meeting two or more of the following criteria:
 - A. Is 50 years or older and is generally intact;
 - B. Is relevant to or associated with the significant development, heritage or culture of the Township;
 - C. Is associated with a person of historic significance in the Township or elsewhere;

- D. Is representative of a distinctive architectural style, vernacular building type, craftsmanship, or is the work of a notable architect or builder;
 - E. Is the site or location of a notable local event considered to have had a significant effect on the Township;
 - F. Is a distinctive example reflecting the cultural, social or ethnic heritage of the Township;
 - G. Possesses a notable location and physical characteristics as an established and familiar visual feature to a neighborhood or the Township overall; or
 - H. Has yielded, or may be likely to yield, information in prehistory or history, such as an archeological site;
3. Adding or Removing a Property from the Historic Resources List. A property may be added to the Historic Resources List if found to meet two or more of the Criteria for Designation (§1603.2), or removed from the list if it no longer meets two or more of the Criteria, according to the following process and subject to legislative action by the Board of Supervisors.
- A. Nomination and Evaluation by Historical Commission. The Historical Commission, acting of its own volition or at the request of the Planning Commission, the Board of Supervisors or any Township resident, shall determine whether a resource(s) meets two or more Criteria for Designation as a Historic Resource.
 - (1) The Commission shall hold at least (1) one public meeting to receive public comments on the nomination.
 - (2) The Commission shall, within forty-five (45) days of receiving a nomination, transmit its findings, including relevant historical and/or architectural information, applicable Criteria for Designation, photographs and public comments received at the meeting, to the Board of Supervisors for review and comment. A copy of the nomination will also be submitted to the Planning Commission.
 - B. Review and Adoption by the Board of Supervisors. The Board of Supervisors shall hold a public hearing to consider the recommendations of the Historical Commission in accordance with Article XXIV of this Ordinance.
4. Revisions to Certified Historic District Boundaries. The boundaries of a Certified Historic District (CHD) may be revised. In consultation with the Pennsylvania Historical and Museum Commission, the CHD boundary may be adjusted upon the written recommendation of the Historical Commission and action by the Board of Supervisors in accordance with Article XXIV of this Ordinance.

Section 1604 OBTAINING BUILDING PERMITS FOR THE ALTERATION, CONSTRUCTION, DEMOLITION AND DEMOLITION BY NEGLECT OF OR IMPACTING HISTORIC RESOURCES

The following requirements shall apply to obtaining a building permit for a Historic Resource or property on which it is located. If a Building Permit is not required under the Uniform Construction Code, historic review is still required under this Article.

1. Applicability of requirements for obtaining a Building Permit. No Historic Resource may be demolished, in whole or in part, whether deliberately or by neglect, including the removal, stripping, concealing, or destruction of any significant exterior architectural features; no new additions or expansions to the Historic Resource; no construction or reconstruction can take place on a property containing a Historic Resource, unless a building permit is obtained from the Zoning Officer in accordance with the procedures and requirements of this Article.
2. Special Provisions are found in the following sections: Alterations and Construction of or on Historic Resources (§1605); Demolition of Historic Resources (§1606); Demolition by Neglect (§1607); and Properties within Certified Historic Districts (§1608).
3. The following exceptions or considerations may apply for resources outside of Certified Historic Districts (CHDs):
 - A. In-kind Maintenance and Repair. These provisions shall not be construed to prevent the ordinary maintenance or repair of any Historic Resource where such work does not otherwise require a permit and where the purpose and effect of such work are to correct any deterioration or decay of, or damage to, a Historic Resource and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage. The Zoning Officer shall interpret “in-kind” as being substantially similar, if not identical, to the historic design and fabric at the time of the application.
 - B. Emergency Repairs. In case of emergency, such as storm or fire damage, the Zoning Officer may approve a building permit for temporary measures to stabilize or secure a Historic Resource. To qualify for this exception, the Applicant must demonstrate that the work will be “reversible” (i.e., can be removed without altering or damaging the Historic Resource and will not further damage the Historic Resource). As applied to this section, “temporary” means not more than one (1) year from the start of construction. The Zoning Officer may approve one extension of not more than of six months.
 - C. The Historical Commission shall limit review to exteriors of Historic Resources.
 - D. Non-Historic Outbuildings: The Historical Commission may give consideration in the form of relief to otherwise applicable sections of this Article for resources that do not contribute to the historical or architectural significance of the property, such that alterations to or demolition of these resources do not adversely impact the Historic Resource(s) on the property or Historic Resources on adjacent properties.

