

## **Part 22 | Historic Preservation Overlay**

### **§27-2201. Purpose and Intent**

In expansion of the goals and objectives stated in the "Declaration of Legislative Intent" found in § 27-103 of this chapter and the "Community Development Objectives" found in § 27-105 of this chapter, it is hereby declared to be the intent of this Part to preserve and protect the history and heritage of the Borough of Hatboro. The historic homes, businesses, institutions, and sites of the Borough of Hatboro reflect the cultural heritage and development patterns of the Borough. The purposes of this part are to:

1. Promote, protect, enhance and preserve historic resources for the educational, cultural, economic and general welfare of the public;
2. Recognize and honor buildings, structures, and sites of historic, architectural, cultural, archeological, and aesthetic distinction in the Borough;
3. Preserve Historic Resources in their original condition and location and within an appropriately historic surrounding landscape;
4. Preserve and enhance historic neighborhoods;
5. Strengthen and foster economic development due to the preservation of the Borough's historic main street character;
6. Educate owners of Historic Resources and the general public about the history of the Borough and the importance of its historic sites and foster civic pride in the Borough's heritage;
7. Discourage the unnecessary demolition of Historic Resources; and
8. Facilitate appropriate reuse and adaptation of Historic Resources.
9. Protect and preserve archeological resources in place. If any such resources must be disturbed, documentation and mitigation measures shall be undertaken.

### **§ 27-2202. Adoption of Historic Resources Registry.**

1. Borough Council, at a public meeting, may vote to adopt a Historic Resources Registry for the Borough. Adoption of a Historic Resources Registry must follow the procedures set forth in §27-2502 including posting notice at impacted properties.
2. Borough Council shall, at a public meeting, vote on any changes proposed to the Registry. A site can be added to or deleted from the Historic Resources Registry only by vote of Borough Council at a duly advertised public meeting. The effective date of the addition, deletion, or denial of addition or deletion to the Historic Resources Registry shall be the date on which Borough Council voted to approve or not approve the change at a public meeting. Changes to a Historic Resources Registry must follow the procedures set forth in §27-2205 and §27-2502 including posting notice at impacted properties.
3. The Borough of Hatboro Historic Resources Registry shall be made available to the public for inspection at Borough Hall during regular business hours.

### **§27-2203. Criteria for Designation**

1. In order to be listed on the Historic Resources Registry in Hatboro, a building, structure, site, or object must meet at least one criteria from each list below:

<b>LIST 1</b>
---------------

1. Has an association with a person, location, event and/or period of time that is considered to be historically significant to the politics, economy, and/or culture of the Borough of Hatboro, the Commonwealth of Pennsylvania, or the United States of America.
2. Is representative of an exemplary or distinctive architectural style, building type, craftsmanship, material fabrication technique, or construction or building method; or is the work of a notable architect.
3. Is identified as a potential archeological site where historically significant features and artifacts may be discovered.

<b>LIST 2</b>
1. Has retained a level of integrity such that the historically significant feature(s) are identifiable. Integrity shall be the materials, character, workmanship, and/or design of the resource.
2. Any portion of the building is 100 years old or older.
3. Is a familiar visual feature or landmark to a neighborhood or to the Borough as a whole due to its notable location and physical characteristics.

**§ 27-2204. Establishment of Historic Preservation Overlay District.**

1. The Historic Resources Overlay Zone shall be deemed an overlay on all zoning districts enacted to regulate the use of land in the Borough.
2. Applicability. The provisions of the Historic Preservation Overlay shall apply to all parcels with a Historic Resource located thereon which has been adopted to the Borough of Hatboro Historic Resources Registry.
3. Compliance. Any use, building change, or demolition, as defined and listed in this Article, of or to a Historic Resource shall fully comply with the terms of this Article and all other applicable regulations of the Borough of Hatboro Code of Ordinances. Where the provisions differ from the underlying district, however, the provisions of this Article shall prevail.
4. When a property no longer includes any Historic Resource, whether by natural or human-caused act or accident, or by legislative or administrative action or judicial decision, any use allowed by this article shall be fully discontinued immediately. All zoning requirements and any other regulatory measures applicable to the property in question shall revert to those of the underlying zoning district without consideration of this Article.
5. If a property on which a Historic Resource is located is subdivided, no use permitted solely by this article shall be continued on any parcel that no longer contains a historic resource.

**§ 27-2205. Adding or Removing Historic Resources from the Historic Resources Registry.**

A property may be added to the Historic Resources Registry if found to meet the Criteria for Designation (§27-2702), or removed from the list if it does not meet the Criteria, according to the following process and subject to legislative action by Borough Council.

1. The following procedures shall be used by any party wishing to add resources to the Borough of Hatboro Historic Resources Registry.
  - a. The Borough Historian, or any member of Borough Council, the Borough Planning Commission, or the Borough Historical Commission who identifies a site in Hatboro that he or she believes should be listed in the Borough of Hatboro Historic Resources Registry, or any owner of a site that he or she believes should be listed,

may nominate that resource by submitting in writing the following to the Borough, if known:

