ARTICLE VI

Historic Resource Protection Standards

1. **Intent.**

A. It is the intent of this article to:

(1) Create a comprehensive framework for the application of Zoning Ordinance provisions for the preservation of historic sites, buildings, structures, objects, districts, archaeological sites and historic landscapes in Caln Township.

(2) Implement the goals of the National Historic Preservation Actof 1966, as amended, as they relate to historic resources in Caln Township.

(3) Implement the goals of Article I, Section 27, of the Pennsylvania Constitution, which establishes the Commonwealth's policy of encouraging the preservation of historic and aesthetic resources.

(4) Implement the goals of the Pennsylvania Municipalities Planning Code, which authorizes the regulation, restriction, and prohibition of uses and structures at, along, or near places having unique historical, architectural, or patriotic interest or value, and which recognizes that zoning ordinances "shall provide for the protection of natural and historic features and resources"; and

(5) Preserve the exterior appearance of historic resources and their settings; and

(6) Utilize the expertise of the Historical Commission in reviews ofproposed alterations to historic resources or other proposed actions that pose potential impacts on historic resources.

B. This article establishes specific roles and functions for the Caln Township Historical Commission to serve as an advisory body to the Board of Commissioners, Zoning Hearing Board, and Zoning Officer; it authorizes the creation of a Caln Township Historic Resources Map which delineates the jurisdiction of the Historical Commission under this article. The protections and incentives are targeted toward the Township's most important historic resources and, therefore, include procedures for proposed demolitions, standards for demolition by neglect, area and bulk waivers, a Historic Resource Impact Study

requirement, and adaptive reuse and additional use opportunities for historic properties.

2. General Provisions.

A. Compliance. Any change to an historic resource shown on the Caln Township Historic Resources Map shall occur only in full compliance with the terms of this chapter and other applicable regulations.

B. Historic Overlay Concept. The Historic resource Map shall be deemed any overlay on any zoning district now or hereafter enacted to regulate the use of land in Caln Township.

(1) For any property shown on the Historic Resources Map, the requirements and opportunities contained in this article shall:

a. Apply in addition to the applicable requirements of the underlying zoning district; and

b. Supersede the otherwise applicable requirements of the underlying zoning district only where those requirements are inconsistent with the requirements and opportunities contained in this article.

(2) Should the Historic Resources Map be altered or reduced in scope as a result of legislative or administrative action orjudicial decision, 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 more stringent restrictions, the provisions of this article shall prevail.

D. Consultation. Where the Historical Commission, Board of Commissioners, or Zoning Officer, in the course of administering this article, requires consultation from a professional with expertise in historic preservation, or from any other professional consultant it deems necessary and appropriate, the professional should meet the most recent professional qualification standards set by the National Park Service, and the reasonable costs of the consultant, as established by a fee resolution adopted by the Board of Commissioners, shall be charged to the applicant. Prior to incurring any costs for a professional consultant, the Township shall determine the estimated costs for such services and shall require the

applicant to deposit funds in that amount into an escrow account. Upon completion of the consultant services, any unexpended balance in such account shall be reimbursed to the applicant.

3. Historic Resources Map.

A. The Caln Township Historical Commission shall regularly review and make recommendations to the Caln Township Board of Commissioners for potential updates to the Caln Township Historic Resources Map. The description and supporting information for any historic resource may be added to or deleted from the inventory upon action of the Caln Township Board of Commissioners.

4. Classifications and Criteria

A. In accordance with SHPO recommendations, the Caln Township Historic Resources Map does not delineate classifications of historic resources in Caln Township. Rather, historical resources are defined as follows:

(1) Locally Certified Historic Resources, as defined by this chapter.

(2) Buildings, sites, structures, archaeological sites, landscapes, and objects located within a certified historic district, as defined by this chapter, as contributing resources to that district.

