

ARTICLE 24
HISTORICAL, ARCHITECTURAL AND ARCHEOLOGICAL RESOURCES PROTECTION

SECTION 2400 - PURPOSE

The purpose of the standards and regulations for Historical, Architectural and Archeological Resources Protection is as follows:

- A. In accordance with Act 247, As Amended, the Pennsylvania Municipalities Planning Code, and more specifically Section 604, Zoning Purposes, to address the fact that: "the provisions of Zoning Ordinances shall be designed to promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare . . . as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains . . ."
- B. In accordance with Section 605.(2)(vi) of the Pennsylvania Municipalities Planning Code, to permit additional classifications within any zoning district for the regulation of uses and structures at, along or near "places having unique historical, architectural or patriotic interest or value . . ."
- C. In accordance with the recommendations for implementation in the Warwick Township "Open Space, Recreation, and Environmental Resources Plan," adopted October 14, 1992, to create a new Article, Historical, Architectural and Archeological Resources Protection, with regulations to promote and preserve the heritage resources of Warwick Township.
- D. In accordance with the recommendations for implementation in the Warwick Township "Comprehensive Plan Update," adopted November 1, 1993, to create a new Article 24, as a historic preservation overlay, and in accordance with the recommendations of the Warwick Township Comprehensive Plan Addendum, adopted December 2, 2003.
- E. To provide a comprehensive framework for the preservation of historic sites, buildings, structures, and districts in Warwick Township.
- F. To provide a comprehensive framework for the preservation of historic and pre-historic archeological resources.
- G. To establish the Warwick Historical Commission to serve as an advisory body to the Board of Supervisors and to function as a Board of Historical Architectural Review for historic structures and/or districts established under Pennsylvania Act 167 of 1961.
- H. To promote the general welfare by protecting the integrity of the historical, architectural and archeological resources of Warwick Township.

- I. To establish a clear process by which proposed changes affecting historical, architectural and archeological resources are reviewed by the Warwick Historical Commission and the Board of Supervisors.
- J. To mitigate the negative effects of proposed changes on historical, architectural and archeological resources.
- K. To encourage the continued use of historical, architectural and archeological resources and facilitate their appropriate reuse.
- L. To encourage the preservation of historic sites and landscapes.
- M. To discourage the unnecessary demolition of historic resources.

SECTION 2401 - GENERAL PROVISIONS

A. Compliance

Any change to a resource shown on the Historical, Architectural and Archeological Resources Map shall occur only in full compliance with the terms of this Article and other applicable regulations.

B. Historic Overlay Concept

- 1. For any property shown on the Historical, Architectural and Archeological Resources Map, the requirements and opportunities contained in this Article shall supersede the otherwise applicable requirements of the underlying zoning district, except as provided in Section 2411.
- 2. Should the Historical, Architectural and Archeological Resources Map be voided as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this Article.

C. Preservation of Other Restrictions

It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.

SECTION 2402 - HISTORICAL, ARCHITECTURAL AND ARCHEOLOGICAL RESOURCES MAP

A. Classifications

The Historical, Architectural and Archeological Resources Map depicts:

1. Registered Historic Districts.
2. Historical Resources.
 - a. Class 1 - Buildings and/or districts listed on the National Register of Historic Places or which have received a Determination of Eligibility (D.O.E.).
 - b. Class 2 - Buildings and/or sites that have local historical, architectural and/or archeological significance.
 - c. Class 3 - Buildings that are 50 years or older and not included in Class 1 or 2.
3. Primary Areas of Archeological Sensitivity. Such areas exhibit a high probability of the existence of archaeological sites based on physical and locational characteristics, as shown on the Historical, Architectural, and Archeological Resources Map in the Appendix.
4. Secondary Areas of Archeological Sensitivity. Such areas exhibit a probability (to a lesser degree than Primary Areas of Archeological Sensitivity) of the existence of archaeological sites based on physical and locational characteristics, as shown on the Historical, Architectural, and Archeological Resources Map in the Appendix.

B. Revisions

The Historical, Architectural & Archeological Resources Map may be revised from time to time by legislative action of the Board of Supervisors, after a Public Hearing.

1. In considering any revision, including additions, deletions, or changes of classification to the Historical, Architectural and Archeological Resources Map, the Board shall receive a written recommendation from the Warwick Historical Commission.

C. List of Historic Resources

The Historical Commission shall maintain an updated list of resources shown on the Historical, Architectural and Archeological Resources Map and their respective classifications.

SECTION 2403 - WARWICK HISTORICAL COMMISSION

A. Establishment and Membership

There shall be a Historical Commission which shall consist of a minimum of five (5) members, who shall be residents of Warwick Township, and who shall be appointed by the Board of Supervisors. The membership of the Commission shall include individuals who have professional expertise or an interest in history, archaeology, historic preservation, or related fields.

Each Commission member shall serve for a term of five (5) years which shall be so fixed that no more than two (2) terms shall expire each year. The Commission shall notify the Board of Supervisors of any vacancies in the Commission and the Board shall act within ninety (90) days to fill those vacancies. Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term.

