

**BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-_____

“Historic Resource Overlay District Ordinance”

AN ORDINANCE AMENDING THE CODE OF SPRINGFIELD TOWNSHIP, CHAPTER 114 (ZONING), TO ADD A NEW ARTICLE XIII ENTITLED “HISTORIC RESOURCE OVERLAY DISTRICT” SETTING FORTH: LEGAL AUTHORIZATION, LEGISLATIVE INTENT, ROLE OF THE HISTORICAL COMMISSION REGARDING THE INVENTORY, HISTORIC RESOURCES INVENTORY, PERMITTED USES, REQUIREMENTS FOR SPECIAL EXCEPTION APPROVAL AND THE BULK, AREA AND SETBACK REQUIREMENTS; AND FURTHER AMENDING CHAPTER 114 (ZONING), ARTICLE II (DEFINITIONS), SECTION 114-21 (DEFINITION OF TERMS) TO ADD CERTAIN DEFINITIONS RELATED THERETO; AND FURTHER AMENDING THE CODE OF SPRINGFIELD TOWNSHIP TO ADD A NEW CHAPTER 46 ENTITLED “HISTORIC RESOURCES” SETTING FORTH: THE ESTABLISHMENT AND AUTHORITY OF THE HISTORICAL COMMISSION, THE CRITERIA FOR HISTORICAL RESOURCE DESIGNATION, THE HISTORIC RESOURCE INVENTORY, PROCEDURE PRIOR TO DEMOLITION OF IDENTIFIED HISTORIC RESOURCES AND PROCEDURES APPLICABLE TO VIOLATIONS, PENALTIES AND ENFORCEMENT; AND FURTHER AMENDING THE OFFICIAL ZONING MAP OF SPRINGFIELD TOWNSHIP TO INCLUDE ALL PROPERTIES WITHIN THE TOWNSHIP IN THE HISTORIC RESOURCE OVERLAY DISTRICT.

The Board of Commissioners of Springfield Township does hereby **ENACT and ORDAIN** as follows:

SECTION I. – Amendment to Code

The Code of the Township of Springfield, Chapter 114 (Zoning) is hereby amended to add the following new Article XIID entitled “Historic Resource Overlay District”:

ARTICLE XIID. Historic Resource Overlay District

§114-12D0. Legal Authorization.

Pursuant to authority contained in the Act of 1968, Public Law 805, No. 247, as enacted and amended, known as the Pennsylvania Municipalities Planning Code (sections 603, 604, and 605), as amended, Springfield Township hereby amends its zoning ordinance in order to promote, protect, and facilitate the preservation of resources of historic significance and to preserve the historic values in the Township environment. Springfield Township hereby creates a Historic Resource overlay zone for the regulation, restriction, or prohibition of uses, buildings, or structures at, along, or near places having significant historical or architectural interest or value, and which contribute to the historic character of the township.

§114-12D1. Legislative Intent.

It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures, resources and sites of historic, architectural, cultural, archeological, educational and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Springfield Township. To that end, a separate zoning district is hereby created to overlay certain other zoning districts in the Township. The provisions of this Article, along with the provisions of Chapter 46 (Historic Resources) of the Township Ordinances, are intended to:

- A. Promote the general welfare by protecting the integrity of the Historic Resources of Springfield Township.
- B. Establish a clear and public process by which proposed land use changes affecting Historic Resources can be reviewed.
- C. Discourage the demolition of Historic Resources.
- D. Provide incentives for the continued use of Historic Resources and to facilitate their appropriate reuse.
- E. Encourage the conservation of historic settings and landscapes.
- F. Promote retention of historical integrity in the context of proposed land use and/or structural changes.

- G. Identify Historic Resources in the community and to create a Historic Resource Inventory, so that such resources may be preserved.

§ 114-12D2. Applicability; Role of Historical Commission Regarding the Historic Resource Inventory.

- A. The provisions of this article shall apply to all Historic Resources approved by the Board of Commissioners, identified on the Historic Resource Inventory and located within the Historic Resource Overlay District.
- B. The Springfield Township Historical Commission shall have an advisory role on issues related to the exterior alteration, change of use or demolition of historic resources in Springfield Township.
- C. The Springfield Township Historical Commission shall be responsible for evaluating, compiling, maintaining, and publishing the Historic Resources Inventory. The Historical Commission shall periodically review the Historic Resources on the inventory and recommend the addition or deletion of Historic Resources as needed, which recommendations shall then be forwarded to the Board of Commissioners. All actions regarding the Historic Resources Inventory taken by the Historical Commission shall be subject to the approval of the Springfield Township Board of Commissioners.
- D. The receipt by the Township of written notification that the Historic Resource no longer meets the criteria shall be treated by the Historical Commission as a proposal for the re-evaluation of the resource for inclusion on the Historic Resource Inventory.

§ 114-12D3. Historic Resource Inventory.