(3) Buildings, sites, structures, archaeological sites, landscapes, and objects that represent sufficient historical significance as to warrant, in the judgement of the Caln Township Historical Commission, the protections and incentives offered by this article. The criteria used to make such determinations include but are not limited to the following:

a. Are included within the Historic Resource Atlas;

b. are associated with an important historical event in the Township;

c. are associated with the lives of a significant person in the Township's past;

d. are associated with the early historical narrative of Caln Township (i.e. milling, agriculture, education, pathway to freedom, industry);

e. are associated with the early historical narrative of Chester County;

f. embody the distinctive characteristics of a type, period, or method of construction;

(4) Districts. The Historic Resources Map shall contain the boundary of any certified historic district, the individual resources located within any such district shall be regulated in accordance with criteria for such resources.

(5) The Historic Resources Map and its index of listed resources are adopted as part of this chapter and shall be included as Attachments to this chapter.

a. As an incentive to accepting being listed on The Historical Resources Map, the Caln Township Board of Commissioners may, in coordination with the Historical Commission and Zoning Officer, allow for density bonuses and automatic conditional approvals for resources on the official map.

b. Revisions. The Historic Resources Map may be revised from timeto time by legislative action of the Board of Commissioners, which shall follow the procedures established by this chapter for amendments to this chapter, and the requirements of Section (?) of the Municipalities Planning Code (MPC).

    1) In considering any revision, including additions, deletions, orchanges to the Historic Resources Map, the Board shall receive a written recommendation from the Caln Township Historical Commission.

    2) The owner(s) of any property(ies) which is/are the subject of any proposed action shall be given written notice of the Historical Commission's recommendation to the Board of Commissioners at least 30-days prior to the public hearing at which the Board will consider such action.

    3) The owner(s) of a property subject to the provisions of this article, or potentially affected by its provisions, may submit a petition to the Township requesting that such property be added to or deleted from the Historic Resources Map. The Township shall respond to such petition in accordance with the provisions of this chapter. Prior to acting on any such petition, the Board of Commissioners shall receive a written recommendation from the Caln Township Historical Commission

c. Historic Resource Atlas. The Historical Commission shall maintain the Caln Township Historic Resource Atlas as an updated inventory of resources, including but not limited to those shown on the Historic Resource Map. The description and information for any historic resource may be added to or deleted from the inventory upon action of the Historical Commission.

d. Jurisdiction. All sites shown on the Historic Resource Map shall be subject to the applicable terms of this article.

5. Caln Historical Commission

a. The membership, powers, and duties of the CalnHistorical Commission shall be as set forth in Chapter 19, Historical Commission.

b. The roles and functions of the Historical Commission with respect to

historic resource protection under the provisions of this chapter shall be as stated in this article.

6. Demolition permits/applications

A. Any application for a building permit for demolition received by the Zoning Officer for a resource deemed of Historical Significance by the Caln Township Historical Commission must comply with the procedures and requirements of this section, as applicable. The Applicant shall submit five (5) paper copies and an electronic submission of all documents for a building permit for demolition of a historic resource.

B. Building permit for demolition. No historic resource shall be demolished unless a building permit for demolition has been issued by the Zoning Officer in accordance with the following procedures of Caln Township:

(1) In addition to any other applicable requirements of this chapter and other ordinances of the Township, an applicant seeking a permit to demolish an historic resource shall provide a written report containing, but not restricted to, the following information:

(a) Owner of record.

(b) Significance of resource on the Historic Resources Map;if more than one structure is located on the property, the specific structure for which the permit is being sought.

(c) Site plan showing all buildings and structures on the property.

(d) Recent interior and exterior photographs of the structure proposed for demolition.

(e) Reasons for the demolition. The Applicant shall be required to submit proof of notification of demolition to all adjacent property owners either certified mail or other documented means. The property should also be required to be publicly posted.

(f) A report by a certified structural engineer AND a historic preservation professional that meets professional qualifications as prescribed in the Secretary of the Interior's Standards for Qualified Preservation Professionals https://www.nps.gov/articles/sec-standards-prof-quals.htm describing thestructural condition of the structure proposed to be demolished.