Members shall serve without pay, but shall be reimbursed for any personal expenditures in the conduct of Commission business when authorized by the Board of Supervisors.

The Board of Supervisors may, after a duly advertised public hearing, remove any member of the Commission from office for inefficiency, neglect of duty, malfeasance in office or conflict of interest.

B. Organization

The Commission shall elect its own chairman and shall create and fill such other offices as deemed proper. The Commission shall make and alter its rules of procedure consistent with the ordinances of the Township and the laws of the Commonwealth of Pennsylvania. It shall keep records of its resolutions, transactions, findings and determinations, and such records shall be considered "public records" except when contrary to the public interest as determined by the Board of Supervisors pursuant to applicable statutes, ordinances or other rules and regulations. A majority of the Commission shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of the majority.

C. Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Commission may employ staff or contract for clerical, consulting, or other technical services.

D. Functions and Duties

In accordance with the purpose of this Article, the Commission shall have the following functions and duties:

1. To record the history of Warwick Township and its significant architectural, historic, pre-historic and natural sites.
2. To gather documentary evidence, illustrations, photographs and all other appropriate materials which

will establish architecture and sites as significant and worthy of preservation.

3. To prepare regular reports of its activities for the Board of Supervisors, as well as specific reports as may from time to time be requested by the Board of Supervisors.
4. In conjunction with its recordation of the history of the Township, to prepare an index of significant architectural, historical, pre-historical and natural sites for use and information by Township officials and the citizens of the Township.
5. To cooperate with all Township officials and agencies in relation to the preservation and restoration of historic structures and sites, including the possible acquisition and use of the same by the Township.
6. To consider, promote and, with the approval of the Board of Supervisors, to apply for technical and financial assistance from all appropriate local, county, state, federal and other agencies in the preservation of significant architecture, natural and historic sites within the Township of Warwick, and to report all related action to the Board of Supervisors.
7. To prepare and submit a yearly budget to the Board of Supervisors for sums deemed necessary to carry out the objectives of the Historical Commission.
8. In conjunction and cooperation with the Board of Supervisors, the Planning Commission, Zoning Officer and other interested Township officials, to study the feasibility of creating an Historic Overlay District in accordance with an pursuant to the Act of the Legislature of the Commonwealth of Pennsylvania entitled "Historic Districts," (Act of June 13, 1961, P.L. 282, No. 167), described: "An Act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundary; providing for the appointment of a Board of Historical and Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic district."
9. Function as a Board of Historical and Architectural Review (HARB) for historic districts in Warwick Township which are registered by the Pennsylvania Historical and Museum Commission in accordance with Pennsylvania Act 167 of 1961.
10. Maintain a system for the survey and inventory of historic resources in Warwick Township.

11. Maintain an updated list which clearly identifies historic resources and their respective classifications on the Historical, Architectural and Archeological Resources Map.
12. Make recommendations to the Board of Supervisors concerning revisions, updates or corrections to the Historical, Architectural and Archeological Resources Map.
13. Advise the Zoning Officer and Board of Supervisors on the issuance of demolition permits for historic resources.
14. Review and comment on subdivision and land applications which affect historic resources, in accordance with the requirements and procedures of the Warwick Township Subdivision and Land Development Ordinance.
15. Advise the Zoning Hearing Board and the Board of Supervisors on all requests for Special Exceptions, Conditional Uses or Variances affecting historic resources.
16. Review applications for the rehabilitation, enlargement or alteration of historic resources as required below.
17. Conduct research on and propose the nomination of significant resources to the National Register of Historic Places and other appropriate lists or programs.
18. Perform any other lawful activities which shall be deemed necessary to further the purposes of this Article.

SECTION 2404 - DEMOLITION OF CLASS 1 AND CLASS 2 HISTORIC RESOURCES

The following regulations shall apply to Class 1 and Class 2 historic resources:

- A. No Class 1 or 2 historic resource may be demolished until the Applicant obtains a permit and complies with the following:
 1. Permit Requirements. No Class 1 or 2 historic resource shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements. Unoccupied structures should be tightly sealed and fenced off and the utilities turned off for safety.
 2. Demolition Permit. No Class 1 or 2 historic resource shall be demolished, in whole or in part, including the indiscriminate removal or stripping of any significant interior or exterior architectural features, unless a permit is obtained from the Zoning Officer of Warwick

Township in accordance with the procedures of the Township.

3. Proposed Demolition of Class 1 or 2 Historic Resources. All applications for demolitions received by the Zoning Officer will be reviewed against the Historic Resources Map. If the application concerns an historic resource, the Zoning Officer will advise the Applicant that he must comply with the following procedures and requirements, as applicable.

