

# Historic Preservation Guidelines

For the Preservation, Promotion and Regulation  
of Historic Resources

*Lancaster County, Pennsylvania*

*May 2009*



Photo courtesy of Elijah Yearick







# HISTORIC PRESERVATION GUIDELINES

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May 2009

## **Prepared by**

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Lancaster County Planning Commission

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## Background

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

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

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

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

Another MPC amendment that is of particular importance to municipalities is Section 603.(g)(2) that says, "zoning ordinances shall provide for protection of natural and historic features and resources." The definition provided for the word "protection" is as follows: "Preservation or protection, when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use . . ."

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

### Section 603(b)(5)

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

### Section 604(1)

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

### Section 605

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



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

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



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

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

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

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

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

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

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

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

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

Officials identified the greatest threats to community character as:

- Suburban sprawl/unmanaged growth;



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

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

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

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

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

## Goals

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

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

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





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

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

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

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

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

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

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

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## Identification of Historic Resources

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

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

### Past Surveys

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

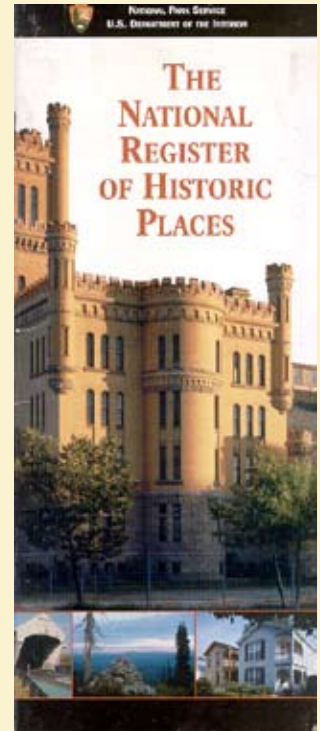
There are a few exceptions. One exception is Manheim Township. The township contracted with the HTP to inventory the historic resources within the township in 1990; consequently a comprehensive survey was done. The final report was presented to the township in 1991 along with a manual on historic preservation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

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

### Benefits of a Historic Resource Inventory

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

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





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

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

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

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

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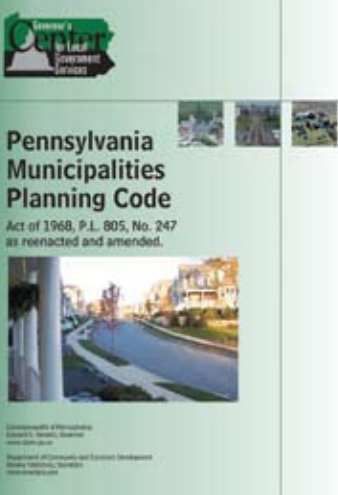
## Types of Regulations

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

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

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

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



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

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## **Guidelines for the Development of Historic Preservation Regulations under the MPC**

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

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

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

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



## MODEL LANGUAGE for HISTORIC PRESERVATION REGULATIONS

### Using the Pennsylvania Municipalities Planning Code (MPC)

*Amendments to existing zoning ordinances require a preamble stating the purpose of the amendment. If regulations are adopted as part of a general zoning ordinance update, no preamble is required.*

*Preamble:*

AN ORDINANCE TO AMEND THE (NAME OF MUNICIPALITY) ZONING ORDINANCE AS ADOPTED AND ENACTED ON (DATE): TO ESTABLISH REGULATIONS FOR (LIST COMPONENTS CHOSEN FROM THE MENU FOR INCLUSION); ALSO TO DELETE.....  
(Check to see if your present ordinance contains any conflicting or duplicative regulations that should be deleted when the overlay is adopted.)

BE IT ORDAINED AND ENACTED BY (governing body) of (name of municipality), Lancaster County, Pennsylvania, as follows:

**1. Purpose**

*(The statement of community development objectives set forth in the comprehensive plan of the municipality per MPC Article VI, Section 603 a. and Section 606 should be reiterated here. The following is sample language.)*

Specifically, this overlay district is to promote the general welfare of (Name of Municipality) through the following goals:

*(With the exception of letter G, below, your goals may differ. Letter G reiterates the state mandate in the MPC):*