(g) Proposed disposition or reuse of materials.

(h) Timeline for implementation of proposed use of the property

following demolition.

(i) A bond or lien shall be placed on the property and the site plan and land development plan shall be submitted and approved PRIOR to demolition.

(j) Applicant shall submit specific information regarding the proposed use of the property and if the proposed use is allowed by right or if it would require variances, special exceptions, or re-zoning.

(k) Date of purchase and ownership history of the historic resource.

(l) Assessed value of the land and improvements thereon; and

(m) Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other.

(n) Documentation of all efforts to sell the Historic Resource in the preceding three years.

(o) Purchase price.

(p) Certified property appraisal.

(2) The applicant shall provide written documentation of an analysis of the following factors which shows, by a preponderance of the evidence, that:

(a) The demolition of the historic resource in question will not adversely affect the historic significance or architectural integrity of neighboring historic properties or the historic character of the neighborhood or community.

(b) If the demolition does not result in the complete removal of the historic resource, it will minimize adverse effects on the architectural and structural integrity and the overall historic appearance of the resulting structure.

(c) It is not feasible to continue the current use.

(d) Other uses permitted within the underlying zoningdistrict, whether permitted by right, by special exception, or by conditional use, have been denied or are not feasible due to constraints on the historic resource proposed to be demolished.

(e) Applicant shall submit proof of what opportunities or options for adaptive reuse have been explored to support any and all claims that adaptive use opportunities do not exist due to constraintsrelated to

the historic resource proposed to bedemolished or the property on which it is located,

(f) The proposed new use of the property, including any newbuilding or structure, will not adversely affect the historic character or architectural integrity of the neighboring historic properties, the neighborhood, or the community.

(g) The permitted uses and adaptive use potential of the historic resource proposed to be demolished do not provide a reasonable rate of return based on a reasonableinitial investment; and

(h) The applicant has not contributed to the existing conditions, either through neglect or prior renovation,conversion, alteration, or similar physical action.

(3) A building permit for demolition for any proposed demolition of any historic resource shall not be issued prior to, and where applicable:

(a) The recording of an approved subdivision or land development plan for the property where the demolition is proposed; and

(b) Issuance of any necessary zoning approvals.

C. Application Review Procedure.

(1) Applicants are required to attend an informal pre-application meeting with the Historical Commission to discuss required documentation and possible alternatives before the expense of putting together a formal application.

(2) A member of the Historical Commission shall be invited to attend a pre-application meeting between the Applicant and Township. Upon receipt of an application for a building permit for demolition, the Zoning Officer shall forward the application to the Chair and Secretary of the Historical Commission who shall review the application pursuant to the requirements of this section to determine whether it is complete. If there are any discrepancies or omitted documents, the Secretary of the Caln Township Historic Commission will inform the Zoning Officer who will contact the Applicant to complete and gather the necessary documentation. Upon the completion and submission of all documents by the Applicant, the application will be placed on the agenda or consideration and review at the next available regularly scheduled meeting of the Caln Township Historical Commission; provided that such meeting is at least two weeks from the date of the complete submission. If the meeting is less than two weeks away, the

application will be considered at the subsequent Historic Commission meeting.

(3) Notification to Applicant of the Caln Township Historical Commission Review. Upon forwarding the completed application to the Caln Township Historical Commission for its review and recommendation, the Zoning Officer or his designee shall mail or email a written notice to the Applicant and the Caln Township Board of Commissioners, stating the time and place of the Caln Township Historical Commission's meeting at which the application for a building permit for demolition will be considered.