B. Application Requirements for the Demolition of a Class 1 and/or 2 Historic Resource

1. In addition to any other applicable requirements under Township Codes, any Applicant seeking a permit to demolish an historic resource shall provide a written report on the following, with regard to that historic resource:
 - a. Owner of record.
 - b. Classification on Historic Resources Map.
 - c. Site plan showing all buildings and structures on the property.
 - d. Recent photographs of the resource proposed for demolition.
 - e. Reasons for the demolition.
 - f. Method of demolition.
 - g. Future uses of the site and of the materials from the demolished resource.

C. Review by the Warwick Historical Commission

1. The Zoning Officer shall notify the Commission of the application for demolition within five (5) days of acceptance of a properly completed application, including the necessary filing fee.
2. Within thirty (30) days of receipt of a complete application, at its next regular meeting or a special meeting, the Warwick Historical Commission shall meet to review the application for demolition. The Applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application, the Historical Commission shall take into account:
 - a. The effect of demolition on the historical and/or archeological significance and architectural integrity of neighboring contributing historic resources;

- b. Economic feasibility of adaptively reusing the resource proposed for demolition; and
 - c. Alternatives to demolition of the resource.
3. Initial Recommendation of the Warwick Historical Commission.
- a. The Commission may recommend immediate approval of the permit and may so advise the Zoning Officer.
 - b. Alternatively, the Commission may elect to use the following time periods to: provide adequate opportunity for documentation of the resource as set forth in Section 2404.C.6.; provide time for the Applicant to prepare a Financial Analysis as set forth in Section 2404.C.7.; and/or discuss alternatives to demolition with the Applicant.
 - (i) Class 1 historic resources - A maximum of 90 days from the date of application.
 - (ii) Class 2 historic resources - A maximum of 60 days from the date of application.
 - c. Prior to the expiration of the ninety (90) or sixty (60) day review period, as related respectively above to a Class 1 or Class 2 historic resource, the Commission can recommend approval or denial of the demolition permit. The Zoning Officer then is authorized to issue the permit in accordance with the Township Codes.
4. Recommended Denial of Demolitions. Prior to the expiration of the ninety (90) or sixty (60) day review period, the Commission may recommend denial of the application. In such cases, the Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.
5. Final Decision on Demolitions. Within thirty (30) days of receipt of the Commission report, the Board of Supervisors shall consider the Commission's recommendation for denial of the application for demolition. The owner of the resources proposed for demolition will be given a minimum of ten (10) days notice of the meeting of the Commission. The Supervisors will consider any evidence, reports or testimony from interested parties and will render a decision either to deny or approve the application for demolition within twenty-one (21) days of the meeting. This period may be extended, and its length established, by mutual consent.
6. Documentation. Prior to the issuance of a demolition permit, the Commission may require the Applicant to provide documentation of the resource proposed for

demolition. Such documentation may include photographs, floor plans, measured drawings, archeological survey, and any other comparable form of documentation stipulated by the Commission.

7. Financial Analysis. In its review of an application for demolition, the Commission may require the Applicant to prepare a Financial Analysis which may include any or all of the following:
 - a. Amount paid for property, date of purchase, and party from whom purchased.
 - b. Assessed value of the land and improvements thereon according to the most recent assessment.
 - c. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.
 - d. Any consideration by the owner as to profitable, adaptive uses for the property.
8. Any costs incurred by the Commission to review plans or studies submitted by the Commission's consultant specifically retained for this purpose, shall be reimbursed to the Township by the Applicant.
9. Enforcement
 - a. Fines and Penalties. Any person who violates the requirements of this Section shall be subject to the fines and penalties imposed under this Ordinance in accordance with Article 22, as well as applicable fines and penalties under other Township codes.
 - b. The Board of Supervisors shall withhold issuing any building permits for a minimum of one (1) year for a property which, at the date of enactment of this Ordinance, was occupied by a historic resource which subsequently was demolished in violation of this Section.

SECTION 2405 - DEMOLITION OF CLASS 3 HISTORIC RESOURCES

The following regulations shall apply to Class 3 historic resources:

- A. No Class 3 historic resource may be demolished until the Applicant obtains a permit and complies with the following:
 1. Permit Requirements. No Class 3 historic resource shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements. Unoccupied structures should be tightly sealed and fenced off and the utilities turned off for safety.

2. Demolition Permit. No Class 3 historic resource shall be demolished, in whole or in part, including the indiscriminate removal or stripping of any significant interior or exterior architectural features, unless a permit is obtained from the Zoning Officer of Warwick Township in accordance with the procedures of the Township.
 3. Proposed Demolition of a Class 3 Historic Resources. All applications for demolitions received by the Zoning Officer will be reviewed against the Historic Resources Map. If the application concerns an historic resource, the Zoning Officer will advise the Applicant that he must comply with the following procedures and requirements, as applicable.
- B. Application Requirements for the Demolition of a Class 3 Historic Resource
1. In addition to any other applicable requirements under Township Codes, any Applicant seeking a permit to demolish an historic resource shall provide a written report, up to two (2) pages in length describing: the record owner; the reasons and method of demolition; and the future use of the property and the demolished materials.
 2. The written report shall be accompanied by a recent photograph of the resource proposed for demolition, and a simple sketch plan of the property indicating the location of the proposed demolition.
- C. Review by the Warwick Historical Commission
1. The Zoning Officer shall notify the Commission of the application for demolition within five (5) days of acceptance of a properly completed application, including the necessary filing fee.
 2. Within thirty (30) days of receipt of a complete application, at its next regular meeting or a special meeting, the Warwick Historical Commission shall meet to review the application for demolition. The Applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application, the Historical Commission shall take into account:
 - a. The effect of demolition on the historical and/or archeological significance and architectural integrity of neighboring contributing historic resources;
 - b. Economic feasibility of adaptively reusing the resource proposed for demolition; and