- A. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources.
- B. To establish a clear process by which proposed changes affecting historic resources are reviewed by the (Name of Municipality) “designated body” and the (governing body).
- C. To mitigate the negative effects of proposed changes affecting historic resources.
- D. To encourage the continued use of historic resources and facilitate their appropriate reuse.
- E. To encourage the preservation of historic settings and landscapes.
- F. To discourage the demolition of historic resources.
- G. To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC): Section 603(b)(5) which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources..... Section 603(g)(2) which states that “zoning ordinances shall provide for protection of natural and historic features and resources; section 604(1) which states that “the provisions of zoning ordinances shall be designed to promote protect and facilitate any or all of the following: . . . preservation of the natural, scenic and historic values . . .”; and 605 (2) (vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

*If you look below, you will see that ‘Section 2, Applicability’ twice, the first instance is the wording to use if an inventory has not yet been completed in your municipality; the second instance is the wording to use if your inventory is completed. Choose the appropriate option. Note, when the inventory is completed you can use the*

*text from the second option to amend/update the zoning ordinance language.*

## **2. Applicability (Inventory has not been completed)**

- A. Boundaries. The Historic Preservation Overlay District shall conform to the boundaries of the township/borough. The overlay district shall include each parcel containing an historic resource. An inventory of historic resources shall be conducted and a map and list of those resources shall be maintained and available for public inspection at the municipal building. Until such time as the inventory is completed determinations will be made on a case by case basis by a historic preservation professional.
1. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provisions of this overlay shall apply.
  2. Should the boundaries of the overlay district be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.

## **2. Applicability (Inventory completed)**

- A. Boundaries. The Historic Preservation Overlay District shall conform to the boundaries of the township/borough. The overlay district includes each parcel containing one or more historic resource. An inventory of historic resources has been completed and a map and list of those resources is maintained and available for public inspection at the municipal building.
1. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provisions of this overlay shall apply.
  2. Should the boundaries of the overlay district be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
- B. Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.
- C. “Designated Body” (*Historic Commission or whatever you choose to call it may be established by ordinance or resolution*). The establishment, organization, functions, duties, and general operating procedures of the “designated body” are set forth in (ordinance or resolution # \_\_\_\_\_ dated \_\_\_\_\_).
- D. The review process of the “designated body” is set forth in (*appropriate part of this section*).

## **3. Definitions**

The following words and phrases shall have the meaning ascribed to them in this Section.

**ADAPTIVE USE (REUSE):** The process of converting a building to a use other than that for which it was designed.

**ALTER OR ALTERATION:** A change in the appearance of a building, structure, site or object.

**ARCHAEOLOGY:** The scientific study of material remains of past human and animal life and activities

**ARCHAEOLOGIST:** An individual with a degree from a recognized university in the science of archaeology. A Masters degree is usually required for professional purposes in this field.

**ARCHITECTURE:** The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure.

**ARCHITECT:** An individual with a degree from a recognized university and registered in the Commonwealth of Pennsylvania in the profession of design and construction of buildings and structures.

**BUILDING OFFICIAL:** As used in this section, it is the person designated by the municipality to enforce the rules and regulations that govern the design and construction of buildings in that municipality.

**CULTURAL LANDSCAPE:** A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity or person.

**CULTURAL PROPERTY:** Association with cultural practices or beliefs of a living community that are 1) rooted in that community's history and 2) important in maintaining the continuing identity of the community.

**CULTURAL RESOURCE:** a building, site, structure, object, or district evaluated as having significance in pre-history or history at the local level.

**DEMOLITION BY NEGLECT:** The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to structure.

**DEMOLITION OR DEMOLISH:** To tear down, raze, destroy, do away with.

**EXTERIOR FEATURES:** The architectural style, design and general arrangement of the various parts of a building, structure or object. This may include the color, nature and texture of building materials, and the type of style of all windows and doors, ornamental applications, etc.

**HISTORIC BURIAL PLACE:** See "HISTORIC CEMETERY" below.

**HISTORIC CEMETERY:** A tract of land that has been in existence as a burial place for 100 years or more wherein there have been no burials for at least 50 years and wherein there will be no future burials.

**HISTORIC CONTEXT:** The geographical location, time period, and function(s) that existed within the period of significance of a historic resource.

**HISTORIC PROPERTY:** A parcel of land containing one or more historic resources.

**HISTORIC RESOURCE:** Any building, structure, site, object or district that is listed in the National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion of certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing resource to a historic district.

**HISTORICAL COMMISSION:** An advisory board designated by the (governing body) under the authority of the Township/Borough Code for the purpose of dealing with matters pertaining to the Township/Borough's identified cultural, scenic, and historic resources.