D. Criteria for Deliberation.

(1) In determining the recommendations tobe presented to the Board of Commissioners concerning the issuance of a building permit for demolition for any historic resource, the Historical Commission shall refer to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as contained in this article; shall consider the historical, architectural, or archaeological significance of the historic resource to the Township, county, state, or nation; and shall weigh all relevant factors in favor of or against the demolition pursuant to and congruent with the objectives of this article. In reviewing the application and determining its recommendations, the Historical Commission shall also take into account:

a. The effect of demolition on the historical and architectural significance and architectural integrity of neighboring historic resources.

b. Economic feasibility of adaptively reusing the resourceproposed for demolition.

c. Alternatives to demolition of the resource.

d. Potential public safety issues posed by the current condition of the resource.

e. Include information about the history of maintenance on the property as a part of demolition by neglect. Have there been numerous code cases on a particular building that demonstrate the neglect?

E. Time frame for Historical Commission Recommendation.

(1) TheHistorical Commission shall render its recommendations, in a

written report to the Board of Commissioners, to approve or deny an application for demolition of a historic resource under its review within 30-days after its recommendation is made.

F. Deferral of recommendation.

(1) The Historical Commission may elect to defer its decision in order to provide adequate opportunity for historic documentation of the resource (as set forth in SubsectionG, below); preparation of a financial analysis (as set forth in Subsection H, below); and/or special called meeting with the applicant on alternatives to demolition. The extent of such deferral shall be in accordance with the following time period:

(a) A maximum of 120 days from the date of the Commission's decision to defer its recommendation.

G. Documentation. Prior to the recommendation on the issuance of any building permit for demolition, the Historical Commission may require the applicant to provide documentation of the resource proposed for demolition. Such documentation may include, as available, historical data, surveys, and other data provided by local, state, and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys; and any other comparable form of documentation stipulated by the Commission.

H. Financial analysis. In its review of an application to demolish anyhistoric resource, the Historical Commission may require the applicant to prepare a financial analysis. Such financial analysis should include the following information, as applicable and available:

(1) Purchase price.

(2) Description of the relationship, if any, whether business or familial, between the owner and the person from whom the property was purchased.

(3) All appraisals obtained by the owner in connection with the purchase or financing of the property or during his ownershipof the property.

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

(5) The consideration by the owner as to economically feasible, adaptive reuse 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, orfederal historic preservation and architectural organizations or agencies, including density bonuses and automatic conditional approvals for resources on the official map.

I. Contents of written report.

(1) The written report to the Board of Commissioners concerning the Historical Commission's recommendations on the issuance of a building permit for demolition shall set out findings of fact, which shall include but need not be limited to the following matters:

(a) The exact location of the historic resource that isproposed for demolition.

(b) A list of other historic resources on the property and within 225 feet of any boundary of the subject property.

(c) The anticipated effect of the proposed demolition upon the general historic, archaeological, and architectural character, including the cultural landscape, of Caln Township.

(d) Recommendations by the Historical Commission as to the issuance of the building permit for demolition.

J. Notification to applicant. The Zoning Officer or his designee shall provide the Applicant with a copy of the written report from the Historical Commission, as provided for in this section.

K. Action by the Board of Commissioners.

(1) Upon receiving a recommendation from the Historical Commission, the Board of Commissioners shall schedule the application to be an agenda item on the next available Board of Commissioners public meeting. The Zoning Officer or his designee shall mail or email a written notice to the Applicant stating the time and place of the Board of Commissioners' meeting at which the application for a building permit for demolition will be considered.

(2) The Board of Commissioners shall consider the Historical Commission's recommendation, all information and documents provided by the applicant and the criteria in Sections VI.4.A and V1.6.D when considering if a building permit for demolition should be issued.

(3) Where the Historical Commission's recommended approval of a building permit for demolition includes conditions that havebeen discussed with the applicant during the Historical Commission's review of the application, the Board of Commissioners may, at its discretion, propose any or all of the Historical Commission's recommended conditions to which the issuance of the building permit for demolition would be subject.