- A. Historic Resources in Springfield Township shall be designated for inclusion on the Historic Resource Inventory by the Springfield Township Historical Commission in accordance with the procedures and criteria established in Chapter 46, Historic Resources.
- B. Publication. The Historic Resources Inventory shall be made available to the public for inspection at the Springfield Township Building during regular business hours. The Inventory, or parts thereof, may also be made public through other means, including but not limited to display on the Township's website or at a local library.

§ 114-12D4. Permitted uses.

The following uses and no other shall be permitted for a Historic Resource in the Historic Resource Overlay District, subject to requirements stated elsewhere in Springfield Township Code:

- A. Any use permitted (including legally existing non-conforming uses) in the underlying zoning district in which the property is located.
- B. When authorized as a special exception in compliance with the special exception standards contained in Sections 114-12D6 and 114-165 of this Article, subject to obtaining a recommendation from the Historical Commission, pursuant to Chapter 46, Historic Resources, a property upon which a Historic Resource is situated may be used for the following uses, where such property obtains access from any cartway:
 - (1) Bed-and-breakfast, subject to the following conditions:
 - (a) Dwellings shall have a gross habitable floor area of no less than 2,500 square feet;
 - (b) No more than five (5) guest suites shall be permitted in any one bed-and-breakfast establishment;
 - (c) A lot area of not less than 15,000 square feet. Bed-and-breakfast establishments with more than 3 guest suites shall have a lot area of not less than 5,000 square feet per guest suite;
 - (d) A single bed-and-breakfast establishment shall provide lodging to no more than fifteen (15) guests at any one time;
 - (e) The guest suites shall not contain a kitchen or cooking facilities;
 - (f) The use of any amenities provided by the establishment, such as swimming pools or tennis courts, shall be restricted in use to guests currently staying at such establishment; and
 - (g) Off-street parking spaces shall be provided at a rate of one space per guest suite in addition to the number of parking spaces required for any other permitted use.
 - (h) The property owner, or the manager or lessee of the facility must reside on the premises.
 - (2) Cultural Studio, subject to the following conditions if located in a residential zoning district:
 - (a) The use shall be limited to one (1) class at a time with not more than ten (10) students in a single class and not more than two (2) instructors.

- (b) The property owner, or the manager or lessee of the Cultural Studio must reside on the premises.
- (3) Professional Home Office, subject to the following conditions if located in a residential zoning district:
 - (a) Professional Home Office, limited to one (1) employee per 250 square feet of gross habitable floor area devoted to the professional office use.
 - (b) One (1) additional off-street parking space is required for client use. One (1) additional off-street parking space is required for each employee that does not reside on the premises.
 - (c) The property owner, or the manager or lessee of the office must reside on the premises.
- (4) Academic or technological research facility, not including a biological, medical or chemical laboratory with a limit of one (1) employee per 500 square feet of gross habitable floor area devoted to the facility use.
 - (a) Research facility limited to one (1) employee per 500 square feet of gross habitable floor area devoted to the facility use.
 - (b) One (1) additional off-street parking space is required for each employee that does not reside on the premises.
 - (c) The property owner, or the manager or lessee of the facility must reside on the premises.
 - (d) The research facility shall not use, test, create, store or otherwise involve any hazardous or biohazardous materials or waste.
 - (e) The research facility shall not produce any smoke, flames, noxious fumes, noise, vibrations or other byproduct which adversely affects the surrounding area.
- (5) Food preparation or catering facility not involving food consumption on the property by guests or customers, and employing not more than three (3) persons on the premises.
 - (a) One (1) additional off-street parking space is required for client use. One (1) additional off-street parking space is required for each employee that does not reside on the premises.

- (b) The property owner, or the manager or lessee of the facility must reside on the premises.
- (6) Personal service shop, including tailor, barber, beauty salon, dressmaking or similar shop, but not including dry cleaning or laundromat, with a limit of one (1) employee per 500 square feet of gross habitable floor area devoted to the service shop use.
 - (a) One (1) additional off-street parking space is required for client use. One (1) additional off-street parking space is required for each employee that does not reside on the premises.
 - (b) The property owner, or the manager or lessee of the shop must reside on the premises.
- (7) Repair service shop, including repairs for small appliances, small business machines, clocks, watches, household furnishings, shoes, bicycles and locks, but shall not include automobile, truck, motorcycle or lawnmower repair, with a limit of one (1) employee per 500 square feet of gross habitable floor area devoted to the repair service use.
 - (a) One (1) additional off-street parking space is required for client use. One (1) additional off-street parking space is required for each employee that does not reside on the premises.
 - (b) The property owner, or the manager or lessee of the shop must reside on the premises.
- (8) Assisted living facility, personal care facility or home for the aged on a parcel having a gross lot area of at least three (3) acres. The requirements of Section 114-8D4A shall apply.
- (9) Gallery or antique shop, subject to the following conditions:
 - (a) If the property is located in a residential zoning district, the area devoted to the use shall be limited to one thousand five hundred (1,500) square feet.
 - (b) Customarily related retail sales shall be allowed for these uses.
 - (c) No outdoor display, including objects attached to the building, are permitted.