4. **Building Permit Application Procedure:** For all building permits, including those for demolition, alteration or construction, the Zoning Officer shall receive application and ensure it is complete. It is the responsibility of the property owner or agent to determine if the property is a Historic Resource. Any application submitted to the Zoning Officer for a building permit shall be reviewed to determine if the property is a Historic Resource, and/or whether the property is located within a CHD. Once complete and not exempt (see 3.A-D above), the Zoning Officer will forward the application to the Historical Commission, or where the Historic Resource is in a CHD, the HARB, within five (5) days. Within forty-five (45) days, the Commission or HARB will meet at its regularly scheduled or special meeting to consider the application. The completed application must arrive to the Commission no less than ten (10) days before the meeting. The Applicant will be notified of the meeting time and date no less than ten (10) days before the meeting, unless otherwise agreed.
5. **Informal Meeting:** Prior to the formal permit application process (see above), the applicant is welcome to appear before the Historical Commission or HARB to discuss the project.
6. **Communication.** The Zoning Officer shall provide monthly reports to the Historical Commission and HARB addressing any activity or actions by the Zoning Officer regarding Historic Resources outside or within a CHD, and specifically address decisions by the Zoning Officer regarding exceptions found in 3A-D above.
7. **Violations and Penalties.** Any person who demolishes a Historic Resource in violation of the provisions of §1604 - §1608 shall be subject to enforcement under Article XXV of the Zoning Ordinance. The Township may also place an additional fine on the property owner that equals the market value of the demolished or destroyed property. Said fine shall be used for the historic preservation purposes as determined appropriate by the Township.
8. In the event the Board of Supervisors authorizes the commencement of an action pursuant to §1604 – §1608 of this Article, the Zoning Officer shall issue no building permit for a minimum of five (5) years for any construction proposed for a property containing or having contained a Historic Resource that was altered or demolished in violation of this Article, unless issued for the purpose of restoring the Historic Resource to its condition and appearance immediately prior to the violation.
9. 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 §1604-§1608 of this Article.

Section 1605 SPECIAL APPLICATION PROVISIONS FOR ALTERATIONS, ADDITIONS, AND CONSTRUCTION OUTSIDE OF CERTIFIED HISTORIC DISTRICTS

Special Provisions for obtaining a Building Permit for the alteration of Historic Resources, which for the purposes of this section means the removal, stripping, concealing, destruction, replacement of any significant exterior architectural features of the Historic Resource; new additions or expansions to the Historic Resource; reconstruction of the Historic Resource; and construction on a property containing a Historic Resource:

1. Zoning Officer Review. For properties containing Historic Resources outside of a CHD, the Zoning Officer shall consider the nature of the permit, and process the permit if proposed work is exempted per §1604 3A-D. If the Zoning Officer determines that proposed work is not exempted, he or she shall not issue the building permit and, within five (5) days of receiving the completed application, shall forward the application to the Historical Commission. The Commission will receive and review the application per the timing provisions for a completed application described in §1604.4.
2. Historical Commission Review and Recommendation. At its regular or special meeting, the Historical Commission shall meet with the Applicant to review the plans for substantial compliance, where applicable, with The U.S. Secretary of the Interior's Standards for Rehabilitation ("Standards"), and General Design Guidelines ("Guidelines") contained in Section 1609. If the Commission is satisfied that sufficient information has been presented, or that no additional changes to the plan will be offered or considered by the applicant at this or future meetings, it will render its recommendation at the meeting.
 - A. Within fifteen (15) days of the meeting, the Historical Commission shall prepare a written report and recommendation to the Zoning Officer, and forward a copy to the Applicant and Board of Supervisors. The report and recommendation shall indicate the extent to which the proposed plans are in substantial compliance with the Standards and the Guidelines. When the plans for a proposed project are not in substantial compliance with the Standards and the Guidelines, the report shall recommend specific changes in the plans to bring them into substantial compliance.
3. Action by Zoning Officer. Upon receiving a recommendation from the Historical Commission, the Zoning Officer:
 - A. May process the application, provided that the plans satisfy all requirements of the Township and are in substantial compliance with the Standards and the Guidelines and/or follow the recommendations of the Historical Commission; or
 - B. May deny the issuance of the permit if the Historical Commission's report indicates that the plans are not in substantial compliance with the Standards and the Guidelines, until

the plans have been revised by the Applicant in accordance with the Commission's recommendations.

Section 1606 SPECIAL APPLICATION PROVISIONS FOR DEMOLITION OF HISTORIC RESOURCES OUTSIDE OF CERTIFIED HISTORIC DISTRICTS

No Historic Resource may be demolished, in whole or in part, until the Applicant obtains a permit from the Zoning Officer in accordance with the following procedures:

1. One (1) copy of the application for demolition shall be submitted to the Zoning Officer. In addition to the current requirements necessary to complete a building permit application, the application shall include the following:
 - A. Recent interior and exterior photographs of Historic Resource proposed for demolition,
 - B. Floor Plans of Historic Resource proposed for demolition.
 - C. Site plan showing all Historic Resources and buildings on the property.
 - D. Reasons for demolition.
 - E. Future use of the property.
 - F. Method of demolition.
 - G. Proposed disposition of materials.
 - H. Timeline for implementation of the proposed use of the property.
 - I. Economic feasibility of adaptively reusing the Historic Resource.
 - J. Potential public safety issues posed by the current condition of the Historic Resource.
 - K. Demonstration of financial hardship and/or no reasonable economic use, if applicable. The Applicant may be required to prepare a financial analysis, which may include, but not be limited to: amount paid for the property, date of purchase and party from whom it was purchased, and most recent assessed value of the land and improvements. For depreciable properties, a pro forma financial statement shall be prepared by an accountant or broker of record.
 - L. Historic Resource Impact Study (see Article III, §306.D.4.e of the Subdivision and Land Development Ordinance).
2. The Applicant will be notified by the Zoning Officer of an incomplete application within fifteen (15) days, including information on what portions of the application are incomplete.
3. The Zoning Officer shall, within five (5) days of acceptance of a complete application, notify the Historical Commission.

4. Posting. Within ten (10) days from the filing of a complete application, the Zoning Officer or agent thereof will post a notice on the property indicating that the owner has applied for a permit to demolish a Historic Resource on that property. The notice shall be posted on each street frontage of the property and be clearly visible to the public. Posting may be waived for nonhistoric and ancillary resources (see §1604 3.D.).

5. Review and Recommendation by the Historical Commission.
 - A. The Historical Commission shall, within forty-five (45) days of receipt of a complete application, review the application for demolition at its regular or specially scheduled meeting for the purposes of providing a written recommendation to the Board of Supervisors relative to the issuance of a demolition permit. The Historical Commission shall determine the extent that the proposed demolition may adversely impact the historical or architectural significance of the Historic Resource, the property, or adjacent Historic Resources.

 - B. The Applicant will receive notice of the meeting no less than ten (10) days in advance and is encouraged to present evidence or testimony pertaining to the demolition.