- i. Address/location/Parcel Number
  - ii. Site Owner name
  - iii. Period / Date built
  - iv. Style / Architecture
  - v. Names associated with site, including past owners and residents
  - vi. Labeled photographs of the site in its current condition
  - vii. Any available historical photographs of the site
  - viii. Explanation of how the site meets any or all of the criteria from **§27-2203**.
  - ix. Any additional narrative describing the history, significance, and integrity of the site not covered by the above.
- b. If the nomination is submitted by a Borough official, the owner of the Resource shall be notified in writing by the Borough within 15 calendar days of the receipt of the nomination.
  - c. The nomination shall be reviewed and discussed at least one (1) public meeting of the Historical Commission. The meeting shall include the opportunity for public comment on the nomination.
  - d. The Historical Commission shall, within 45 calendar days of receiving a nomination, determine whether a resource meets the Criteria for Designation as a Historic Resource and provide a recommendation to Borough Council as to whether to the Historic Resource should be added to the Borough of Hatboro Historic Resources Registry.
  - e. The Historical Commission shall provide Council with a summary of any public comments or additional information that was discussed at their meeting(s) beyond the contents of the nomination.
  - f. A copy of the nomination and supporting documentation will also be submitted to the Planning Commission. The Planning Commission may, if they so choose, offer a recommendation as to the addition of the Historic Resource to the Historic Resources Registry within 60 calendar days of the nomination. Their recommendation shall be based on whether the addition of the Historic Resource to the registry is:
    - i. Consistent with local and regional Comprehensive Plans
    - ii. Consistent with any other adopted planning documents or planning policies
  - g. Borough Council shall review the nomination, supporting material and the recommendations of the Historical Commission and Planning Commission at a public meeting and vote as to whether to accept or reject the nomination to the Historic Resources Registry based on the criteria for listing a resource (**§ 27-2702**). This vote shall take place within 90 calendar days of the initial submission of the nomination. In addition to the requirements of this section, changes to a Historic Resources Registry must follow the procedures set forth in §27-2502 including posting notice at the property.
  - h. If the site is accepted by the Borough Council, it will be listed to the Borough of Hatboro Historic Resources Registry. A record of the listing shall be provided in writing to the property owner.
  - i. If the resource is rejected by Borough Council, a written explanation for the rejection shall be provided both to the owner of the resource and to the party who requested

the listing. Borough Council may include a request for additional information, if desired.

2. The following procedures shall be used by any party wishing to remove resources from Borough of Hatboro Historic Resources Registry.
  - a. The Borough Historian or any member of Borough Council, the Borough Planning Commission, or the Borough Historical Commission who identifies a Historic Resource in Hatboro that is listed on the Historic Resources Registry, or any owner of a listed property who believes a property should not be listed in the Historic Resources Registry may submit evidence in writing that the Historic Resource in question does not meet the criteria outlined in § 27-2203.
  - b. If the information is submitted by a Borough Official, the owner of the resource shall be notified in writing by the Borough within 15 calendar days of receipt of the information.
  - c. The information submitted shall be reviewed and discussed at least one (1) public meeting of the Historical Commission. The meeting shall include the opportunity for public comment on the nomination.
  - d. The Historical Commission shall, within 45 calendar days of evidence being submitted, determine whether the Historic Resource in question meets the Criteria for Designation as a Historic Resource and provide a recommendation to Borough Council as to whether the Historic Resource should be removed from the Borough of Hatboro Historic Resources Registry.
  - e. The Historical Commission shall provide Council with a summary of any public comments or additional information that was discussed at their meeting(s) beyond the information submitted.
  - f. A copy of the available documentation will also be submitted to the Planning Commission. The Planning Commission may, if they so choose, offer a recommendation as to the removal of the Historic Resource from the Historic Resources Registry within 60 calendar days of the nomination. Their recommendation shall be based on whether the removal of the Historic Resource to the registry is:
    - i. Consistent with local and regional Comprehensive Plans
    - ii. Consistent with any other adopted planning documents or policies
  - g. Borough Council shall review the available material and the recommendation of the Historical Commission at a public meeting and vote to either remove the Historic Resource from the Borough of Hatboro Historic Resources Registry or to preserve the resource's listing on the registry based on the criteria for listing a resource (§ 27-2203). This vote shall take place within 90 calendar days of the initial submission of evidence. Changes to a Historic Resources Registry must follow the procedures set forth in §27-2502 including posting notice at the property.
  - h. A written explanation shall be provided by Borough Council for either action, which may include a request for additional information.
  - i. If removed from the Registry, the owner of the site and the person submitting evidence for removal will both be notified by the Borough in writing, with the reasons for the removal of the resource from the Registry.

### **§27-2206. Adaptive Reuses**

1. The following uses and no other shall be permitted in the Historic Preservation Overlay:

- a. Any use permitted in the underlying zoning district in which the resource is located, and all permitted accessory uses to any permitted principal use.
- b. In accordance with the requirements for Conditional Use approval and consistent with the Conditional Use criteria in §27-2208, additional use opportunities are permitted on certain properties that have a historic resource listed on the Borough of Hatboro Historic Resources Registry.
- c. Any of these additional uses must occur within the Historic Resource or on the same parcel with the Historic Resource.
- d. Multiple uses are permitted on the same parcel, as long as all dimensional, parking, and conditional use requirements are met, along with any other use requirements contained in the Zoning Code or any other part of the Borough's Code of Ordinances.
- e. Additional use opportunities, with the appropriate Zoning Permit and Conditional Use, are:
  - i. In all zoning districts:
    1. Library, Gallery or Museum
    2. Municipal or Emergency Services
  - ii. In the R-1 Residential District:
    1. Apartment House, subject to minimum area of 700 square feet per dwelling unit
    2. Bed and Breakfast
    3. Short-term Rental
    4. Gym/Health Club, subject to a maximum area of 500 square feet and limited to two clients at any given time
    5. Indoor Recreation, subject to a maximum area of 1,000 square feet
    6. Event Facility
    7. Professional Office
  - iii. In the R-2 Residential District:
    1. Apartment House
    2. Mixed-use building, only combining uses that are otherwise permitted
    3. Bed and Breakfast
    4. Short-term Rental
    5. Gym/Health Club, subject to a maximum area of 500 square feet and limited to two clients at any given time
    6. Indoor Recreation, subject to a maximum area of 1,000 square feet
    7. Event Facility
    8. Professional Office
  - iv. In the R-3 Residential, RO Residential-Office, and CMX Community Mixed-Use Districts:
    1. Apartment House
    2. Mixed-use building, only combining uses that are otherwise permitted
    3. Bed and Breakfast
    4. Short-term Rental
    5. Bank
    6. Restaurant, tearoom, cafe, taproom, or similar establishment serving food and/or beverage without drive-in or drive-through service
    7. Gym/Health Club, subject to a maximum of 500 square feet
    8. Indoor Recreation