- (d) The property owner, or the manager or lessee of the gallery or shop must reside on the premises.
- (10) Accessory apartment. One (1) single-family apartment unit located in a structure accessory to the principal dwelling, provided that:
- (a) The accessory structure is determined by the Zoning Hearing Board to be a contributing resource and is identified as such on the Historic Resource Inventory;
 - (b) The accessory apartment shall be the only other dwelling unit on the property; and
 - (c) Two (2) off-street parking spaces shall be required for the accessory apartment, in addition to the parking spaces necessary for the principal use of the property.
 - (d) The property owner must reside on the premises.
- (11) A legally existing, non-residential, non-conforming use operated in a building classified as a Historic Resource, and located in a residential zoning district, may be converted to a multifamily use, provided each dwelling unit shall have no fewer than 1,250 square feet of area.
- (a) The area within the perimeter of the building measured at grade level may be expanded by up to 25% in conjunction with a conversion to a multifamily use, provided there exists between the multifamily use and the nearest adjacent permitted use at least 250 feet.
 - (b) The area within the perimeter of the building measured at grade level may be expanded by up to 50% in conjunction with a conversion to a multifamily use, provided there exists between the multifamily use and the nearest adjacent permitted use at least 500 feet.
 - (c) The property owner must reside on the premises.
- (12) A two-family dwelling use or a multiple dwelling use, provided that such Historic Resource building is lawfully and principally used for, or was originally designed to be used as a religious house of worship, club or lodge use. If a non-historic accessory building also exists on the lot upon which the principal building is situated, the non-historic building may also be converted to a two-family dwelling use or a multiple dwelling use. The dwelling uses permitted by this subsection are subject to the following requirements:

(a) The minimum lot area requirement for the district in which the subject lot is located shall be provided for each dwelling unit operated on the property. During the operation of the two-dwelling use or multiple dwelling use on a property, such property shall not be subdivided to reduce the lot area to less than the minimum area requirement contained in this section. No future subdivision of the property may reduce the lot area below the minimum requirement. A covenant shall be recorded against the property to document this restriction.

[1] Where any portion of the lot contains a cemetery, the lot area devoted to the cemetery use shall not be included as part of this minimum lot area requirement.

(b) There shall be no external alteration of the converted building except for the following. In all cases of external alteration for a Historic Resource the applicant will be required to obtain a recommendation from the Historical Commission:

[1] Those alterations necessary for safety or compliance with the accessibility and exiting requirements in the International Building Code or other applicable law;

[2] Openings required by the International Building Code to accommodate new windows and doors;

[3] Vents or exhausts for mechanical systems;

[4] Upper floor balconies on the side or rear of the building;

[5] Building additions:

[a] For buildings with 5,000 or more square feet of total habitable floor area, building may be expanded by no more than 10% of the existing building's total habitable floor area, but in no case exceeding 1,000 square feet.

[b] For buildings with less than 5,000 square feet of total habitable floor

area, the building may be expanded by no more than 20% of the existing building's total habitable floor area, but in no case exceeding 1,000 square feet;

- [6] New stairways located to the rear of the building unless required by the International Building Code to be located on the side of the building; and
- [7] Wooden decks, grade level patios or open porches, consisting of an area of no more than 300 square feet when located in the rear yard.
- [8] Any alteration deemed to preserve the historic nature of the Historic Resource subject to the recommendation of the Historical Commission.

(c) A detached private garage or parking structure for residential use is permitted subject to the recommendation of the Historical Commission that the new construction does not negatively impact the Historic Resource and the new construction complies with all applicable Code requirements, subject to compliance with the following requirements:

- [1] Any detached private garage shall be located to the rear or side of the existing building to be converted and each garage is limited to a maximum of two cars and is no larger than a total of 600 square feet. A detached private garage(s) shall be subject to the setback requirements in the zoning district.

(d) The Zoning Hearing Board shall specify the maximum number of families and dwelling units permitted to occupy such building and may prescribe such further conditions and restrictions with respect to the conversion and use of such building and to the use of the lot as it deems appropriate to achieve the following objectives:

- [1] Retains the visual character of the building and the grounds surrounding it as they were designed and/or as they have traditionally been maintained.