- c. Alternatives to demolition of the resource.
3. Initial Recommendation of the Warwick Historical Commission.
 - a. The Commission may recommend immediate approval of the permit and may so advise the Zoning Officer.
 - b. Alternatively, the Commission may elect to review the application for a period of up to thirty (30) days in order to provide adequate opportunity to discuss alternatives to demolition with the Applicant.
 - c. Prior to the expiration of the thirty (30) day review period, the Commission can recommend approval or denial of the demolition permit. The Zoning Officer then is authorized to issue the permit in accordance with the Township Codes.
4. Recommended Denial of Demolitions. Prior to the expiration of the thirty (30) day review period, the Commission may recommend denial of the application. In such cases, the Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.
5. Final Decision on Demolitions. Within thirty (30) days of receipt of the Commission report, the Board of Supervisors shall consider the Commission's recommendation for denial of the application for demolition. The owner of the resources proposed for demolition will be given a minimum of ten (10) days notice of the meeting of the Commission. The Supervisors will consider any evidence, reports or testimony from interested parties and will render a decision either to deny or approve the application for demolition within ten (10) days of the meeting. This period may be extended, and its length established, by mutual consent.
6. Enforcement
 - a. Fines and Penalties. Any person who violates the requirements of this Section shall be subject to the fines and penalties imposed under this Ordinance in accordance with Article 22, as well as applicable fines and penalties under other Township codes.
 - b. The Board of Supervisors shall withhold issuing any building permits for a minimum of one (1) year for a property which, at the date of enactment of this Ordinance, was occupied by a historic resource which subsequently was demolished in violation of this Section.

SECTION 2406 - REVIEW OF PROPOSED REHABILITATION, ENLARGEMENT OR ALTERATION OF CLASS 1 BUILDINGS, STRUCTURES OR SITES

The following regulations shall apply to Class 1 historic resources:

A. Permits

No permit for the rehabilitation, enlargement or structural alteration of a Class 1 historic resource shall be issued by the Zoning Officer prior to review and comment on the application by the Warwick Historical Commission, in accordance with the terms of this Section, except for restoration work to a structure that has been damaged by a storm or fire, and is being restored to its pre-storm or pre-fire condition. Permits for historic resources in Registered Historic Districts shall be issued in accordance with Section 2409.

B. Zoning Officer

The Zoning Officer shall forward to the Warwick Historical Commission copies of the application, together with any plans or diagrams required by Ordinance, within five (5) days of receipt of a complete application. All copies of the Application form and plans shall be provided by the Applicant.

C. Warwick Historical Commission

The Commission shall, within thirty (30) days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in Section 2408 below, and prepare a written report to the Zoning Officer, with a copy to be sent to the Applicant, indicating whether the plans are in substantial compliance. The report shall make suggestions, if necessary, as to what specific changes in the plans would bring them into substantial compliance.

D. Issuance of Permits

Upon receiving a report of substantial compliance from the Warwick Historical Commission, and providing the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.

E. If the Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the permit until the plans have been revised by the Applicant in accordance with the Commission's recommendations; and all other requirements of the Township have been satisfied.

F. A Historic Resource Impact Study shall be required, when any of the following are proposed:

1. Subdivision or land development plans which will lead to the new construction of buildings, structures,

roads, driveways, parking areas, etc. located within two hundred fifty (250) feet of the exterior walls of a historic resource.

2. Subdivision or land development plans which propose adaptive reuse or demolition of a historic resource.
 3. General bridge or road construction or substantial repair passing within two hundred fifty (250) feet of the exterior walls of a historic resource.
 4. Subdivision or land development plans which may impact primary archeological sensitivity areas, especially pre-historic sites. In which case, an archeological impact study shall be submitted, and if archeological resource potential exists, then a Phase I Archeological Study shall be conducted.
- G. The Historic Resource Impact Statement shall be prepared and presented by the Applicant or his agent for discussion at a meeting of the Warwick Historical Commission.
- H. The Historic Resource Impact Statement shall contain the following information:
1. Background Information
 - a. If not otherwise provided by the Applicant, a general site description, including existing topography, watercourses, vegetation, landscaping, and structures.
 - b. General description and classification of all historic and pre-historic resources located on the subject tract, on tracts immediately adjacent to the subject tract or road, or within two hundred fifty (250) feet of the subject tract or road.
 - c. Physical description of all historic resources identified in Section H.1.b. above.
 - d. Statement of the significance of each historic resource, both relative to the Township and the region in general.
 - e. A sufficient number of black and white 5"x7" photographs to show every historic resource identified in Section 2406.H.1.b., in its setting.
 - f. Description of the historical development of the subject tract or road.
 2. Proposed Change
 - a. General description of project, including time table or phases.