9. Event Facility
  10. Medical Office
  11. Professional Office
  12. Group Home
- v. In the YC York Corridor District:
1. Single Family Detached
  2. Duplex/Twin
  3. Apartment House
  4. Mixed-Use Building only combining uses that are otherwise permitted
  5. Bed and Breakfast
  6. Short-term Rental
  7. Hotel
  8. Artisan Manufacturing
  9. Bank
  10. Personal Services
  11. Light Repair Shop
  12. Retail Shop
  13. Gym/Health Club
  14. Indoor Recreation
  15. Event Facility
  16. Theater
  17. Place of Worship
  18. Club, Fraternal Institution, or Lodge
  19. Philanthropic Organization
  20. Adult Day Care
  21. Group Home
  22. Animal Hospital
  23. Nursing Home
- vi. In the TC-1 and TC-2 Town Center Districts:
1. Single-family Detached, if the lot width is less than 30 feet
  2. Duplex/Twin, if the lot width is less than 30 feet
  3. Apartment House, subject to minimum area of 700 square feet per dwelling unit and a maximum lot width of 30 feet
  4. Bed and Breakfast
  5. Short-Term Rental
  6. Hotel
  7. Artisan Manufacturing
  8. Indoor Recreation
  9. Event Facility
  10. Medical Office
  11. Professional Office
  12. Light Repair Shop
  13. Place of Worship
  14. Education
  15. Philanthropic Organization
- vii. In the JC Jacksonville Corridor District:
1. Bed and Breakfast
  2. Short-term Rental

3. Artisan Manufacturing
4. Bank
5. Light Repair Shop
6. Gym/Health Club
7. Indoor Recreation
8. Event Facility
9. Medical Office
10. Professional Office
11. Place of Worship
12. Club, Fraternal Institution, or Lodge
- viii. In the LMX Limited Industrial Mixed-Use District:
  1. Hotel
  2. Artisan Manufacturing
  3. Bank
  4. Light Repair Shop
  5. Gym/Health Club
  6. Indoor Recreation
  7. Event Facility
  8. Place of Worship
  9. Club, Fraternal Institution, Lodge
- ix. In the I General Industrial district:
  1. Hotel
  2. Light Repair Shop
  3. Municipal or Emergency Services
  4. Place of Worship
  5. Club, Fraternal Institution, or Lodge
- f. Any other similar use as a Conditional Use.
- g. Any use standards from the zoning districts where these uses are ordinarily permitted or any other part of this Chapter shall be in effect for adaptive reuse of Historic Resources as permitted by this Part.
2. There shall be no outside storage of materials, equipment, supplies, or commercial vehicles associated with any use allowed solely by this article.

### **§27-2207. Dimensional Relief**

1. In accordance with the requirements for Conditional Use approval and consistent with the criteria in § 27-2208, the following dimensional requirements may be adjusted on any parcel or lot with a Historic Resource listed on the Historic Resources Registry:
  - a. Maximum building footprint: increased by 25% of what would ordinarily be permitted, (example: if maximum building footprint is 10,000 square feet, then increase would be 2,500 square feet for a total of a 12,500 square feet building footprint. If maximum building footprint is 50% of lot area, then increase would be 12.5%, for a total building footprint that could cover 62.5% of lot area.)
  - b. Maximum building coverage: increased by 25% of what would ordinarily be permitted.
  - c. Maximum impervious coverage: increased by 25% impervious coverage of what would ordinarily be permitted. The additional increase in impervious coverage must

comply with all other Borough ordinances and should incorporate stormwater best management practices.

- d. Parking requirements may be reduced per §27-2009.
  - e. Minimum required setback: The minimum required setback shall remain the same as the underlying zoning district but may be relieved by the amount necessary so that a property can achieve reliefs in Subsection 1(A) through 1(D) above as long as the relief does not exceed a 50% reduction of the setback required by the underlying zoning district.
2. Where a subdivision or land development is proposed for the site containing one (1) or more Historic Resources, the lot lines of the proposed subdivision or land development shall be drawn so as to preserve the historic context of the Resource(s), including any associated structures, trees, and landscaping, with adequate setbacks. By Conditional Use, Borough Council may permit the reduction of lot sizes or setbacks of up to 10 percent on other proposed lots within the same subdivision/development to allow adequate land area and setbacks for the preservation of the historic character of the resource site, without increasing the overall permitted density or intensity on the site.

#### **§27-2208. Conditional Use Criteria**

1. Applications for Conditional Use for dimensional relief and for an additional use under the Historic Overlay shall be reviewed by the Borough Planning Commission and the Borough Historical Commission. Their recommendations shall be advisory to Borough Council.
2. The applicant for the Conditional Use must demonstrate that implementing the proposed use or dimensional relief shall:
  - a. Maintain, protect, and preserve the Historic Resource on the property.
  - b. Preserve the Historic Resource in its historic setting and landscape. Any changes to dimensional requirements or any additional development on the site must not detract from the historic setting of the Historic Resource.
  - c. Retain and preserve the appearance and character of the Historic Resource according to any Historic Design Guidelines adopted by the Borough.
  - d. Not adversely affect the public health, safety, and welfare due to changes in traffic, stormwater drainage, air quality, noise, natural environmental resources, neighborhood property values, and aesthetics.
  - e. Not have any detrimental effects on neighboring properties and must not alter the essential character of the neighborhood or district in which it is located.
  - f. Be in accordance with the most recently adopted Comprehensive Plan.
3. No more than 50 percent of any new parking added for a use permitted under §27-2705 shall be located between the Historic Resource and a street. Any parking that is located between the Resource and the street shall be screened by plant material to mitigate the view from the street.
4. On the date that the Conditional Use approval is applied for, the Historic Resource on the subject property must be listed on the Borough of Hatboro Historic Resources Registry for the application to be valid under the provisions of this article.
5. Borough Council may impose restrictions on the size (square footage) or intensity (number of rooms, units, participants, etc.) of any additional use or for any dimensional relief in order to better serve the intent of this Article. Conditions shall directly relate to the purpose and intent of the underlying zoning district in which the property is located and shall be in support of the Borough of Hatboro's Community Development Objectives.