- [2] Assures the quiet enjoyment of residents living adjacent to the property and the quiet enjoyment of those future residents living in the converted building.
 - [3] Assures that adequate parking is provided for residents of the building and their guests.
 - [4] Traffic generated by the proposed use, when combined with the current use, shall not result in a level of service lower than C for adjacent streets and/or the nearest intersections thereof, or, if the level of service is already C or below, shall not further reduce such level of service. The Zoning Hearing Board may require a traffic impact study if needed to assure compliance with this subsection. If required, the Township Engineer shall determine the scope of the study and the assumptions utilized. The Zoning Hearing Board may impose conditions to mitigate the adverse impact of traffic generated by the proposed use consistent with the requirements set forth above.
- (e) A planted buffer shall be required meeting the buffer standards in § 114-71.D(3) unless a specific finding is made by the Township Engineer that the use of adjacent properties will be sufficiently protected from the impact of the converted building by a lesser buffer, or by no buffer at all; however, surface parking spaces shall be located a minimum of five feet from any property line abutting a residential use.
 - (f) All new dumpsters, mechanical equipment and any other similar improvements added to the exterior of the building or property, whether appurtenant thereto or on the property where the building is located, shall be visually screened from adjacent properties by a wall, fence or landscape buffer.
 - (g) The required parking shall comply with § 114-134 except as noted herein:
 - [1] In the case of a mixed-use Historic Resource where a residential use is created in accordance with this subsection, then the existing on-site parking may be shared by

both uses, provided that there are at least two (2) parking spaces on the lot dedicated for each dwelling unit.

- (h) A Historic Resource Impact Study as outlined in § 114-12D7 shall be performed and submitted with the Special Exception application.

C. All uses permitted under this Article shall comply with the following provisions:

- (1) All uses permitted under this Article shall not commence before the issuance of a Certificate of Use & Occupancy.
- (2) All uses shall be registered with the Springfield Township Zoning Officer by the property owner, by sending written notice of same to the Zoning Officer within thirty (30) days of the commencement of the use or of a change to another permitted use.
- (3) When a property no longer includes any Historic Resource, whether by act or accident of man or nature, or by removal from the Historic Resources Inventory, any use allowed by this Article shall be fully discontinued immediately.
- (4) 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.
- (5) Unless otherwise permitted herein, no retail sales shall be allowed on the premises other than transactions incidental to the permitted use.
- (6) There shall be no outside storage of materials, equipment, supplies, or commercial vehicles associated with any use allowed solely by this Article.
- (7) If the property is not served by public sewer, the owner shall furnish a valid Montgomery County Department of Health permit demonstrating that the existing on-lot sewage disposal system is capable of handling the projected increased load. If the property is served by public sewer, the applicant shall submit documentation that the proposed use will be accommodated by the public sewer system, and that the appropriate number of EDUs for the uses on the property has been acquired.

D. For all uses permitted by Sections 114-12D.4, above, which are located in a residential zoning district, the following regulations shall apply:

- (1) To the extent that they are visible from neighboring properties, new off-street parking areas for guests, students, employees, patients or clients shall be screened by plant material, or a combination of plant material, fencing or berms, to a height of at least five feet.
- (2) There shall be no use of show windows or display or advertising visible outside the premises, other than a single, non-illuminated sign not exceeding two square feet.
- (3) The hours of operation for the uses listed in Sections 114-12D4.B(2), (3), (4), (5), (6), (7) and (10) shall be limited to no more than 12 hours daily occurring between 7:00 a.m. and 9:00 p.m.
- (4) No use shall be permitted which generates noise perceptible at the property line.
- (5) Site lighting shall be designed to screen the source of illumination and glare from adjacent properties.
- (6) Special events which will generate an unusual volume of traffic beyond that normally generated by the permitted use on a daily basis, such as fund-raising events, recitals, performances, lectures and exhibitions, are prohibited unless specifically allowed by the terms of the special exception in which case the applicant shall have the burden of proving that the public interest will be protected considering the special exception criteria set forth in Section 114-12D6.B.
- (7) No square footage added to a property within the last fifty (50) years of the date of application may be used in the calculation of gross habitable floor area for purposes of this section.

E. In addition to the uses permitted in Subsection B above, a lawful nonconforming use existing on property may obtain status as a legally conforming use upon special exception approval, provided that: (i) the property upon which the use is located is zoned residentially; (ii) a Historic Resource is situated on the property; and (iii) the property obtains access from a primary or secondary street. The provisions of this subsection shall only be applicable to a property or properties held in single ownership as of the effective date of this article, and further subject to the following conditions:

- (1) The guarantee referenced in Section 114-12D6.B(4) has first been submitted and approved by the Township prior to a request for approval under this Section 114-12D4.E.
- (2) Such use must be permitted by right, or by special exception within one of the residence districts as listed elsewhere in this code.