**INTEGRITY:** Historic integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling, and association. All seven qualities do not need to be present as long as the overall sense of past time and place is evident. All properties change over time. The retention of integrity depends upon the nature and degree of alteration or change. It is not necessary for a property to retain all the physical features or characteristics that it had during its period of significance. However, the property must retain the essential physical features that enable it to convey its past identity or character and therefore its significance.

**MAINTENANCE:** To keep in its existing state, preserve from failure or decline, upkeep.

**NATIONAL REGISTER of HISTORIC PLACES:** the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.

**OBJECT:** A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, mile-post, hitching-post, etc.

**PRESERVATION or PROTECTION:** When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use.

**PRESERVATION PLANNING:** A series of activities through which goals, priorities, and strategies of identification, evaluation, classification and protection of historic buildings, districts, sites and objects are developed.

**RECYCLE or SALVAGE:** When used in connection with historic resources shall mean retention of reusable building materials for reuse.

**REHABILITATION:** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

**SCENIC RESOURCE (VIEWSHED):** A geographic area composed of land, water, biotic, and cultural elements which may be viewed and mapped from one or more viewpoints and which has inherent scenic qualities and/or aesthetic values as determined by those who view it.

**SITE:** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural, or archaeological value regardless of the value of any existing structure.

#### 4. **General Provisions**

- A. **Identification.** The Inventory shall contain a listing of parcels within the overlay zone that contain one or more historic resources.

The Inventory data shall identify every historic resource by tax parcel number (*Scenic and Cultural Resources are optional*). The street address, owner's name, type of resource and category of each resource shall also be included in the list. The data to be gathered in the inventory process represents the requirements of the Pennsylvania Historic Resource Survey Form which has been incorporated into a standardized database format used county-wide and supplied by the Lancaster County Planning Commission (LCPC).

All parcels identified as containing one or more historic resource(s) shall be shown on a Historic Resource Map that shall be maintained, with the corresponding Historic Resource List, at the municipal office.

B. Criteria for Determination.

This criteria is used to determine if a building, structure, object, site, or district is historic or not historic thereby enabling appropriate classification on the local survey.

A building, structure, object, site, or district is historic if:

1. it is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; **or**
2. it is associated with the lives of people, local, state, or national, who were significant in our past; **or**
3. it embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); **or**
4. it has yielded or may be likely to yield, information important in history or prehistory (archaeology).

*(NOTE: There are two common options to classify historic resources. One is simply to designate the resource as “historic” or “non-historic.” The other option is to use a Class I, Class II, Class III system. The latter system has been used by many Lancaster County municipalities and is the standard in Chester County. If desired, each class may have different regulations. Following are guidelines for both options, choose the option that best suits your municipality.)*

C. Classifications (**Option A: Historic - Non-Historic**)

1. Historic: A building, structure, object, site, or district that meets one or more of the criteria listed in item 4B., above, and that retains its integrity.
2. Non-Historic: A building, structure, object, site or district that does not meet any of the criteria in item 4B, above, and/or has lost its integrity, or is less than 50 years old.

D. Classifications (**Option B: Classes 1, 2, 3 or I, II, III**)

1. Class I: Buildings, objects, sites, or districts that are
  - a. listed on or have received a Determination of Eligibility (DOE) to be listed on the National Register; **or**
  - b. resources within a district that contribute to a National Register listed or eligible district.
2. Class II: Buildings, objects, sites, or districts that are
  - a. resources that are deemed by the Township/Borough to substantially meet one or more of the criteria at the local level.
3. Class III:



These are buildings that are less than 50 years old or, if more than 50 years old, have lost their integrity. These buildings are not subject to the provisions herein.

- E. Revisions. The Resource Inventory List and Map may be revised from time to time by a resolution from the (governing body) with recommendations from the “designated body” at a public meeting where the proposed changes shall be presented.
  - 1. Revisions are defined as additions to, deletions from the Resource Inventory List and Map, or changes in classification. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred to the building unless the change alters the historic character of the building.