6. Applications for Conditional Use under this section must follow all procedures and meet all requirements of §27-2309.

### **§27-2209. Process for Review of Applications for Historic Work Permits**

1. For any property listed on the Historic Resources Registry, a Historic Work Permit shall be required for:
  - a. Any of the work items listed in Appendix B of this Article and
  - b. Any Subdivision or Land Development.
2. Non-Historic Outbuildings: Alterations to non-historic out buildings and new structures proposed on the same property as a listed Historic Resource shall also be required to apply for a Historic Work Permit for:
  - a. Any of the work items listed in Appendix C of this Article and
  - b. Any Subdivision or Land Development.
3. Informal Meeting: Prior to the formal permit application process, the applicant is welcome to appear before the Historical Commission to discuss the project.
4. To obtain a Historic Work Permit, the applicant shall submit to the Zoning Officer materials in a form and manner as specified by the Zoning Officer. The Zoning Officer and Historical Commission shall develop and publish forms and guidelines that specify the information and documentation that must be submitted along with Historic Work Permit Applications. The documentation may require different information for different types of projects.
5. Zoning Officer Review. The Zoning Officer shall verify that an application meets the submission guidelines. For Historic Resources requiring a Historic Work Permit, the Zoning Officer shall consider the nature of the permit and process the permit if proposed work is exempted per **§27-2209.L**. If the Zoning Officer determines that proposed work is not exempt, he or she shall not issue the Historic Work Permit or building permit and, within five (5) business days of receiving the completed application, shall forward the application, together with all plans and other documentation submitted therewith to the Historical Commission.
6. The Historical Commission shall review the material at a public meeting based on the guidelines for review of alterations to Historic Resources (§ 27-2210). The applicant for the Historic Work Permit shall be notified of the date, time, and place of the meeting at least five (5) business days in advance of the meeting.
7. In considering whether to recommend the issuance of a Historic Work Permit, the Historical Commission may consider comments from the public as well as persons and organizations with expertise and experience in matters relevant to the application.
8. The Historical Commission shall issue a written report detailing the findings, conclusions, and a recommendation for approval or denial of the proposed change within 30 calendar days of the submission of a complete application unless an extension is agreed upon by both parties. Approval or denial shall be based on any Design Guidelines adopted by the Borough of Hatboro. If approval is not recommended, the Historical Commission shall recommend specific changes in the plans to bring them into substantial compliance with adopted Design Guidelines.
9. The Historical Commission shall forward a copy of the recommendations to the Zoning Officer, Borough Council, and the applicant. For a Subdivision or Land Development, the recommendation shall also be provided to the Planning Commission. The approving person or body shall not consider the application until the recommendation from the Historical Commission has been received, until 30 calendar days has passed since the completed

- application was received, or in the case of the Zoning Officer, until a provision of state law requires consideration of a permit application.
10. If the Historical Commission is unable to provide a recommendation to the Zoning Officer within 30 calendar days, the Zoning Officer may consult with other knowledgeable people for their advice or recommendations, including, but not limited to, the Borough Historian, members of the Borough or County Planning Commission, or individual members of the Historical Commission.
  11. After the report from the Historical Commission is received or 30 calendar days has passed, the Zoning Officer may:
    - a. Process the application for a Historic Work Permit and any other permits sought, provided that the plans satisfy all requirements of the Borough and are in substantial compliance with all adopted Design Guidelines and Standards and/or follow the recommendations of the Historical Commission; or
    - b. Deny the issuance of the permit if the plans are not in substantial compliance with all adopted Standards and Design Guidelines, until the plans have been revised by the Applicant in accordance with the Historical Commission and/or Zoning Officer's recommendations.
  12. The following exceptions or considerations shall apply:
    - a. In-kind Maintenance and Repair. These provisions shall not be construed to prevent the ordinary maintenance or repair of any Historic Resource where such work does not otherwise require a permit and where the purpose and effect of such work are to correct any deterioration or decay of, or damage to, a Historic Resource and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage. The Zoning Officer shall interpret "in-kind" as being substantially similar, if not identical, to the existing conditions at the time of the application for a Historic Work Permit.
    - b. Emergency Repairs. In case of emergency, such as storm or fire damage, the Zoning Officer may approve a building permit for temporary measures to stabilize or secure a Historic Resource. To qualify for this exception, the Applicant must demonstrate that the work will be "reversible" (i.e., can be removed without altering or damaging the Historic Resource and will not further damage the Historic Resource). As applied to this section, "temporary" means not more than one (1) year from the start of construction. The Zoning Officer may approve one extension of not more than of six months.
  13. Appeals to decisions of the Zoning Officer on the issuance or non-issuance of Historic Work Permits shall be heard by the Zoning Hearing Board as described in §27-2306.
  14. An applicant may initiate processes for obtaining other approvals such as building permits or subdivision and land development approval simultaneously with the application for a Historic Work Permit although approval may not be granted without a Historic Work Permit.
  15. The Historical Commission may develop and Borough Council may authorize municipal staff or designated consultants to review and issue Historic Work Permits for certain types of alterations without prior notification of the Historical Commission.
    - a. Issuance of such Historic Work Permits shall be in accordance with guidelines adopted by Borough Council that specify the specific alteration types that may be reviewed and approved administratively and the specific criteria necessary for approval. The guidelines shall be developed by the Historical Commission and adopted by Borough Council by resolution.