 - C. Additional Documentation. In deliberating upon the proposed demolition, the Historical Commission, at its initial review meeting, may request additional information. With the consent of the Applicant, the Commission may extend the review up to ninety (90) days for the purposes of gathering additional information, including, but not limited to:
 - (1) Expert Testimony. Such testimony may include, but is not limited to, a written report or presentation by a certified engineer or architect with demonstrated expertise in historic preservation as to the structural integrity of the Historic Resource and analyses of alternative uses for the resource.

 - D. Additional Costs. Any costs incurred by the Historical Commission for the review of plans or studies by a consultant specifically retained for such purpose shall be reimbursed to the Township by the Applicant.

 - E. Historical Commission Recommendation. Upon completed deliberation, the Historical Commission shall recommend to the Board of Supervisors one of the following:
 - (1) Demolition.
 - (2) Delay of Demolition for up to ninety (90) days for the purposes of gathering additional information and exploring alternatives.

 - (3) Denial of Demolition.

- F. Board of Supervisors Decision. Within forty-five (45) days of receipt of the Historical Commission recommendation report, the Board of Supervisors shall, at a public meeting, consider the Historical Commission recommendation.
- (1) The Applicant shall be given at least ten (10) days' notice of the Board of Supervisors' meeting.
 - (2) At the meeting, the Board of Supervisors shall consider the Historical Commission's recommendations and any evidence, reports or testimony of interested parties and shall render a decision to either approve demolition, delay demolition for a period of no more than ninety (90) days, or deny the application for demolition.
 - (3) The decision of the Board of Supervisors shall be communicated to the Zoning Officer within five (5) days of the meeting.
- G. Action by Zoning Officer. The Zoning Officer will be directed to issue, delay or deny issuance of the demolition permit.

Section 1607 SPECIAL PROVISIONS FOR DEMOLITION BY NEGLECT OF HISTORIC RESOURCES

1. All Historic Resources shall be maintained in good repair and shall be reasonably protected against decay and deterioration so as to avoid a condition of demolition by neglect, as defined below. The Zoning Officer shall evaluate the condition of any such building or structure against the criteria for demolition by neglect contained in the currently adopted edition of the International Property Maintenance Code (IPMC) and shall institute proceedings to avert or remedy such condition in accordance with the terms of the IPMC, as he deems necessary.
2. Special requirements shall extend to Demolition by Neglect as defined in the East Pikeland Township Zoning Ordinance and per remedies as described in the 2003 International Property Maintenance Code, Chapter 3, GENERAL REQUIREMENTS.
3. The owner of any Historic Resource shall not permit such resource to fall into a state of disrepair, which may result in Demolition by Neglect.
4. The Zoning Officer shall notify the Historical Commission of any instance where, in his or her opinion, demolition by neglect may be occurring.
5. Review by the Historical Commission. Within forty-five (45) days of the inspection by the Zoning Officer of a Historic Resource believed to be undergoing Demolition by Neglect, the Historical Commission, at its regular or a special meeting, shall review the results of the inspection. The property owner or authorized agent shall be given ten (10) days' notice of the

meeting and encouraged to present evidence and testimony pertaining to the claim of demolition by neglect. The Historical Commission shall consider:

- A. The condition of architectural features that contribute to the historic significance of the Historic Resource.
 - B. Whether the owner has made a reasonable effort to properly stabilize and secure the Historic Resource.
 - C. Whether there is any current reasonable use of the Historic Resource.
 - D. Whether property maintenance and stabilization represent a financial hardship for the owner.
 - E. Any plans by the owner for alternative uses of the Historic Resource
6. Historical Commission Recommendation. Within fifteen (15) days of its meeting, the Historical Commission shall forward written findings to the Board of Supervisors relative to the claim of demolition by neglect based on evidence provided by the Zoning Officer. In cases where the Historical Commission believes a Historic Resource is undergoing demolition by neglect, the Commission may so indicate to the Township Manager and request that the Zoning Officer be authorized to reinvestigate the property and the degree to which demolition by neglect is occurring and take actions per the International Property Maintenance Code as referenced in §1602.2.A above. In such instance, the Zoning Officer shall report his or her findings to the Historical Commission and, where the Zoning Officer has determined that demolition by neglect is occurring, he or she shall proceed in accordance with the terms of this section.
7. The Zoning Officer shall submit regular and timely reports to the Historical Commission regarding the status of the investigation and results of any enforcement.
8. Enforcement. Demolition by neglect shall constitute a violation of this Ordinance. The Zoning Officer shall have the power to institute any proceedings of law or in equity, as provided under the terms of this Ordinance, necessary for the enforcement of this section, including all remedies set forth in §1604 4–7, the Pennsylvania Municipalities Planning Code, and §106 of the 2003 International Property Maintenance Code.