- b. Description of impact on each historic resource identified in Section 2406.H.1.b., with regard to architectural integrity, historic setting and future use.
- c. Compliance with the Standards of Rehabilitation of Section 2408, as suggested by the Warwick Historical Commission.
- d. General description of the effect of noise, traffic, outside lighting and any other impacts generated by the proposed change on each historic resource and impact on the general rural character of the Township.
- e. General and physical description of any archeological sites within the areas identified as primary or secondary archeological sensitivity areas on the Warwick Township Historical, Architectural & Archeological Resources Map. In order to determine if any sites actually exist, a minimum plow zone archeological survey shall be conducted in any areas of earth disturbance, or if the earth disturbance is proposed in a wooded area, a modified Phase I archeological survey shall be conducted. If a site is discovered, then the preparation of a report by a professional archeologist shall be submitted, which shall include the following:
 - (1) A detailed account of a Phase I survey of archeological resources conducted on the site, and its findings. Such survey shall be conducted only after notification of the Pennsylvania Historical and Museum Commission (PHMC) and undertaken in a manner specifically prescribed by the PHMC.
 - (2) A letter from the PHMC discussing the archeological significance of the site. This letter should also suggest whether or not further study is warranted. If further study is warranted, a description of the level of investigation needed, should also be explained.
 - (3) Should the PHMC determine that certain portions of the site can accommodate the proposed use without risking the loss of archeological resources contained elsewhere on the site, a detailed description of the methods that are being used to: prevent the disturbance of archeologically-significant areas of the site during and following construction of the proposed use; prohibit grading in the vicinity of archeologically-significant areas of the site; and orient improvements and activities of the proposed

use away from the archeologically-significant areas that adjoin the site.

- (4) A detailed description of the plans for disposition of any archeologically-significant artifacts found or, to be found, on the site.

3. Mitigation Measures

- a. Recommendations for mitigating the project's impact on historic resources, including design alternatives, buffering and landscaping in accordance with this Zoning Ordinance and of the Subdivision and Land Development Ordinance, and any other appropriate measures permitted under the terms of this and other Township Ordinances.
- I. The Historic Resource Impact Statement shall be reviewed by the Warwick Historical Commission, who shall set forth its recommendations in writing within sixty (60) days of receipt of the Study(ies).

SECTION 2407 - REVIEW OF PROPOSED REHABILITATION, ENLARGEMENT OR ALTERATION OF CLASS 2 AND 3 BUILDINGS, STRUCTURES OR SITES

The following regulations shall apply to Class 2 and 3 historic resources:

A. Permits

No permit for the rehabilitation, enlargement or structural alteration of a Class 2 and 3 historic resource shall be issued by the Zoning Officer prior to review and comment on the application by the Warwick Historical Commission, in accordance with the terms of this Section. Permits for historic resources in Registered Historic Districts shall be issued in accordance with Section 2409.

B. Zoning Officer

The Zoning Officer shall forward to the Warwick Historical Commission copies of the application, together with any plans or diagrams required by Ordinance, within five (5) days of receipt of a complete application. All copies of the Application form and plans shall be provided by the Applicant.

C. Warwick Historical Commission

The Commission shall, within thirty (30) days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in Section 2407 below, and prepare a written report to the Zoning Officer, with a copy to be sent to the Applicant, indicating whether the plans are in substantial compliance. The report shall make suggestions, if necessary, as to what specific

changes in the plans would bring them into substantial compliance.

D. Issuance of Permits

Upon receiving a report of substantial compliance from the Warwick Historical Commission, and providing the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.

E. If the Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the permit until the plans have been revised by the Applicant in accordance with the Commission's recommendations; and all other requirements of the Township have been satisfied.

F. A Historic Resource Impact Study shall be required, when any of the following are proposed:

1. Subdivision or land development plans which will lead to the new construction of buildings, structures, roads, driveways, parking areas, etc. located within one hundred (100) feet of the exterior walls of a Class 2 and 3 historic resource.

2. Subdivision or land development plans which propose adaptive reuse or demolition of such historic resources.

3. General bridge or road construction or substantial repair passing within one hundred (100) feet of the exterior walls of a historic resource.

4. Subdivision or land development plans which may impact primary archeological sensitivity areas, especially pre-historic sites. In which case, an archeological impact study shall be submitted, and if archeological resource potential exists, then a Phase I Archeological Study shall be required to be conducted by the Applicant.

G. The Historic Resource Impact Statement shall be prepared and presented by the Applicant or his agent for discussion at a meeting of the Warwick Historical Commission.