- b. Following adoption of the guidelines, staff or qualified consultants may issue Historic Work Permits for applications that meet the administrative review guidelines without further review or approval by the Historical Commission.
- c. Staff may elect to refer an application to the Historical Commission for consideration, even if staff is authorized to review the project under the administrative approval guidelines. Such referrals may be made if:
  - i. Staff determine that the application does not meet the administrative review guidelines and should otherwise be denied, or
  - ii. In staff's opinion, the application contains actions or proposals or involves resources that are complex in nature, unique, or are beyond the scope and intent of the guidelines.
- d. Staff shall provide the Historical Commission with a report of administratively issued Historic Work Permits at each regular meeting of the Historical Commission. Historic Work Permits issued by staff may not be retroactively denied or rescinded.

**§27-2210. Guidelines for Review of Alterations to Historic Resources**

1. When considering an application for a Historic Work Permit for a Historic Resource, the Historical Commission and Zoning Officer shall consider:
  - a. The exterior architectural features which can be seen from a public way, only; and
  - b. The general design, arrangement, texture, and material of the proposed alteration; and
  - c. The effect of the proposed alterations on the character-defining features of the Historic Resource; and
  - d. The extent to which the proposed alterations are consistent with any adopted design guidelines for Historic Resources.
2. Where there are questions about whether alterations to a resource will be visible from a public way, the Code Enforcement Officer shall investigate and make a recommendation to the Historical Commission, who shall determine whether the resource or project will be visible from a public way. In making such a determination, the Historical Commission may consider information provided by the property owner or responsible party as well as the general public. If the property owner or responsible party disagrees with the Historical Commission's determination, they may request that Borough Council consider the matter and make a determination. The determination of Borough Council shall be final.
3. Guidelines for Alterations to Historic Resources
  - a. The Historical Commission shall develop guidelines that use a combination of text, photographs, and illustrations to convey how alterations and additions to Historic Resources may be undertaken so that the activities are compatible with the historic and architectural character of the Historic Resource.
  - b. The Historical Commission shall submit the guidelines to Borough Council for approval by resolution.
  - c. The adopted guidelines shall be utilized by the Historical Commission and the Zoning Officer for the approval or denial of Historic Work Permit applications.
4. Overall Standards. The following standards shall be used in the development of design guidelines:
  - a. In the event that replacement of architectural features from the period of historical significance (as indicated on the nomination documentation) is necessary, the new

material should, as closely as possible, match the material being replaced in kind. At a minimum, the composition, design, texture and other aesthetic qualities shall be sympathetic to and in character with the historic resource. In instances where materials from the period of historical significance are either unavailable or their use is economically infeasible, the Zoning Officer may approve the use of materials which are aesthetically consistent with, even if not completely duplicative of, the character of the historic resource, subject to the advice of the Historical Commission.

- b. Changes, improvements and/ or permitted work on any registered site may not eliminate or significantly alter any aspect of the site that is considered to be a historically significant or character defining feature (based on the nomination documentation).
- c. Changes, improvements and/ or permitted work on any registered site may not add architectural features that are out of character for the period of historical significance.
- d. No work or maintenance shall be performed on the registered site using excessively abrasive chemicals, high water pressure, or any other procedures that may damage the integrity of the character-defining historic features.
- e. Prior to the development and adoption of specific design guidelines for alterations, the Historical Commission and Zoning Officer shall use the Secretary of the Interior's Standards for Rehabilitation as guidance for the review of Historic Work Permits.

## **§27-2211. Demolition of Historic Resources**

### **1. Application for Demolition.**

- a. No Historic Resource shall be demolished, in whole or in part, unless a demolition permit is obtained from the Zoning Officer in accordance with the procedures and requirements of this Section and all other Borough Codes, including Zoning, Building, and Fire Codes.
- b. An applicant for demolition of a Historic Resource shall include a narrative description in writing of why the applicant wishes to demolish the resource along with any materials ordinarily required with an application for demolition. Upon receipt of an application or plan that includes the demolition of a Historic Resource on the Borough of Hatboro Historic Resources Registry, the Zoning Officer shall forward the application, plan, or permit to the Historical Commission with five (5) business days.
- c. Posting. Within 10 business days from the filing of a complete application, the Zoning Officer or agent thereof will post a notice on the property indicating that the owner has applied for a permit to demolish a Historic Resource on that property. The notice shall be posted on each street frontage of the property and be clearly visible to the public.

### **2. Historical Commission Review.**

- a. Upon receipt of the application for demolition of a Historic Resource, the Historical Commission shall review the application and consider the practicality of alternatives to demolition, including the adaptive reuse and dimensional provisions described in this Part.