Section 1608 OBTAINING A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED REHABILITATIONS, ENLARGEMENTS, ALTERATIONS, CONSTRUCTION, DEMOLITION AND DEMOLITION BY NEGLECT WITHIN CERTIFIED HISTORIC DISTRICTS

1. Procedure for applying for a Certificate of Appropriateness. No person shall commence any work for the erection, reconstruction, alteration, restoration, or demolition of any building or structure, including signs or signage, on any property within a Certified Historic District (CHD), without first obtaining a Certificate of Appropriateness from the Board of Supervisors.

- A. Duties of the Zoning Officer. The Zoning Officer of East Pikeland 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 Article XXIII, shall issue no permit for any such building changes until a Certificate of Appropriateness has been received from the Board of Supervisors. This section shall apply to all Historic Resources (or properties) within a CHD, and regardless of whether they contain a Historic Resource, Noncontributing Resource, or are vacant.
- B. Application for Permit. The application for a building permit for change to any property subject to the provisions of this Ordinance and shall be filed with the Zoning Officer together with the required filing fee. The application and requirements to complete the form are provided by the Township. Note: This should not prevent or discourage the applicant to request an informal discussion with the Zoning Officer or the HARB prior to submitting a formal building permit application.
- (1) Resource Impact Study: For a demolition of a Historic Resource a Historic Resource Impact Study shall be required (see Article III, §306.D.4.e of the Subdivision and Land Development Ordinance) and submitted as part of the application.
 - (2) Within five (5) 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 Historical Architectural Review (HARB).
 - (3) Meeting before the HARB. Within forty-five (45) days from the time a complete application for a Certificate of Appropriateness is filed with the Township, a meeting shall be held by the HARB to consider the application.
 - (4) Notice. The Applicant shall be given ten (10) days' notice of the time and place of the said meeting and shall be invited to appear to explain his or her reasons for such application.
 - (5) Criteria for Consideration. In making its recommendation on a Certificate of Appropriateness, the HARB shall consider the extent to which the proposed work is consistent with the Standards (§1609) and the Guidelines (§1609), and if deemed applicable by the HARB, the Kimberton Village Design Guidelines Ordinance.
 - (6) The HARB shall consider only the exterior architectural features that can be seen from a public street or way.
 - (7) Noncontributing Resources. Determining the appropriateness of proposed changes to Noncontributing Resources will be based on their potential impact

on the general historic appearance of the CHD, and not the Noncontributing Resource itself.