H. The Historic Resource Impact Statement shall contain the following information:

1. Background Information

a. If not otherwise provided by the Applicant, a general site description, including existing structures.

b. General description and classification of all historic and pre-historic resources located on the subject tract, on tracts immediately adjacent

to the subject tract or road, or within one hundred (100) feet of the subject tract or road.

- c. Physical description of all historic resources identified in Section H.1.b. above.
- d. Statement of the significance of each historic resource, both relative to the Township and the region in general.
- e. A sufficient number of black and white 5"x7" photographs to show every historic resource identified in Section H.1.b. above, in its setting.
- f. Description of the historical development of the subject tract or road.

2. Proposed Change

- a. General description of project, including time table or phases.
- b. Description of impact on each historic resource identified in Section H.1.b. above, with regard to architectural integrity, historic setting and future use.
- c. Compliance with the Standards of Rehabilitation of Section 2408, as suggested by the Warwick Historical Commission.
- d. General description of the effect of noise, traffic, outside lighting and any other impacts generated by the proposed change on each historic resource and impact on the general rural character of the Township.

3. Mitigation Measures

- a. Recommendations for mitigating the project's impact on historic resources, including design alternatives, buffering and landscaping in accordance with this Zoning Ordinance and of the Subdivision and Land Development Ordinance, and any other appropriate measures permitted under the terms of this and other Township Ordinances.

- I. The Historic Resource Impact Statement shall be reviewed by the Warwick Historical Commission, who shall set forth its recommendations in writing within thirty (30) days of receipt of the Study(ies).

SECTION 2408 - STANDARDS FOR REHABILITATION

- A. Standards for Rehabilitation of Class 1 Historic Resources

Any proposed rehabilitation, enlargement or alteration of a Class 1 historic resource under Section 2406 shall be in substantial compliance with the Secretary of the Department of the Interior's most current Standards for Rehabilitation. (The 1990 standards are below.)

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features or spaces that characterize a property shall be avoided.
3. Each property shall 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 architectural elements from other buildings shall not be undertaken.
4. Most properties change over time; those changes that have acquired significance in their own right should be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship which characterize the exterior of a historic property shall be preserved.
6. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historical materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work should be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction to structures shall be undertaken in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

B. Standards for Rehabilitation of Class 2 Historic Resources

Any proposed rehabilitation, enlargement or alteration of a Class 2 historic resource under Section 2407 should be in substantial compliance with the guidelines below:

1. A property should be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property should be retained and preserved. The removal of historic materials or alteration of features or spaces that characterize a property should be avoided.
3. Each property 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 architectural elements from other buildings should not be undertaken.
4. Most properties change over time; those changes that have acquired significance in their own right should be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship which characterize the exterior of a historic property should be preserved.
6. Deteriorated historical features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historical materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction to structures should be undertaken in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

C. Standards for Rehabilitation of a Class 3 Historic Resource

Any proposed rehabilitation, enlargement or alteration of a Class 3 historic resource under Section 2407 should be in substantial compliance with the guidelines below:

1. Minimize the removal or alteration of historic materials.
2. Repair deteriorated historical features, unless the severity of the deterioration requires replacement, in which case, the new feature should match the old to the greatest extent possible.

SECTION 2409 - REGISTERED HISTORIC DISTRICTS

A. Registered Historic Districts

The provisions of this Section apply only to historic districts and not to individually registered properties in Warwick Township which have been, or may become, registered by the Pennsylvania Historical and Museum Commission in accordance with the Act of June 13, 1961, P.L. 282, as amended, 53 P.S. §8001, et seq., Act 167.

"An Act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

1. The boundaries of currently registered historic districts are shown on the Historical, Architectural and Archeological Resources Map.
2. The provisions of this Section apply to all buildings, and structures within the boundaries of registered historic districts, either currently designated or designated at a date after December 28th, 1994.

3. No contributing structure or building shall hereafter be used, and no structure or building shall hereafter be erected, reconstructed, altered, restored, demolished, in whole or in part, without full compliance with the provisions of Section 2409 and other applicable regulations. (Refer to Warwick Historical Commission for documentation on historical buildings and sites.)

B. Board of Historical Architectural Review

Upon receipt of the resolution of the Pennsylvania Historical and Museum Commission referred to above, the Board of Supervisors shall designate the Warwick Historical Commission, or a subcommittee thereof, as the Board of Historical and Architectural Review (HARB).

1. Membership

HARB shall consist of not less than seven (7) members, one (1) of whom shall be a registered architect, one (1) a licensed real estate broker, one (1) a building inspector, and the remaining four members shall have a knowledge of and interest in the preservation of historic properties.

2. Duties

HARB shall give counsel to the Board of Supervisors regarding the advisability of issuing any certificates which the Board of Supervisors is required to issue pursuant to this Ordinance and the Act of June 13, 1961, and shall hold such hearings and render such reports as are required by this Section, hereof. In determining the counsel to be given to the Board of Supervisors relative to the issuance of a Certificate of Appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historic aspect and nature of the buildings and structures located within the registered historic district, including:

- a. The effect which the proposed change will have upon the general historical and architectural character and appearance of the district; and
- b. The appropriateness of exterior architectural features and the general design of the building or structure and the relation of such factors to the traditional architectural character of the district.