- i. The Historical Commission, may consult with or ask for the input of the Borough Planning Commission, the County Planning Commission, local or regional historic organizations, or other bodies as they see fit.
    - ii. The Historical Commission shall obtain from the Code Enforcement Officer, any available information about whether a finding of Demolition by Neglect has ever been issued for this property.
  - b. Within 45 calendar days of the submission of the application for demolition, the Historical Commission shall meet with the applicant at a public meeting and discuss the proposed demolition. The Historical Commission shall share any reasonable alternatives to demolition. The Applicant will receive notice of the meeting no less than 10 calendar days in advance and is encouraged to present evidence or testimony pertaining to the demolition.
  - c. Historical Commission Recommendation. Within 10 calendar days of the meeting, the Historical Commission shall do one of the following:
    - i. Request additional documentation. The Historical Commission may extend the review up to 90 calendar days after the date of their meeting for the purposes of gathering additional information from the applicant or other sources:
      - 1. The Historical Commission may commission expert testimony. Such testimony may include, but is not limited to, a written report or presentation by a certified engineer or architect with demonstrated expertise in historic preservation as to the structural integrity of the Historic Resource and analyses of alternative uses for the resource.
      - 2. The Historical Commission may request or gather evidence related to Economic Hardship (see §27-2213).
      - 3. Any costs incurred by the Historical Commission for the review of plans or studies by a consultant specifically retained for such purpose shall be reimbursed to the Borough by the Applicant.
      - 4. The Historical Commission must meet again within before 90 calendar days to move the review on to one of the options in subsection ii.
    - ii. Recommend to Borough Council one of the following in writing:
      - 1. Demolition.
      - 2. Denial of Demolition.
- 3. Borough Council. Within 45 calendar days of a written recommendation from the Historical Commission for Demolition or Denial of Demolition, Borough Council shall, at a public meeting, consider the Historical Commission's recommendation.
  - a. The Applicant shall be given at least 10 calendar days' notice of Borough Council's meeting.
  - b. At the meeting, Council shall consider the Historical Commission's recommendations and any evidence, reports or testimony of interested parties and shall render a decision to either approve demolition or deny the application for demolition.
  - c. The decision of Borough Council shall be communicated to the Zoning Officer within five (5) business days of the meeting.
  - d. If Council votes to approve the demolition permit, the Zoning Officer shall delay issuance by 90 calendar days or a period of time sufficient for the purpose of gathering photographs, creating floorplans, or otherwise documenting the Historic

Resource prior to its demolition. The applicant shall either allow members of the Historical Commission or other borough designees onto the property to document the property, or provide the requested information themselves. Any costs associated with documenting the resource shall be borne by the applicant for demolition.

- e. Action by Zoning Officer. The Zoning Officer shall issue the permit when documentation is complete or after 90 calendar days or deny the permit as directed by Council's vote.

### **§27-2212. Demolition by Neglect**

1. Historic Resources shall be maintained in good repair, structurally sound, and reasonably protected against decay, deterioration, and vandalism so as to prevent demolition by neglect. No owner or responsible party shall permit a Historic Resource to fall into a state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the life and character of the property itself.
2. Demolition by neglect is the failure to perform routine maintenance and/or failure to secure a property from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures, leading to deterioration and/or structural failure. Demolition by neglect may be characterized by any or all of the following conditions, singularly or in combination with each other, over a period of time:
  - a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
  - b. Deterioration of flooring, floor support, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.
  - c. Deterioration of exterior chimneys that causes leaning, sagging, splitting, listing, or buckling.
  - d. Deterioration or crumbling of exterior stucco, plaster, or mortar.
  - e. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
  - f. Defective protection or lack of weather protection for exterior wall and roof coverings, including holes and openings, or weathering due to lack of paint or other protective coating.
  - g. Deterioration of any features so as to create a hazardous condition.
3. The Code Enforcement Officer may issue a Finding of Demolition by Neglect in the following manner:
  - a. Any person, entity, or organization may submit information to the Code Enforcement Officer regarding the potential demolition by neglect of a Historic Resource. The Code Enforcement Officer may also acquire such information through other means, including personal observation.
  - b. Upon receiving information, the Code Enforcement Officer shall visit the property and document the observed conditions in writing.
  - c. If the Code Enforcement Officer believes that demolition by neglect is occurring or is likely to occur, they shall notify the property owner or responsible party, in writing, of the observed conditions within 10 calendar days of the initial inspection. The property owner or responsible party may provide the Code Enforcement Officer with information related to the property's maintenance and or repair within 30 calendar days of receiving notice from the Code Enforcement Officer.

- d. Within 45 calendar days of the initial inspection the Code Enforcement Officer shall inspect the property again, noting any changes to previously documented conditions, newly formed conditions, and any evidence of repairs initiated or abatement actions taken.
  - e. Following the second inspection, the Code Enforcement Officer may issue a Finding of Demolition by Neglect, if in their estimation, the property has or will soon be damaged beyond repair or will pose a threat to the health and safety of the occupants, adjacent properties, or the public. In determining whether and when to issue such a Finding, the Code Enforcement Officer shall act in a timeframe that avoids the development of dangerous or irreparable conditions to the greatest extent possible.
  - f. If the Code Enforcement Officer determines that demolition by neglect is occurring, they shall issue a Finding of Demolition by Neglect, sending a written copy to the owner and all responsible parties, as well as the Historical Commission and Borough Council within 10 calendar days.
  - g. A Finding of Demolition of Neglect shall be considered by the Historical Commission and Borough Council during any application for demolition or economic hardship.
  - h. Any and all conditions observed by the Code Enforcement Officer may be subject to enforcement actions, procedures, and penalties as defined in the Property Maintenance Code and other applicable laws and ordinances.
4. Unoccupied buildings and structures shall be properly sealed, fenced off, and utilities turned off for safety, at the owner's expense.

### **§ 27-2213. Economic Hardship**

1. Economic hardship means the denial of all reasonable beneficial uses or reasonable financial return on a property. If the applicant has been denied a demolition permit or if the Historical Commission requests the information per §27-2310.B.3.a.ii and the applicant believes they will suffer economic hardship without the demolition of a Historic Resource, they may submit to the Historical Commission the following:
  - a. Date the property was acquired by its current owner
  - b. Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property
  - c. Mortgage history of the property, including current mortgage
  - d. Current market value of the property
  - e. Equity in the property
  - f. Past and current income and expense statements for a two (2) year period
  - g. Past capital expenditures during the ownership of current owner
  - h. Appraisal of the property obtained within the previous two (2) years
  - i. Income and property tax factors affecting the property, as specified by the Borough Solicitor
  - j. The Historical Commission may require that an applicant furnish additional information relevant to its determination of economic hardship and may receive and consider studies and economic analyses from other sources relevant to the property in question.
2. Within 45 calendar days of receiving an appeal for economic hardship, the Historical Commission shall consider the claim at a regular or special meeting and determine whether to recommend to Borough Council whether denial of a demolition permit will result in

economic hardship. In making its determination, the Historical Commission shall consider the evidence provided by the applicant along with relevant testimony, public comment, and any advice, assistance, or guidance provided by consultants or experts.