- (3) Any new buildings, additions to existing buildings, or expansion of use on the property must meet the bulk requirements of the underlying zoning district with respect to yard setbacks, building area, impervious surface and height, except to the extent such property is already nonconforming or to the extent modified pursuant to the provisions of Section 114-138.
- (4) Buffer area shall be a minimum of 20 feet in width along the side or rear property lines with an additional one foot in width added for every 1,000 square feet (or portion thereof) of new or expanded floor area in excess of 7,000 square feet of habitable floor area, with a maximum buffer area requirement of 50 feet. Any existing improvements that project into the required buffer area may remain, provided that they were lawful when built.
- (5) Site lighting shall be designed to shield the source of illumination to prevent glare on adjacent properties.
- (6) Any assisted living facility, personal care facility or home for the aged shall be permitted only on a property having a gross area of at least three acres.
- (7) Off-street parking shall be provided at a rate of 0.6 parking spaces for each bed in the case of a sanatorium, nursing home, convalescent home or home for the aged. All other provisions of Section 114-134, Off-Street Parking Facilities, shall apply that are not in conflict with this requirement.

§ 114-12D5. Bulk, area and setback requirements.

The requirements applicable to the underlying zoning district relating to building area, impervious surfaces and front, side and rear yard setbacks may be modified by up to 15% with respect to Historic Resources, or permitted additions thereto, subject to obtaining a recommendation from either the Historical Commission, pursuant to Chapter 46, Historic Resources, and subject to obtaining a special exception from the Zoning Hearing Board. These modifications shall apply to the area of the lot as it existed on date of enactment of this Article.

- A. Where the requirements are modified pursuant to this section, the applicant must demonstrate to the satisfaction of the Zoning Hearing Board that the degree of relief is required to accommodate the reasonable development, use or enhancement of the Historic Resource.
- B. The additional building area and impervious surface coverages permitted by this section may each not exceed 50% of the building area of the Historic Resource.

- C. Where the requested relief is determined by the Zoning Hearing Board to be essential to the preservation of the Historic Resource because without such relief it would not be physically or economically possible to maintain the Historic Resource, the Zoning Hearing Board may, by special exception, reduce such requirements to a greater degree than permitted by this section to protect the Historic Resource.

§ 114-12D6. Specific requirements for special exception approval.

- A. Application procedures for special exception approval.
- (1) In addition to the special exception application requirements contained in Section 114-165 (Special Exceptions and Variances) of the Township Zoning Ordinance, an applicant seeking special exception approval under the provisions of this Article shall submit the following to the Township along with any special exception application:
 - (a) Name and address of the record owner and applicant (if different).
 - (b) Recent photographs of the Historic Resource;
 - (c) A detailed narrative description of the proposed use(s);
 - (d) Any physical changes proposed for the affected Historic Resource(s) and their surrounding landscape; and
 - (e) Any proposed modifications to otherwise applicable area, bulk and parking regulations.
 - (2) The application shall be accompanied by a Historic Resource impact study, as defined in Section 114-12D7 below, where any land development or subdivision is proposed on any property that contains any Historic Resource(s).
 - (3) Upon receipt by the Township of a special exception application under this Section, such application shall be forwarded to the Historical Commission, which shall, at a regular or special meeting, review the application and promptly forward its recommendations to the Zoning Officer for distribution to the Zoning Hearing Board. In formulating its recommendations, the Historical Commission shall consider each of the criteria imposed by this section for the grant of special exception approval.
 - (4) Any special exception granted under this article shall expire unless a building permit to perform the work for which the special exception was sought, or a Use & Occupancy certificate to allow

such use, is issued within one year after the same shall have been granted.

B. Criteria for the grant of special exception approval. Where a use is permitted in the Historic Resource Overlay District by special exception, that use shall not be granted unless the following requirements have been satisfied in addition to those set forth at Section 114-165 (Special Exceptions and Variances) of the Township Zoning Ordinance:

- (1) The applicant shall have the burden of demonstrating that approval of the application will not jeopardize the preservation of the Historic Resource(s) contained on the property subject to application. To sustain this burden the applicant shall present evidence demonstrating the following:
 - (a) The exact location of the area in which the use is proposed to be operated, including, but not limited to, any construction, installation or renovation intended as a part of the proposed use.
 - (b) The exterior changes to be made or the exterior character of the structure to be erected.
 - (c) The effect of the proposed change upon the general historic and architectural nature of the property.
 - (d) The appropriateness of exterior architectural features of structures involved with the proposed work.
 - (e) The general design, arrangement, texture, material, scale, mass and color of any affected building, structure or site and the relation of such factors to similar features of other structures on the property.
 - (f) That rehabilitation work will not destroy the distinguishing qualities or character of the Historic Resource and its environment.
 - (g) In the event that replacement of contributing architectural features is necessary, the new material should, as closely as possible, match the material being replaced in kind. At a minimum, the composition, design, color, texture and other aesthetic qualities shall be sympathetic to and in character with the Historic Resource. In instances where original materials are either unavailable or their use economically infeasible, the Zoning Hearing Board 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.