C. Certificate of Appropriateness

No person shall commence any work for the erection, reconstruction, alteration, restoration, demolition of any building or structure located in whole or in part within the registered historic district, without first obtaining a Certificate of Appropriateness with respect thereto from the

Board of Supervisors as provided hereinafter, except in the case of restoration to a structure that has been damaged by a storm or fire, and is being restored to its pre-storm or pre-fire condition.

1. Duties of the Zoning Officer

The Zoning Officer of Warwick Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition, or alteration of buildings or structures subject to the provisions of this Ordinance, shall issue no permit for any such building changes until a Certificate of Appropriateness with respect thereto has been received from the Board of Supervisors.

2. Application for Permit

The application for a building permit for any building or structures subject to the provisions of this Ordinance shall be filed with the Zoning Officer together with the filing fee required under the schedule of fees then in effect. The application shall include a site plan at a scale of one inch to fifty feet (1"=50'), schematic architectural drawings of the proposed construction or changes at a scale of one-fourth inch equal to one foot ($\frac{1}{4}$ "=1'), and such other material and such number of copies thereof as may from time to time be required in accordance with the rules and regulations of the regulations of the Township. Within three (3) days after receiving such application, together with all plans and other documentation submitted therewith, the Zoning Officer shall forward the information to HARB.

3. Standards for Determining Appropriateness

In determining whether or not any proposed change or work for the reconstruction, alteration, restoration, demolition of any contributing building or structure within the registered historic district is appropriate to the district, HARB and the Board of Supervisors shall consider the following criteria, where relevant:

- a. Mass (height, bulk, nature of roof line).
- b. Proportions (height to width).
- c. Nature of yard space.
- d. Extent of pervious areas versus impervious (paved) areas.
- e. The nature of facade openings (doors and windows) - their size, locations, and proportions.
- f. The type of roof (flat, gabled, hip, gambrel, mansard, etc.).

- g. The nature of projections (porches, bay windows, etc.).
 - h. The nature of the architectural details and style.
 - i. The nature of the materials, in terms of such items as texture, and ornamentation.
 - j. Signs and outside lighting that may illuminate beyond the subject property.
- 4. Where the proposed work is to be done on a contributing structure within the district, then the primary basis for comparison shall be the structure itself (in its then-existing state as compared to its state after the proposed work), and the secondary basis for comparison shall be the effect of the proposed work on the district as a whole.
 - 5. Non-contributing buildings, structures or sites within a registered district shall be reviewed under Sections 2409.B. and C., and HARB shall submit a written report to the Board of Supervisors within thirty (30) days of application.

D. Hearing before HARB

Within thirty (30) days from the time a complete application for a building permit is filed with the Township, a hearing shall be held by HARB to consider the recommendations which it will give to the Board of Supervisors. The person applying for the permit shall be given ten (10) days notice of the time and place of the said hearing and shall be invited to appear to explain his reasons for such application.

1. Findings after Hearings

Within thirty (30) days following the conclusion of the hearing or hearings, HARB shall, by official written communication to the applicant, recommend either:

- a. The issuance of a Certificate of Appropriateness authorized in the application as submitted; or
- b. The issuance of a Certificate of Appropriateness subject to specified changes and conditions not included in the application as submitted; or
- c. The denial of a Certificate of Appropriateness with respect to the proposed changes as submitted.

- 2. Failure of HARB to so act within the said period shall be deemed to constitute a recommendation for the issuance of a Certificate of Appropriateness with respect to the application as submitted. In the event

that the recommendation for the issuance of a Certificate of Appropriateness is subject to conditions, the application may, within ten (10) days after receiving a copy of the official written communication from HARB, give notice of his refusal to accept all of the conditions, in which case HARB shall be deemed to have recommended against the issuance of a Certificate of Appropriateness. In the event that the applicant does not, within the said period, notify HARB of his refusal to accept all of the said conditions, conditional approval of the application with all conditions shall stand as granted.

3. Report to Board of Supervisors

Upon or before the expiration of the thirty (30) day period as provided in Section 2409.D.1., HARB shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a Certificate of Appropriateness to authorize a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or a part of any building, site, or area for which an application for a building permit has been made. The written report shall set out the following matters:

- a. The exact location of the area in which the work is to be done.
- b. The exterior changes to be made or the exterior character of the structure to be erected.
- c. A list of the surrounding structures registered to have historical significance, with their general exterior characteristics.
- d. An analysis of the appropriateness of the proposed work, taking into consideration the above criteria, where each such factor is deemed relevant.
- e. The opinion of the Board, including any dissent, as to the appropriateness of the work proposed in regard to preserving or destroying the historic aspect and nature of the building site, or area.
- f. The specific counsel of HARB regarding the issuance of or refusal to issue a Certificate of Appropriateness.
- g. Any changes in plans and specifications recommended by HARB.