(4) Recommended disapproval of application by the Historical Commission. If the Historical Commission recommends that a building permit for demolition should not be issued, it may, as it deems appropriate, indicate to the Board of Commissioners and the Applicant an alternative(s) to the proposed demolition which would protect the distinctive historical character of the historic resource and the architectural or archaeological integrity of the historic resource.

7. Demolition by neglect.

A. The owner of any structure designated as a historic resource shall not permit such buildingor structure to fall into a state of disrepair which may result in the deterioration of any facade or exterior appurtenance or architectural feature so as to produce or tend to produce, a detrimental effect on the historic character or structural integrity of the resource.

B. Any building or structure designated as a historic resource shall be secured to prevent vandalism, and preserved against decay anddeterioration by being kept free from the following structuraldefects by the owner and any other person or persons who may have legal custody and control of such building or structure:

(1) Deteriorated or inadequate foundation which jeopardizes its structural integrity.

(2) Defective or deteriorated floor supports or any structural members which in the professional opinion of an engineer with experience working with historic structures are deemed to be of insufficient size to carry imposed loads with safety, thereby jeopardizing its structural integrity.

(3) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration which jeopardizes its structural integrity.

(4) Structural members of ceilings and roofs, or other horizontal structural members that excessive sagging, split, or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety, thereby jeopardizing its structural integrity.

(5) Exterior chimneys that list, bulge, or settle due to defective material or deterioration or are of insufficient size or strengthto carry imposed loads with safety, thereby jeopardizing its structural integrity.

(6) Lack of weather protection, including in particular a lack of effective waterproofing, that jeopardizes the structural integrity of the walls, roofs, or foundation.

(7) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.

C. Demolition by neglect shall constitute a violation of this chapter. The Zoning Officer shall have the power to institute anyproceedings at law or in equity, as provided under the terms of this chapter, necessary for the enforcement of this section.

D. **Applicability to subdivision and land development applications.**

(1) An applicant for subdivision or land development approval must stabilize any historic resource located on the subject tract that meets one or more of the criteria for demolition by neglect, asprescribed in V1.7.B, above.

(2) As part of this stabilization requirement, a maintenance plan shall be prepared that sets periodic inspection requirements to identify deterioration concerns and how those concerns will be addressed. The plan shall be reviewed and shall be undertaken only when approved by the Township Building Inspector. Improper maintenance will be addressed as prescribed in this section and this chapter.

(3) The Township Zoning Officer will notify the applicant where stabilization of the historic resource will be required and, if so, the factors to be addressed in the required maintenance plan. Where stabilization is required, it shall be completed by the applicant and inspected and approved by the Township Building Inspector within six months of the date of notification from the Zoning Officer. No earth-moving activitymay commence, and no building permit shall be issued until the required stabilization actions have been taken andapproved by the Township.

8. Historic resource impact study.

A. An historic resource impact study (HRIS) shall be required as partof an application for certain activities or procedures, as specified herein, authorized under the terms of this chapter that have the potential to adversely affect any historic resource. Such activities shall include the following:

(1) Where the subject property contains a historic resource, any application, the approval of which would result in the construction of a new principal or accessory structure greater than 500 square feet in area, and where such approval is required in the form of a:

(a) Special exception.

(b) Conditional use; or

(c) Building permit.

(2) Where any part of the exterior wall, surface, or boundary of a Historic Resource is located within 225 feet of the proposed location of any exterior wall or surface of a new building or structure greater than 500 square feet in area (excluding decks), where approval of the proposed new building or structure, is required in the form of a special exception, conditional use, and/or building permit.

(3) This requirement shall not apply where an HRIS has been prepared for the property that is proposed to contain the new construction and has addressed all historic resources potentially affected by this proposal, within the preceding fiveyears.

B. Upon receiving any complete application for: i] a special exception; ii] a conditional use; or iii] a building permit for construction of a newprincipal or accessory structure greater than 500 square feet in area and excluding decks, the Zoning Officer shall notify the Historical Commission of the application. The Historical Commission, or designated members thereof, may then conduct a site visit with the applicant to identify the location of the prospective new construction in relation to the historic resource, the extent of potential negative impacts, and possible alterations or modifications to the proposal.