- (8) Recommendation to Board of Supervisors. Not later than ten (10) days following the meeting, the HARB shall submit to the Board of Supervisors and the Applicant, in writing, its recommendation concerning the issuance of a Certificate of Appropriateness. The written report shall set out the following matters:
- i. The nature of the Historic Resource: Contributing Resource, Noncontributing Resource, vacant property within a CHD, or any combination thereof.
 - ii. The exact location in which the work is to be done.
 - iii. The exterior changes to be made or the exterior character of the structure to be erected.
 - iv. List of the adjacent Historic Resources, including those across the street or public way, with their general exterior characteristics.
 - v. An analysis of the appropriateness of the proposed work, taking into consideration the Standards and the Guidelines (§1609) and if deemed applicable by the HARB, the Kimberton Village Design Guidelines Ordinance.
 - vi. Issue a Certificate of Appropriateness for proposed changes as described in the application as submitted; or
 - vii. Issue a Certificate of Appropriateness subject to specified changes and conditions not included in the application as submitted; or
 - viii. Deny issuance of a Certificate of Appropriateness with respect to the proposed changes as submitted.
 - ix. In the event that the recommendation of the HARB is to deny issuance of the Certificate of Appropriateness, the HARB shall indicate, in writing, what changes to the plans and specifications would make the proposed changes consistent with the Standards and the Guidelines.
- (9) Conditions. In the event that the recommendation for the issuance of a Certificate of Appropriateness is subject to conditions, not less than five (5) days prior to the scheduled meeting of the Board of Supervisors to consider the HARB recommendation, the Applicant may give written notice to the HARB of his or her refusal to accept one or more of the conditions, in which case the HARB shall be deemed to have recommended against the issuance of a Certificate of Appropriateness. In the event that the Applicant does not, within

the said period, notify the HARB of his or her refusal to accept all of the said conditions, conditional recommendation of the application with all conditions shall stand.

- (10) Failure of the HARB to act within the time specified in this section shall be deemed to constitute a recommendation for the issuance of a Certificate of Appropriateness with respect to the application as submitted.

C. Public Meeting of the Board of Supervisors. Upon receipt of the written recommendation of the HARB, the Board of Supervisors shall consider, at a public meeting not less than fifteen (15) days or more than thirty-five (35) days from the receipt of the HARB recommendation, whether to issue 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 time application will be considered, and shall have the right to attend and be heard regarding his or her application.

- (1) The Board of Supervisors shall consider the recommendations of the HARB. It shall consider the appropriateness of only the exterior architectural features that can be seen from a public street or way, and shall consider the general design, arrangement, texture, material and color of the building or structure in terms of their in relation to similar features of buildings and structures in the district. The Board of Supervisors shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district.

- (2) Decision of Board of Supervisors. The granting or denial of a Certificate of Appropriateness shall be in the form of a written resolution that shall include findings of fact related to the specific proposal and shall set forth the reasons for the granting, with or without conditions, or for the denial, referring to such criteria set forth in §1609, herein, that were relevant to the Board's decision, and the contents of the Historic Resource Impact Study, where applicable. 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.

D. Notice of Board of Supervisor's Decision. Within fifteen (15) days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication, notify the Applicant of its decision to:

- (1) Approve a Certificate of Appropriateness authorizing a permit for the proposed changes as submitted; or

- (2) Approve 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 that is proposed to be changed, and/or the historic character of the CHD; or
 - (3) Deny a Certificate of Appropriateness with respect to the proposed changes as submitted.
- E. In the event that an approval is granted subject to conditions, the Applicant may, within ten (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his or her refusal to accept one or more 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 or her refusal to accept one or more of the said conditions, the approval, with all conditions, shall stand as granted.
- 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 in such Certificate of Appropriateness, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10101, et seq.
- G. Status Communication. 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 HARB as may be necessary to ensure compliance with the provisions of this Ordinance and the conditions of the Certificate of Appropriateness.

Section 1609 STANDARDS FOR REHABILITATION AND GENERAL DESIGN GUIDELINES

1. Standards for Rehabilitation (as adopted from the [U.S.] Secretary of the Interior's Standards for Rehabilitation, 1977 and last amended 1990.). Any proposed rehabilitation, alteration, or enlargement of a Historic Resource shall be in substantial compliance with the Standards set forth below:
 - A. 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.