## COMPONENTS

### Menu of Historic Preservation Tools

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

### COMPONENT FOR

#### I. Demolition Process

##### Demolition, Removal or Relocation of Historic Resources

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

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

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

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

#### A. General Requirements

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

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

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

#### B. Application Procedures

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



Jeff Geoghan



Jeff Geoghan

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

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

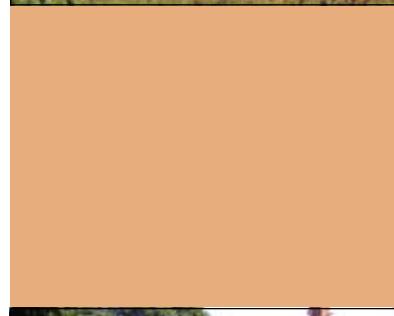
### **C. Criteria for Review**

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

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

### **D. Review Procedure**

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



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

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

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

#### **E. Associated Land Development Plan**

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

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

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

#### **F. Pre-demolition Requirements**

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

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

#### **G. Denial of Demolition**

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

#### **H. Enforcement**

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

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



## COMPONENT FOR

### II. Demolition by Neglect

*(Note: cross-reference in the SALDO.)*

#### A. General Requirements

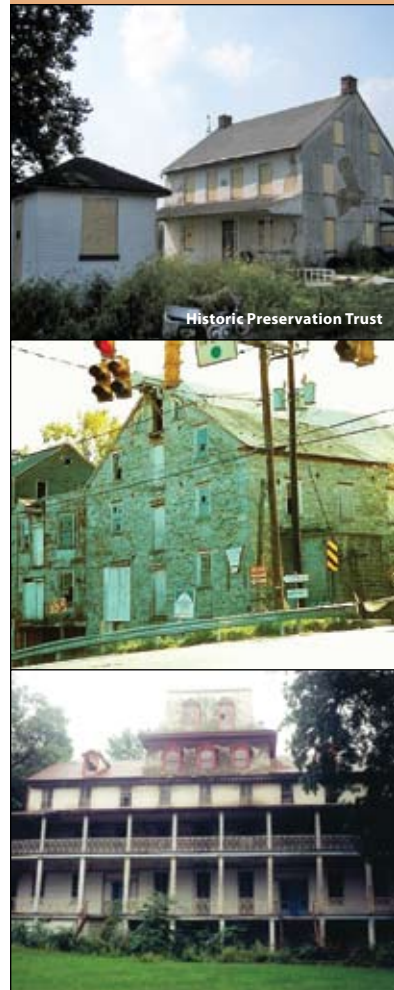
Demolition by Neglect is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation.

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

#### B. Enforcement

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

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







*Inappropriate alterations change the character of a building*

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

## COMPONENT FOR

### III. Additions, Alterations, Rehabilitation and Reconstruction

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

#### *Example # 1*

#### **A. General Requirements**

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

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

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

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

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

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

### ***Example # 2***

#### **A. General Requirements**

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

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

#### **B. Standards for Class 2 Resources**

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

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

*Retaining a building's character adds value*



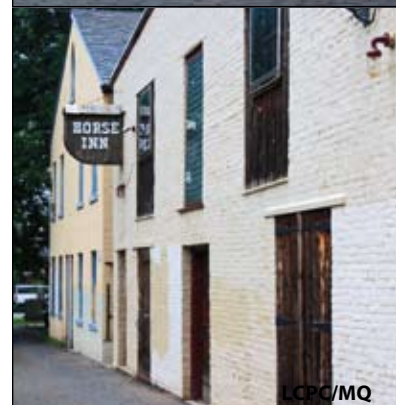
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preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will should be avoided.

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

### **C. Application Procedures**

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

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



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

## 2. Administrative Review

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

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

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

## **D. Review Procedures**

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

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

## COMPONENT FOR

### IV. New Construction

*This section should be cross-referenced in the SALDO.*

#### A. Design Guidelines – Basic Principles

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

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



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



proximity or visually.

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

## **B. Modifications to Area and Bulk Provisions**

*This can be accomplished through the traditional planning process.*

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

### **1. Allowable Modifications**

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

## **COMPONENT FOR**

### **V. Adaptive Reuse**

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



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



*Prince Street Galleries  
Adaptive use of existing  
buildings*



*Foundry to Restaurant*



*Foundry to Shops*



*Warehouse to Hotel*



*Row of warehouses to  
Student Housing*

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

#### **A. Review Procedure**

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

The written recommendations shall set forth the reasons for the recommendation for approval, with or without conditions, or for denial.

5. The “designated body” shall submit their written recommendations to the (governing body) for their review and decision.