E. Public Meeting of the Board of Supervisors

Upon receipt of the written counsel of HARB, the Board of Supervisors shall consider, at the next regularly scheduled meeting of the Board of Supervisors, the question of issuing a Certificate of Appropriateness authorizing a permit for

the work proposed by the applicant. The applicant shall be given ten (10) days' notice of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the meeting held by the Board of Supervisors.

1. Decision of Board of Supervisors

Within fifteen (15) days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication to the applicant, either:

- a. Issue a Certificate of Appropriateness authorizing a permit for the proposed changes as submitted; or
- b. Issue a Certificate of Appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historic character of the building, site, or area which is proposed to be changed; or
- c. Deny a Certificate of Appropriateness with respect to the proposed changes as submitted.

2. Failure of the Board of Supervisors to act within the said period shall be deemed to constitute a decision in favor of the applicant and a Certificate of Appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within ten (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case the Board shall be deemed to have denied a Certificate of Appropriateness. In the event the applicant does not, within the said period, notify the Board of Supervisors of his refusal to accept all of the said conditions, the approval, with all conditions, shall stand as granted.

3. Resolution of Board of Supervisors

The grant or denial of a Certificate of Appropriateness shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, referring to such of the criteria set forth above, which were relevant to its decision. A copy of each resolution of denial shall be forwarded to the Pennsylvania Historical and Museum Commission. A copy of each resolution granting or denying the certificate shall accompany the official written communication to the applicant as provided in this Section.

F. Appeals

Any decision of the Board of Supervisors under this Ordinance, granting or denying a Certificate of Appropriateness or authorizing or refusing to authorize a modification in such Certificate of Appropriateness, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10101, et seq., Act 247, As Amended.

G. Enforcement

The Zoning Officer, or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Ordinance, shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to HARB as may be necessary to assure compliance with the provisions of this Chapter and the conditions of the Certificate of Appropriateness.

SECTION 2410 - USE REGULATIONS

- A. All use regulations related to the Zoning District in which the historic resource is located shall apply, except that:
1. Bed and Breakfast Inn, a Use by Special Exception in the R-A and R-2 Districts, shall be a Conditional Use whenever an historic resource is proposed for adaptive reuse.

SECTION 2411 - AREA AND BULK REGULATIONS

- A. The Area and Bulk regulations related to the Zoning District in which the historic resource is located shall apply, except that:
1. Whenever a lot is to be developed in St. Peters National Historic District or in an "Historic Village Cluster" such as Knauertown or Warwick/St. Mary's, as depicted on the Historical, Architectural & Archeological Resources Map, the Board of Supervisors, as a Conditional Use, may reduce the lot area, the front, rear or side yard setbacks, and other area and bulk regulations, to maintain a consistency in the physical form, scale and character of the village by allowing:
 - a. front porches to occupy the front yard; provided that same are architecturally accurate based on historical documentation;
 - b. detached garages or other outbuildings to occupy the side or rear yard;

- c. other buildings, parts of buildings, or structures, to fit into an existing historic village cluster in order to look like they had originally been part of the historic village cluster.
2. Whenever a conservation easement is involved, the Board of Supervisors, as a Conditional Use, may reduce the area and bulk regulations to more effectively preserve or protect historic resources.
- B. The Board of Supervisors, through the grant of a Conditional Use, may approve requested modifications to the applicable lot area, lot width, or yard requirements for plans affecting historic resources, in accordance with the criteria set forth under Section 2112 of this Ordinance and provided the following additional criteria are met:
1. The approval of the Conditional Use is deemed by the Board of Supervisors to be necessary to the preservation of the historic resource.
 2. The approval of the Conditional Use will be deemed by the Board of Supervisors to have no adverse effect on adjoining properties.
 3. Any plans for the rehabilitation, alteration or replacement of a historic resource proposed to be a part of the Conditional Use Application must be in substantial compliance with the standards contained in Section 2406.
 4. The Warwick Historical Commission and the Warwick Historical and Architectural Review Board (HARB) shall review all requests for Conditional Use approval and evaluate whether requested modifications are necessary for the preservation of the historic resource. The Commission and HARB also shall review any construction plans for their compliance with the standards in Section 2408. Recommendations shall be transmitted in the form of a written report to the Board of Supervisors prior to the rendering of a decision.
- C. Open Space Development

In developments proposing to use Open Space Development in accordance with Sections 404 ~~or~~ 604 or 2604, one (1) additional lot may be created in excess of the maximum number of lots otherwise permissible under the terms of this Ordinance where such lot will contain a historic resource to be preserved as part of a development plan. If one (1) additional lot is created, it shall not render the open space to be less than the required minimum of 40%. Instead, the additional lot may comprise 40% of the net lot area for developments undertaken in accordance with Section 404 or 604, or 50% of the net lot area for developments undertaken in accordance with Section 2604, in lieu of the required minimum open space.