- B. 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.
 - C. 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.
 - D. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - E. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 - F. 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.
 - G. 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.
 - H. Archeological resources will be protected and preserved in place. If such resources must be disturbed, documentation and mitigation measures shall be undertaken.
 - I. 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.
 - J. 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.
2. General Design Guidelines. The following design guidelines are meant to serve as guidance for new construction and alteration to Historic Resources. Consideration shall be given to:
- A. The effect of the proposed change upon the general historical and architectural nature of the Historic Resource, adjacent Historic Resources or CHD.
 - B. Where applicable, the general design, arrangement, texture and material of a Historic Resource and the relation of such factors to similar features of adjacent Historic Resources and/or those within a CHD.
 - C. Special consideration shall be given to the following:

- (1) Proportion of Building Front Facade – Preserving the relationship between the width of the front of the building and the height of the front of the building.
- (2) Proportion of Openings within the Resource – Preserving the relationship of width to height of windows and doors.
- (3) Rhythms of Solids to Voids in the Front Façade – Preserving the relationship between a recurrent alteration of strong and weak architectural elements, thereby maintaining a rhythm of solids to voids.
- (4) Rhythm of Spacing of Buildings on Streets – Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
- (5) Rhythm of Entrance and/or Porch Projections – Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
- (6) Relationship of Materials – Preserving the predominant materials of the Historic District or adjacent Historic Resources, such as brick, stone, stucco, wood siding, or other material.
- (7) Relationship of Textures – Preserving the predominant textures of the Historic District or adjacent Historic Resources; these may be smooth, such as stucco, or rough, such as brick with tooled joints or horizontal wood siding or other textures.
- (8) Relationship of Architectural Details – Preserving character-defining architectural details of buildings, including but not limited to cornices, lintels, arches, quoins, balustrades and ironwork, chimneys, etc.
- (9) Relationship of Roof Shapes – Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, or other appropriate roof shapes.
- (10) Walls of Continuity – Preserving physical elements that comprise streetscapes, such as brick walls, wrought iron fences, building facades, or combinations of these that form visual continuity and cohesiveness along the street.
- (11) Directional Expression of Front Elevation – Preserving the orientation of structural shapes, plan of openings, and architectural detail that reflect a predominantly vertical or horizontal character to the building's façade.
 - a. Scale – Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of

persons; in addition, preserving the building mass and its relation to open space.

- b. Variations – The Historical Commission or HARB may recommend variations in a manner that will be in harmony with the character of other Historic Resources or Contributing Resources within the Historic District.

Section 1610 MODIFICATION TO AREA AND BULK REGULATIONS

1. Zoning Hearing Board. The Zoning Hearing Board, through the grant of a Special Exception, may approve requested modifications to the otherwise applicable lot size, lot dimension, or yard requirements for plans affecting Historic Resources. Such modifications may be approved only in accordance with the criteria set down under Section 2208 of this Ordinance and provided the following additional criteria are met:
 - A. The granting of the Special Exception is deemed by the Zoning Hearing Board to be necessary for, or substantially beneficial to, the preservation of such Historic Resource.
 - B. As a condition of approval, the Board may require that any detrimental effects shall be mitigated in a manner and to a degree deemed satisfactory to the Historical Commission or HARB.
 - C. Any plans for the rehabilitation, alteration, or enlargement of such Historic Resource shown on the application for Special Exception must be in substantial compliance with The Standards and the Guidelines (§1609) and the Kimberton Village Design Guidelines Ordinance if the Historic Resource is within the Kimberton Village CHD.
2. East Pikeland Historical Commission. The Historical Commission shall review the request for Special Exception and evaluate whether the request is necessary for or substantially beneficial to the preservation of the Historic Resource. The Commission also shall review any construction plans to determine whether or not they comply with the Standards and the Guidelines (§1609), the Historic Resources within a CHD, the Kimberton Village Design Guidelines Ordinance, or other guidelines specific to a specific CHD. Recommendations shall be transmitted in the form of a written report to the Zoning Hearing Board in the case of a Special Exception, or to the Board of Supervisors in the case of a Conditional Use. The report shall indicate specific plan changes that would bring the plans into substantial compliance with the Standards and the Guidelines (§1609), and/or the Kimberton Village Design Guidelines Ordinance.