C. The HRIS shall be prepared by an individual qualified by education in historic preservation, architectural history, anthropology, archeology, land planning or related disciplines, and submitted by the applicant in accordance withthe terms of this section and reviewed by the Historical Commission.

(1) The HRIS shall contain, at minimum, the following information:

(a) If not otherwise provided by the applicant, a plan showing existing site conditions, including structures, topography, watercourses, vegetation, landscaping existing drives and known or potential archaeological sites.

(b) General description, and significance of all historic resources located on the subject property as shown onthe site plan, or historic resources located within 225 feetof any portion of the subject property.

(c) Black and white or color five-inch-by-seven-inch photographs to show every historic resource identified in Section 6.I (a)(b), above.

(d) Narrative description of the historical development of thesubject tract.

(2) Proposed change.

(a) General description and site plan of the project, includinga timetable or phases.

(b) Description of the impact on each historic resource identified in Subsection I (1)(b), above, with regard to architectural integrity, historic setting, andfuture use.

(c) General description of the anticipated effect of noise, vehicular and pedestrian traffic, and other impacts, including light pollution, generated by the proposed change on any historic resource identified in Subsection I (1)(a)(b), above.

(d) General description of the impact on archaeological resources and the potential impact of any land disturbance on historic resources.

D. Mitigation measures. Recommendations shall be made for mitigating the project's impact on identified historic resources, including: design alternatives; moving the historic resource; reconstruction of the historic resource; Historic American Building Survey (HABS), Historic American Engineering Record (HAER), or Pennsylvania State Recordation requirements; buffering, landscaping, or conservation of existing vegetation; and any other appropriate measures permitted under the terms of this chapter.

E. The Historical Commission shall review the HRIS and shall provide a written report, including findings, conclusions, and anyrecommended modification to the proposed activity that it deems appropriate, to the Zoning Hearing Board, Board of Commissioners, or Zoning Officer, as applicable.

9. Additional use opportunities.

A. In addition to the uses permitted by the underlying zoning district, properties designated as historic resources are eligible for certain additional uses, in accordance with the terms of this section and all other applicable provisions of this chapter. Such additional uses are permitted only when approved by the Board of Commissioners in accordance with the terms of this section and the provisions of this chapter, and only where the Board of Commissioners determines that the historic structure in which the additional use is proposed will be appropriately preserved and all other applicable terms of this section will be met.

B. Uses permitted as additional use opportunities: Home occupation; professional or business office; cultural studio; bed-and-breakfast; museum; retail business establishment; restaurant; municipal use; personal service establishment; multi-family dwellings.

C. Criteria for approval. In hearing all requests for approval under the provisions of this section, the Board of Commissioners shall review each of the following criteria as they apply to the application.

(1) All additions, enlargements, rehabilitations, and alterationsto a historic resource shall be in compliance with the standards contained.

(2) The proposed additional use shall not alter the exterior character of the structure.

(3) The proposed additional use shall not alter, or present the potential for deleterious impact on, the character of the neighborhood. The Board must be satisfied that the proposed additional use will not create significant negative off-site impacts resulting from parking, traffic volume or flow, signage, lighting, noise, glare,or impervious surface.

(4) The proposed use or activity shall be consistent with the purposes of this section and this chapter.

(5) The proposed use shall not injure or detract from the use or enjoyment of adjoining or nearby properties.

(6) Adequate utilities must be available to serve the proposeduse. When public utilities are available, they shall be utilized.

(7) Where necessary to provide for the efficient use or reuse of a historic resource, the applicant may request the approval of modification of applicable area and bulk regulations, subject to the applicant providing proof of the standards in this chapter.

(8) The Board, at its sole discretion, shall evaluate whether the proposed additional use represents an effective means of protecting the integrity of the historic resource in which the use will be located.