3. The Historical Commission's recommendation shall consider the following criteria:
  - a. The overall financial impact of the denial of demolition on the property, and
  - b. Whether the denial of a demolition permit will result in the owner being denied any reasonable or beneficial use of the property, and
  - c. Whether the denial of a demolition permit violates reasonable invested-backed expectations for the property, and
  - d. Whether the hardship has been self-imposed, including whether a Finding of Demolition by Neglect has been issued for the property. Such a Finding alone shall not constitute economic hardship.
4. The Historical Commission may consider whether there are financial or tax incentives available for the property that would alleviate the hardship and may recommend to Borough Council that special economic or development incentives be provided to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
5. The Historical Commission is authorized to seek the assistance of appropriate local, statewide and/or national organizations in developing solutions which would relieve the owner's economic hardship. If the Historical Commission chooses to explore such options, the Historical Commission may delay issuing their recommendation to Borough Council regarding the existence of economic hardship for a period of 60 calendar days in addition to the time periods otherwise applicable.
6. Following the presentation of evidence, the Historical Commission shall, by motion, determine whether to recommend that economic hardship exists, and shall transmit its recommendation along with supporting evidence and rationale to Borough Council within 14 calendar days.
7. Within 30 calendar days of receiving the recommendation, Borough Council shall consider the Historical Commission's recommendation and determine whether to issue the demolition permit for reasons of economic hardship.

## **§ 27-2214. Relocation**

1. Relocation is the movement of a historic resource, to another location either by transporting it fully intact or by disassembling and reassembling it full in a new location. Relocation is considered as the least favored alternative for the preservation of a Historic Resource, but preferable to demolition. Any application for relocation of a Historic Resource shall comply with the following:
  - a. Prior to relocation, all attempts should be made to renovate, restore, use, or adaptively reuse a Historic Resource in its current location;
  - b. Relocation within Borough is preferred to relocation outside of the Borough.
  - c. The proposed relocation shall not have a detrimental effect on the long-term structural integrity of the building or structure;
  - d. The proposed relocation shall not have a detrimental effect on the historic, architectural, or archaeological aspects of the other buildings, structures, sites, properties, landscapes, villages, or districts adjacent to or encompassing the Resource.

- e. It is preferred that the Historic Resource shall be relocated to a compatible cultural landscape that is harmonious with the historic and/or architectural aspects of the relocated Resource;
- f. The proposed relocation shall further the goals and intent of this Article.

### **§ 27-2215. Enforcement.**

1. The Code Official shall be responsible for enforcing the requirements and decisions of Borough Council made pursuant to this ordinance and pursuing all penalties and remedies in equity and law as may be appropriate. Violations shall be considered criminal in nature.
2. Failure to obtain a Historic Work Permit for any of the activities described in this chapter shall constitute a violation. The Code Official may issue stop work orders for activities proceeding without a Historic Work Permit. Such order may remain in effect until such time as the property owner or responsible party has properly obtained a Historic Work Permit. Any and all other permits and approvals issued for the property may also be suspended until a Historic Work Permit is obtained.
3. Property owners and responsible parties shall adhere to the requirements and specifications contained in the Historic Work Permit. Deviations from the approved plans shall be considered a violation.
4. Violations for failure to obtain or adhere to the requirements of a Historic Work Permit for new construction shall result in a fines as specified in Part 24 of this Chapter. Each day that the offending condition exists shall constitute a new violation.

If a Historic Resource is demolished without a permit as described by this chapter a fine of \$\_\_\_\_\_ shall be levied by the Borough of Hatboro. Owing to the unique and irreplaceable nature of historic resources, each day that a violation exists shall constitute a new violation and fines may accrue up to 10 percent of the property's total appraised value prior to demolition. No zoning or building permits shall be issued for the property for one year following the date of demolition.

### **§27-202. Definitions**

[Add alphabetically to existing section]

**Alteration.** The act or process of adding, removing, replacing, or modifying the exterior features of a building that are visible from the public way.

**Artisan Manufacturing.** An establishment for the manufacture and production of goods created on-site by a craftsperson using hand tools and/or small-scale, light mechanical equipment. Examples of such work include pottery, fiber crafts, sculpture, leathercraft, jewelry, soaps, metalwork, cabinetry, stained glass, textile production, candle-making, and hand-made food products. Artisan Manufacturing may also include display and retail sale of such goods produced on site. Artisan Manufacturing may also include demonstration of and instruction in the production processes.

Artisanal manufacturing does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property, and it is limited to 5,000 square feet of gross floor area.

**Bed and Breakfast.** A single-family detached dwelling which provides, by rent, overnight sleeping accommodations and bathroom access to guests. This shall not include a use that provides any cooking facilities for use by guests or that provides meals for persons other than overnight guests, unless the requirements for a restaurant are also met. No more than eight rooms shall be rented. This use shall not include a boarding house, rooming house, or group home.

**Demolition.** Demolition: The act of dismantling, tearing down, moving, or removal of any exterior load-bearing portion of a building or structure. Not included is the removal of exterior, non-structural architectural elements.

**Demolition by Neglect.** The absence of routine maintenance and repair which can lead to a building or structure's structural weakness, decay and deterioration resulting in its demolition. Also, the deliberate disregard of routine maintenance and/or failure to secure a site from pests or vandals and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures of a structure, leading to deterioration and/or structural failure.

**Economic Hardship:** the denial of all reasonable beneficial uses or reasonable financial return on a property without the issuance of a demolition permit.