Section 1611 ADDITIONAL USE OPPORTUNITIES

1. The following uses, in addition to those otherwise permitted by Right, Special Exception, or Conditional Use shall be permitted for Historic Resources when approved as a conditional use by the Board of Supervisors.
 - A. Business and Professional Office, excluding surgical offices and clinics;
 - B. Custom Shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework, baked goods, or confectionery;
 - C. Museum, Gallery, or Cultural Studio;
 - D. Specialty Retail Store, such as gift shop, antique shop, or tack shop;
 - E. Home and Business Furnishing and Decorating Retail Store;
 - F. Florist Shop;
 - G. Cottage Industry, such as a cabinetmaker or similar trade; or
 - H. Accessory Use on the same lot.
 - I. Other uses deemed by the Board of Supervisors to be substantially similar to the above.
2. Conditional Use Criteria. In considering whether to approve a Conditional Use pursuant to Article XX, the Board of Supervisors shall determine that the following criteria are met:
 - A. The granting of the Conditional Use is deemed by the Board of Supervisors to be necessary for or substantially beneficial to the preservation of a Historic Resource.
 - B. The granting of the Conditional Use will be deemed by the Board of Supervisors to have a minimal detrimental effect on the Historic Resource, the property, adjacent properties or CHD.
 - C. Any plans for the rehabilitation, alteration, or enlargement of a Historic Resource shown on the application for Conditional Use must be in substantial compliance with The Standards and General Guidelines (§1609) and for Historic Resources within a CHD, the Kimberton Village Design Guidelines Ordinance or other guidelines specific to that district.
3. East Pikeland Historical Commission. The Historical Commission shall review the request for Conditional Use and evaluate whether the request is necessary for or substantially beneficial to the preservation of the Historic Resource. Recommendations shall be transmitted in the form of a written report to the Board of Supervisors.

Section 1612 INTEGRITY OF HISTORIC SETTING

1. The subdivision or land development of a property containing a Historic Resource shall be accomplished in such a manner that the resulting property containing the Historic Resource is large enough to preserve the integrity of its historic setting.
2. Historic outbuildings, significant historic site features, and landscape settings significant to the property's historic setting shall be preserved.
3. The size and configuration of the subdivided property shall depend upon the Historic Resource and the characteristics of the property's landscaping and adjacent properties. Property boundaries shall, in general, conform to the lines of identifiable landscape features on the site. Site development shall be based, in general, upon §1609 of this Article. Review and recommendations regarding the Historic Resource, its subdivided property, and the proposed land development shall be made by the East Pikeland Historical Commission to the Planning Commission and the Board of Supervisors. The Board may require increasing the size of the property containing the Historic Resource above the minimum lot size for the zoning district.
4. A Historic Resource Impact Study, as provided for in Article III, §306.D.4.e of the Subdivision and Land Development Ordinance, shall be prepared by the Applicant when the subdivision or development of a property includes a Historic Resource or is within 300' of a Historic Resource.

Section 1613 ARCHEOLOGICAL PROCEDURES

1. When a property containing a Historic Resource includes an archeological site of high archeological significance as defined in Article II herein, and a proposed development action may disturb, damage, or destroy the site, the following procedure shall be used:
 - A. An archeological investigation shall be required and completed prior to any proposed earth-disturbing activity. Such an investigation shall be conducted under the guidance of an archeological professional and shall include background historical research and a subsurface sampling strategy (Phase I Archeological Investigation).
 - B. A report summarizing the findings shall be prepared and submitted to the Historical Commission.
 - C. If no significant archeological remains are discovered, the project may proceed as planned.
 - D. If significant archeological remains are discovered, a mitigation strategy to minimize the adverse effects of the proposed development on the archeological site shall be

implemented. Mitigation strategies may include, but are not limited to, actions ranging from preservation of the archeological site through a conservation easement to archeological excavation for data recovery, depending on the nature and extent of the archeological deposits to be affected by the proposed project.