### ***COMPONENT FOR***

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

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

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

1. The burial ground shall not be neglected and allowed to become overgrown with trees, bushes, grasses, weeds, vines, and the like. It shall be maintained in good order except that the property owner is not responsible for the repair or replacement of gravestones or monuments. Any fence or wall that may exist shall be maintained.
  2. Ingress and egress will be allowed for lineal descendants, researchers and others with prior notification of the property owner, subject to the limitations on liability as set forth in 9 P.S. Section 202.
  3. If not already existing, a sign or plaque should be placed to properly identify the cemetery as the (Name) Family Cemetery.
- C.** Procedure for lawful temporary removal: A gravestone or other memorial for the dead may be removed for the purpose of repair or replacement with:
1. The consent of a lineal descendant or the property owner.
- D.** Court order for permanent removal: Upon written application of the owner of the property on which the burial ground is located or a lineal descendant, the court of common pleas may, after a hearing, with notice of the hearing having been given to interested parties and otherwise as the court deems appropriate, order the removal of the gravestone or memorial if it finds that the removal is necessary or desirable for the protection and preservation of the gravestone or memorial. Likewise, the applicant must seek permission of the court, in accordance with the laws of this commonwealth, for the removal of remains.
- E.** Violations: No fence, tomb, monument or gravestone or fragment thereof within or belonging to a historic burial place shall be destroyed or removed except in accordance with this section and applicable laws of the commonwealth. The fines and penalties contained in this ordinance shall apply.





## Additional Topics for Consideration

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

### **Lighting**

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

### **Signs**

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

### **Parking**

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

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

Front yard parking shall be discouraged.

Rear parking shall be encouraged.

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

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

Municipal parking shall be considered.

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

## **Village Districts/Neighborhood Districts**

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

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

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

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

### **Permitted Uses**

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

### **Conditional Uses**

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

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

## **Protecting Landscapes and Rural Resources**

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



## Classifications

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

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

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

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

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

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

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

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

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

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

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

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



# IEBC

A Member of the International Code Family<sup>®</sup>

## INTERNATIONAL EXISTING BUILDING CODE<sup>®</sup>



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

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

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

<http://www.iccsafe.org/e/prodshow.html?prodid=3550S06&stateInfo=ddlbidjlkaFkwvfW2022|3>

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

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

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

Chapter 2, Definitions, contains the following:

### Existing Building

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



### Historic Building

Any building or structure that is listed in the State or National Register of Historic Places; *designated as a historic property under local or state designation law or survey*; certified as a contributing resource within a National Register listed *or locally designated* historic district; or with an opinion of certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

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

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

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



## Conclusion

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



## **Creating a “Designated Body”**

**By Ordinance**

**By Resolution**

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## **Bylaws**

## Creating a “Designated Body”

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

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

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

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

### **BOROUGH/TOWNSHIP OF \_\_\_\_\_ LANCASTER COUNTY, PENNSYLVANIA**

#### **RESOLUTION NO. \_\_\_\_\_**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(Name of Municipality)  
Lancaster County, Pennsylvania

By: \_\_\_\_\_  
Chair of the (governing body)

Attest: \_\_\_\_\_  
(Borough or Township) Secretary/Treasurer

(Seal)

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

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

**BOROUGH/TOWNSHIP OF \_\_\_\_\_**  
**LANCASTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

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

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

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

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

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

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

the Board of Supervisors.

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

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



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

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

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

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

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

(Name of Municipality)  
Lancaster County, Pennsylvania

By: \_\_\_\_\_  
Chair of the (governing body)

Attest: \_\_\_\_\_  
(Borough or Township) Secretary/Treasurer

(Seal)

##

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

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

\_\_\_\_\_  
**LANCASTER COUNTY, PENNSYLVANIA**

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

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

This “designated body shall be known as \_\_\_\_\_.

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

### Membership

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

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

### **Organization and Procedure**

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

### **Records and Reporting**

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

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

### **Expenditures for Services**

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

### **Conflict of Interest**

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

## **Functions and Duties**

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

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



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

Adopted by the “designated body” on: \_\_\_\_\_

By:\_\_\_\_\_

Chairman of “Designated Body”

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## EPILOGUE

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

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

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





## **HISTORIC PRESERVATION GUIDELINES**

### **Lancaster County Planning Commission**

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

[www.co.lancaster.pa.us/planning](http://www.co.lancaster.pa.us/planning)

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