**Educational Use.** Public, private or parochial educational institutions which provide a broad educational curriculum to individuals enrolled therein, including an elementary or secondary school, college or university, kindergarten, junior or senior high school, or middle school, but not a business school, trade school, dance studio or similar use.

**Event Facility.** A location, building, site or structure that is not a restaurant which is rented as a place for the purpose of accommodating a group of diners, patrons, guests, or other attendees for functions such as banquets, wedding receptions, parties, entertainment, meetings, conferences, performances, or similar gatherings.

**Gallery or Museum.** A public or private facility that is operated as a repository or collection of works of art, scientific specimens, or other objects of value that are displayed for public viewing. This may include the sale or loan of displayed items or the sale or of related objects. Entry must be provided to the general public for free or for a fee.

**Historic Resource:** Any area, building, structure, landscape, monument, or other location which has been designated by statute, ordinance or departmental or executive declaration of the Borough of Hatboro as possessing historic significance.

**Borough of Hatboro Historic Resources Registry.** A list compiled, adopted, and maintained by the Borough of Hatboro that identifies and describes Historic Resources that meet the criteria outlined by this chapter, and which is made available for public inspection at the offices of the Borough during regular business hours. This may also be known as the Historic Resources Registry.

**Historic Work Permit.** The approval statement signed by the Zoning Officer which certifies to the historical appropriateness of a particular request for the erection, alteration, or reconstruction of all or a part of any building or structure designated as a Historic Resource. Also, the approval statement signed by the Zoning Officer which certifies that erection, alteration, or reconstruction of structures on

the same lot with a Historic Resource will not interfere with views of the Historic Resource from the public way.

**Place of Worship.** A tax-exempt institution that people regularly attend to participate in or hold religious services, meetings, and other activities related to religious ceremonies.

**Public Way.** A sidewalk, trail, plaza, park, or street to which the general public is typically allowed access.

**Repair Shop, Heavy.** A facility designed or intended for the repair, refurbishing, restoration, and rebuilding of large equipment such as motor vehicles, motorcycles, buses, trucks, engines, vending machines, trailers, and mechanical equipment.

**Repair Shop, Light.** A service shop for mending, restoring, rebuilding, servicing, or fixing smaller items that are not included in the definition of Heavy Repair Shop. This shall include the servicing of watches and clocks, shoes, bicycles, stereos, household appliances, computers and other electronic devices. This shall not include the repair of any motor vehicles.

## §27-2009. Off-Street Parking Reductions

By Conditional Use, required off-street parking may be reduced by up to 50% for a nonresidential use located on the same parcel with a Historic Resource on the Historic Resources Registry. By Conditional Use, required off-street parking may be reduced by up to 25% for a residential use located on the same parcel with a Historic Resource on the Historic Resources Registry. Applications for Conditional Use shall follow all of the procedures and meet all of the requirements in §§27-2310 and 27-2208.

## §Appendix A. Borough of Hatboro Historic Resources Registry

The buildings, sites, structures, and objects identified and/or located on the properties set forth below shall comprise the Historic Resources Registry of the Borough of Hatboro.

### 1. Buildings and Structures

[List here as adopted]

### 2. Objects and Sites

[List here as adopted]

## §Appendix B. Work Requiring a Historic Work Permit

Any of the proposed changes require obtaining a Historic Work Permit before the work commences. If a Building Permit is not required under the Uniform Construction Code, a Historic Work Permit is still required under this Article.

1. Massing and Height
  - a. Change in a building's footprint or height, including the addition or removal of building volume
1. Roofs
  - a. Changing the shape, slope, or configuration of a building's roofline, including the addition or removal of dormers, towers, turrets, or spires
  - b. Removing or concealing brackets, corbels, cornices, or decorative roof treatments; or installing new decorative roof treatments that were not previously present
  - c. Installing "green roofs"
1. Porches
  - a. Adding, removing, enclosing, or removing enclosures of porches, porticos, or stoops
  - b. Changing the size, shape, or configuration of porches, porticos, or stoops
  - c. Changing the size, shape, or configuration of steps, stairs, or entryways
  - d. Removing porch roofs
1. Decorative and supportive porch elements
  - a. Removing, covering, or concealing porch columns, posts, or other vertical supports
  - b. Removing, covering, or concealing porch brackets, trim, or other decorative elements
8. Façades
  - a. Adding exterior cladding that covers or obscures existing openings
  - b. Structural changes to the configuration or design of commercial storefronts, including display windows
  - c. Structural changes for the installation of ATMs or other banking related features
  - d. Changing, removing, or concealing exterior wall surfaces
9. Windows
  - a. Changing the number, size, shape, or placement of window openings
  - b. Adding or removing bay windows
  - c. Removing shutters or installing shutters that were not previously present
10. Doors
  - a. Changing the number, size, or placement of door openings
  - b. Installing/adding exterior doors (including storm doors) that were not previously present
  - c. Removing/concealing exterior doors (including storm doors)
  - d. Altering the size or shape of exterior door openings
11. Miscellaneous Items
  - a. Installing or relocating heating or cooling systems with exterior components (heat pumps, central air conditioning systems, through-wall air units, but not window air conditioners)
  - b. Installing or relocating satellite dishes or antennas
  - c. Installing a fence or wall between the Historic Resource and the public right-of-way.

12. If a Historic Resource contains an archeological site or potential archeological site, any earth disturbance shall require a Historic Work Permit in compliance with the guidelines for archeological investigation in the Borough's Design Guidelines.

## §Appendix C. New Construction or Alterations on the Same Lot with a Historic Resource Requiring a Historic Work Permit

Any of the proposed changes below occurring on the same parcel as a Historic Resource require obtaining a Historic Work Permit before the work commences. If a Building Permit is not required under the Uniform Construction Code, a Historic Work Permit is not required under this Article.

1. Change in a building's footprint or height, including the addition of building volume
2. Adding towers, turrets, or spires

DRAFT