(9) Any and all approved conditional uses are only permitted so long as the property continues to be preserved; and

(10) All approved conditional uses are permitted so long as the subject building or property remains in use, and if it should fall into disuse that conditional use will expire

10. Modification to area and bulk regulations.

A. Zoning Hearing Board. The Zoning Hearing Board, through the grant of a special exception, may approve requested modifications to the otherwise applicable lot size, lot dimension, yard requirements, or parking requirements for plans affecting historic resources, in accordance with the criteria set forth in this chapter and provided 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 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 or alteration of the exterior of a historic resource shown on the application for special exception must be in substantial compliance with the standards contained in this chapter.

B. Caln Township Historical Commission.

(1) The Commission shall review the request for special exception and evaluate whether the proposed modifications are necessary to the preservation of the historic resource. Where applicable, the Commission also shall review any construction plans under the terms of the following for their compliance with the standards in this chapter:

(a) Section 8 regarding a historic resource impactstudy.

(b) Section 12 regarding a rehabilitation or alteration; or

(c) Section 13 regarding signs.

(2) Recommendations shall be transmitted in the form of a written report to the Zoning Hearing Board and shall indicatewhat specific changes in the plans would bring them intosubstantial compliance with the standards.

11. Review of proposed rehabilitations or alterations.

A. Building permit. No building permit for the rehabilitation or alteration of the exterior of a historic resource shall be issued by the Building Code Official prior to review and comment on the application by the Caln Township Historical Commission, in accordance with the terms of this section.

B. Application review procedure. Upon receipt of an application fora building permit, the Zoning Officer shall review said application and forward to the Caln Township Historic Commission. Upon the completion and submission of all documents by the Applicant, the application will be placed on the agenda for consideration and review at the next regularly scheduled meeting of the Caln Township Historical Commission; provided that such meeting is at least

two weeks from the date of the complete submission. If the meeting is less than two weeks away, the application will be considered at the subsequent Historic Commission meeting. Upon forwarding the completed application to the Caln Township Historical Commission for its review and recommendation, the Zoning Officer or his designee shall mail or email a written notice to the Applicant and the Caln Township Board of Commissioners, stating the time and place of the Caln Township Historical Commission's meeting at which the application for a building permit will be considered.

C. Review by Historical Commission. The Historical Commission shall review the application and make a written recommendation to the Building Code Official as to whether the proposed rehabilitation or alteration of the exterior of a historic resource is consistent with the standards in this chapter.

D. Issuance of building permit. Upon receipt of a written report fromthe Historical Commission indicating that the plans are in substantial compliance with this chapter, and provided that the plans satisfy all other requirements of the Township, the Building Code Official shall issue the building permit.

E. Report of Detrimental Effect. If the Caln Township Historical Commission's report indicates that the plans are not in substantial compliance with the standards in this chapter, the applicant shall consider recommendations from the Caln Township Historical Commission in how the application may be revised to meet such standards. The applicant shall consider such recommendations and make appropriate modifications.

12. Standards for rehabilitation.

A. Standards for rehabilitation. Any proposed rehabilitation or alteration of the exterior of a historic resource *should be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as* revised. At the time of enactment of this article,those standards were as follows:

(1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided whenever 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 or later appearance shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event 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 historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

B. Plan consistency. Determination of the consistency of the plan with these standards shall be made by written report of the Caln Township Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings, as revised, to apply the standards to each project.

(1) Deteriorated architectural features shall be repaired rather than replaced, *wherever possible*. In the event replacement isnecessary, 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 historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(2) 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 shallnot be undertaken.

(3) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(4) Contemporary design for alterations and additions to existingproperties 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.

(5) Wherever possible, new additions or alterations to structuresshall be done in such a manner that if such additions oralterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. Plan consistency. Determination of the consistency of the plan with these standards shall be made by written report of the Caln Township Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings, as revised, to apply the standards to each project.