- (h) Distinctive stylistic features or examples of skilled craftsmanship shall be preserved.
 - (i) Changes which may have taken place in the course of time are evidence of the history and development of the building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (j) 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 most current version of the Secretary of the Interior's Standards for Rehabilitation of Historic Structures, as amended, shall be used as a guideline in carrying out any plans involving the rehabilitation, alteration or enlargement of Historic Resource(s).
 - (3) Where plans involving the rehabilitation, alteration or enlargement of Historic Resource(s) will result in all or portions of any such resource(s) remaining unoccupied, such unoccupied resources shall be securely sealed and barred off and the utilities turned off for safety, in a manner not jeopardizing historical integrity, as per the most current construction techniques for historic structures.
 - (4) A means to guarantee the permanent protection of the historical integrity of the subject resource(s), such as the establishment of conservation easement(s) or appropriate covenants in a form acceptable to the Township Solicitor, shall be provided.
 - (5) The applicant shall have the burden of proving that the historical integrity of the resource has been provided for through the design of the building improvements as well as through implementation of buffering, landscaping, lighting, storage, access and traffic management, interior circulation, loading, parking, fencing, signage and all other land development features.
 - (6) The applicant shall have the burden of proving that the grant of the application will not be destructive of the integrity of the Historic Resource or detrimentally affect the value of surrounding properties.
 - (7) The applicant shall demonstrate compliance with the requirements of the underlying zoning district, unless such requirements are expressly modified in this Article XIID or pursuant to zoning relief

granted by the Zoning Hearing Board, including, but not limited to, permitted impervious coverage, setbacks and lot size.

- (8) The applicant must comply with the parking requirements for the proposed use as set forth in this article. The Zoning Hearing Board may prohibit any additional parking between the right-of-way and the facade of the building if the Board finds such parking would negatively impact the historical integrity of the resource subject to the advice of the Historical Commission.
- (9) The applicant must comply with the requirements of this Chapter 114 (Zoning) with respect to signage. The Zoning Hearing Board may condition approval on a reduction in the size of the signage if it determines that the permitted signage will obstruct views required to assure the safety of the public or to retain the historic quality of the property.
- (10) The Zoning Hearing Board may attach conditions to achieve the objectives set forth in this section and to promote the public health, safety and welfare.

§ 114-12D7. Historic Resource impact study.

- A. The Historic Resource impact study shall be prepared by a qualified land planner with professional expertise in historic preservation, historical architecture or related disciplines as provided for in 36 Code of Federal Regulations (CFR) 61.
- B. Contents. The study shall contain the following information unless the Zoning Hearing Board determines that certain items noted shall not be pertinent to the application:
 - (1) Background information.
 - (a) If not otherwise provided by the applicant, a site plan, including existing structures, topography, watercourses, vegetation, landscaping, existing drives, etc.
 - (b) General description and classification of all Historic Resources located on the subject tract as shown on the site plan, or on tracts immediately adjacent to the subject tract.
 - (c) Statement of the significance of each Historic Resource, both relative to the Township and region in general.
 - (d) Sufficient number of black and white eight-inch by ten-inch photographs of archival quality and a copy of the photographs on a digital source to show every Historic

Resource identified in Subsection B(1)(b) above, in its setting.

- (e) Narrative description of the historical development of the subject tract.
- (2) Proposed change.
 - (a) General description and site plan of the project, including time table or phases.
 - (b) Description of impact on each Historic Resource with regard to architectural integrity, historic setting and future use.
 - (c) General description of effect of noise and traffic and other impacts generated by the proposed change on any Historic Resource.
- (3) Mitigation measures. Recommendations for mitigating the project's impact on Historic Resources, including design alternatives, buffering, landscaping, conservation of existing vegetation and any other appropriate measures permitted under the terms of the Township Code.

Any other information requested by the Historical Commission or Zoning Hearing Board or required by this Article.

SECTION II. – Amendment to Code.

The Code of the Township of Springfield, Chapter 114 (Zoning), Article II (Definitions), Section 114-21 (Definition of Terms) is hereby amended to add the following definitions:

ALTERATION OR ALTER

Any act or process requiring a Building Permit and any other act or process not requiring a Building Permit but specifically listed in the Historic Resource Overlay District as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object, or any part of a structure which constitutes the principal public street facade visible from the public right-of-way. Corner properties shall have a maximum of two facades which can be considered for reviewable actions.

CULTURAL STUDIO

An interior building area used for the creation of the products of various artistic mediums and handicrafts; and for expressions of the creative arts. The teaching of the arts and handicrafts within a Cultural Studio is allowed for individuals and small

groups not to exceed 6 individuals. The teaching of the arts shall include the following: fine arts, dance, drama, photography, music or similar artistic mediums. The teaching of handicrafts shall include the following: ceramics/pottery, needlework, knitting, weaving, jewelry making, glasswork, leatherwork, woodwork, metalwork or the similar creation of decorative objects made by hand. A Cultural Studio shall not be permitted to host exhibitions, performances, recitals, or other events for the display of the creative arts produced therein.