13. Signs

A. **Design Guidelines.** Signs are necessary to allow adaptive reuse of historic buildings, as well as for promoting historical tourism. However certain design standards are necessary to protect the historic nature of a resource and/or district

(1) **Signs** to be located on or within 225 feet ofthe exterior walls of a historic resource, and/or within a designated historic district shall be designed to complement and reflect the aesthetic of the historic resource, surrounding historic resources, or historic district.

(2) **Signs projecting light** to be located on or within 225 feet of the exterior walls of a historic resource, or within a designated historic district shall be focused "inward and down" rather than "up and out"

(3) **Signs** to be located on or within 225 feet ofthe exterior walls of a historic resource, or within a designated historic district shall not utilize any of the following elements: **Intermittent, Flashing, Scrolling, or Animation**

(4) Permits. No permit for a sign to be located on or within 225 feet ofthe exterior walls of a designated historic resource shall be issued by the Zoning Officer prior to the review of and comment on the application by the Caln Township Historical Commission and Board of Commissioners, in accordance with the terms of this section.

(5) Installation must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.

(6) The Historical Commission shall ensure that the proposed sign is appropriate compared to the style, period, type, size, and scale of the resource and/or district for which it is proposed.

(7) Permit Requirements: All applications for a Certificate of Appropriateness must contain the following information:

a) A current color photograph of the property.

b) An illustration of the building façade showing the proposed sign.

c) A scaled drawing showing the sign itself and including the size, materials, colors, lighting, lettering, and method of attachment. Material samples may be required.

d) For ground signs, a site plan indicating the location of the sign.

e) The type of proposed illumination

B. Application review procedure. Upon receipt of an application for a sign permit, the Zoning Officer shall review said application and shall forward a completedapplication for a sign permit, together with the documents and specifications filed by the applicant, to the Caln Township Historical Commissionfor its review and comment.

C. The review shall take into consideration the potential impact of the sign on properties that contain historic resources as well the potential impact to surrounding historic resources

D. Time frame for Historical Commission recommendation. The Historical Commission shall render its recommendations, in a written report to the Board of Commissioners, to approve or deny an application for a sign permit within 30 days following the meeting at which it acts on the application, or prior to the expiration of any extended review period as established under the terms of this chapter.

E. Board of Commissioners Review of Sign Permit.

a) The Board of Commissioners shall consider the report and recommendations of the Historical Commission in acting on the permit application. The Board of Commissioners shall take into consideration the potential impact of the sign on properties that contain historic resources as well the potential impact to surrounding historic resources. The Board of Commissioners may, at their discretion, approve or deny the application for the sign permit.

14. Enforcement; violations and penalties.

A. The unlawful demolition, rehabilitation, or alteration of a historicresource, or any new construction on or within the regulatedproximity to a property containing a historic resource, in violationof the provisions of this article or other applicable provisions of this chapter or the order or direction made pursuant thereto,shall constitute a violation of this chapter. In any such instance, the enforcement and penalty provisions of this chapter shall be instituted.

B.In the event any person demolishes a historic resource or rehabilitates or alters a historic resource in violation of the provisions of this article or in violation of any conditions or requirements specified in a permit issued under theterms of this article, the Board of Commissioners may institute any proceeding, at law or in equity, necessary to enforce theprovisions of this article, which may include, but need not be limited to, requesting that the court compel the reconstruction and/or restoration of the historic resource to its condition and appearance as existed immediately prior to the

violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under this chapter or any other applicable law or regulation.

C. The Zoning Hearing Board may, as a condition of approval of any special exception, and the Board of Commissioners may, as a condition of approval of any conditional use application or subdivision or land development application involving anyproperty which, at the date of enactment of this article, was occupied by a historic resource(s) that subsequently was demolished, rehabilitated, or altered in violation of this article, impose a condition requiring thesatisfactory reconstruction or restoration of any such historic resource(s).