DEMOLITION OR DEMOLISH

The razing or destruction, whether entirely or in part, of the exterior of a building, structure, resource, or site. Demolition includes the removal of a building or structure from its site or the removal or destruction of the façade or any significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction. This definition shall not be construed to include the ordinary maintenance or repair of any building, structure, site, or object where such work does not otherwise require a permit and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site, or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

HISTORIC BUILDING

Any complex physical construction and its appurtenances with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is a combination of materials assembled in an “enclosed” configuration, created in whole or in part to shelter primary forms of human activity, and which is permanently affixed to the land. Examples of Historic Buildings include, but are not limited to, those listed under “Building” in the current version of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

HISTORIC OBJECT

Any simple physical construction or composition, typically small in scale, with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is typically singular in material combination, created primarily for informational, functional, or aesthetic purposes, and which is related to a specific setting or environment, often affixed to the land, yet may be movable by nature or design. Examples of historic objects include, but are not limited to, those listed under “Object” in the current version of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

HISTORIC RESOURCE

All Historic Buildings, sites, and objects which are designated on the Township's Historic Resource Inventory.

HISTORIC STRUCTURE

Any complex or simple physical construction, with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is a combination of materials assembled in an "open" configuration of interdependent and interrelated parts in a definite pattern of organization, created in whole or in part to facilitate secondary or indirect forms of human activity, and which is affixed to the land. Examples of historic structures include, but are not limited to, those listed under "Structure" in the current version of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

PROFESSIONAL HOME OFFICE

A lawful occupation or profession conducted within a dwelling and carried on by the occupants thereof, having not more than two (2) non-occupant persons as employees, where no more than one (1) client may be on site at any one time. A Professional Home Office use shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof, or involve any vehicular or pedestrian pickup, delivery or removal functions to or from the premises in excess of those normally associated with such residential use. There shall be no display, no stock in trade and no outside storage of equipment upon the premises. Professional Home Offices shall not include the retail sales of any items, barber shops, beauty shops, funeral homes, or any activity involving the repair, servicing, or cleaning of any motorized vehicles or equipment.

Examples of permitted Professional Home Offices include: accountants, architects, artists, authors, attorneys, clergy, dentists, doctors, engineers, musicians, optometrists, realtors, teachers/tutors and other similar professions.

SECTION III. – Amendment to Code.

The Code of the Township of Springfield is hereby amended to add the following new Chapter 46 entitled "Historic Resources":

Chapter 46 Historic Resources

§ 46-1. Creation, membership, and compensation.

The Board of Commissioners of Springfield Township, Montgomery County, Pennsylvania, (hereinafter referred to as the "Board") does hereby create the Springfield Township Historical Commission (hereinafter referred to as the "Commission"). Such Commission shall be composed of a total of five (5) members, plus one (1) alternate member, who shall all serve without compensation. The Board may appoint a liaison to the Historical Commission from among its members as part of its annual reorganization in January.

§ 46-2. Purpose.

It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures, sites and landscapes of historic, architectural, cultural, archeological, educational and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Springfield Township. To that end, the Township has undertaken to identify and document its Historic Resources. The provisions of this article, coupled with the provisions of Chapter 114 (Zoning), Article XIID (Historic Resource Overlay District), are intended to:

- A. Promote the general welfare by protecting the integrity of the Historic Resources of Springfield Township.
- B. Establish a clear and public process by which proposed land use changes affecting Historic Resources can be reviewed.
- C. Discourage the demolition of Historic Resources.
- D. Provide incentives for the continued use of Historic Resources and to facilitate their appropriate reuse.
- E. Encourage the conservation of historic settings and landscapes.
- F. Promote retention of historical integrity in the context of proposed land use and/or structural changes, including scale and texture.
- G. Encourage the historic preservation of features, including landscapes, that contribute to the Township's historic character by:
 - (1) Establishing a Historical Commission to advise owners regarding historically-appropriate alterations to historic resources;
 - (2) Educating the community about historic preservation and the Township's history through publications, workshops and events;
 - (3) Assisting owners of Historic Resources with nomination to the National Register for Historic Preservation; and
 - (4) Providing assistance to owners to make ownership of a Historic Resource more affordable by permitting additional uses that can generate revenue.

§ 46-3. Appointment, term, organization and vacancy.

- A. The Board shall appoint all members of the Commission for staggered three-year terms of office, with the initial terms using the following format: one-third of the positions as one-year terms, a second-third as two-year

terms, and the remainder as three-year terms, with all successive members' terms being three years or until a qualified successor is appointed.

- B. A majority of the Historical Commission shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of a majority of the Historical Commission, regardless of the number actually present.
- C. If, by reason of absence or disqualification of any regular member of the Commission, a quorum is not reached, the Chair of the Commission shall designate the alternate member of the Commission to sit on the Commission to provide a quorum. The alternate member of the Commission shall continue to serve on the Commission in all proceedings involving the matter or case for which the alternate was initially appointed until the Commission has made a final recommendation on the matter or case.
- D. When seated pursuant to Subsection C above, an alternate shall be entitled to participate in all proceedings and discussions of the Commission to the same and full extent as provided by law for regular Commission members, including, specifically, the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties of a regular Commission member. When not seated pursuant to Subsection C above, an alternate shall not be entitled to vote as a regular member of the Commission but shall be entitled to participate in any proceeding or discussion of the Commission.
- E. The Chair of the Commission shall promptly notify the Board of Commissioners concerning vacancies in the Commission, and such vacancies shall be filled for the unexpired term by the Board.

§ 46-4. Membership Qualifications.

- A. Except as otherwise prohibited by the First Class Township Code or the Municipalities Planning Code, an officer or employee of the Township may be a member of the Historical Commission, but at least four of the five members of the Commission shall be non-employee, citizen members.
- B. Members of the Historical Commission shall either be residents of the Township or the operator of a business which is located in the Township.
- C. To the extent possible, the Historical Commission shall include at least one of each of the following: a registered architect with a minimum of five years' experience with historic preservation, an architectural historian, a member of the board of directors of the Springfield Township Historical Society, a member of the Township Planning Commission, an operator of a business located within the Township and any other person that the Board shall deem to have sufficient knowledge in the field of historic preservation. A single member may qualify for more than one area of expertise. The

resume' showing the qualifications of the members shall be filed with the Township Secretary.

§ 46-5. Duties of the Historical Commission.

The Historical Commission shall perform those duties established by this chapter and by Chapter 114 (Zoning), Article XIID (Historic Resource Overlay District) and shall recommend to the Board of Commissioners those properties to be placed on, or removed from the Historic Resource Inventory.

The Commission shall have the following duties:

- A. Establish procedures for evaluating, compiling, maintaining and publishing an updated Historic Resource Inventory.
- B. Propose additions, updates and changes to the Historic Resources Inventory to the Board.
- C. Provide recommendations to the Board, Planning Commission, Zoning Hearing Board and Community Development Department, as provided for in this chapter and in Township Zoning Ordinance, regarding the use, alteration, preservation or demolition of resources of historic significance located in the Township.
- D. Keep records of resolutions, transactions, and findings of the Commission. These records shall be considered public, except for archaeologically-sensitive locations, subject to the public disclosure laws of the Commonwealth of Pennsylvania, as amended.
- E. Make a written report by March 1 of each year of the Historical Commission's activities to the Board. Interim reports may be made as often as necessary, or as requested by the Board.
- F. Provide advice on Historic Resources concerning the appropriateness of the proposed erection, reconstruction, alteration, restoration, rehabilitation, repair, demolition or razing of a building, structure or site, which may have historical significance.
- G. Provide advice on Historic Resources in regards to repairs, maintenance methods and technologies, adaptive reuse, and other preservation strategies.
- H. Maintain communication with state and federal historical agencies to obtain current lists of National Historic Landmarks or eligibility for the National Register of Historic Places.
- I. Support the Township's efforts to promote the benefits of historic preservation through media and educational programs.

- J. Prepare and maintain a list of properties in the Township that the Historical Commission finds to be desirable or eligible for inclusion in the Historic Resource Inventory.

§ 46-6. Rules and regulations.

- A. The Commission may, for its own organization and procedure, make and alter rules and regulations consistent with this article and the laws of the Commonwealth, subject to the approval of the Board of Commissioners.
- B. The Commission may cooperate with the Springfield Township Historical Society or similar resources in investigations of historical matters.
- C. Commission members shall obtain permission of the owner before entering into or onto private property.

§ 46-7 Historic Resource Inventory.

A Historic Resource Inventory is hereby established of buildings, objects, structures and sites in the Township designated for preservation. The inventory and a system for the survey and inventory of the Township's Historic Buildings, Objects and Structures and sites shall be appended to the Township Code and shall be available for public inspection in the office of the Township Community Development Department. Initially, the Historic Resource Inventory shall consist of those resources designated on the list appended to Chapter 46, Historic Resources. Resources may be added or removed from the Historic Resource Inventory as follows:

- A. Criteria for designation. A building, object, structure or site, or a complex of the same, may be placed on the Historic Resource Inventory if it is found to meet any of the following criteria:
 - (1) The resource has significant character, interest, or importance as part of the development, heritage, or cultural characteristics of the Township, county, region, state, or nation, or is associated with the life of a person significant in the Township's past.
 - (2) There exists architecture, archaeology, engineering, or culture in the resource, whether in buildings, objects, structures or sites, which possess design, setting, materials, workmanship, feeling, or association of historical significance.
 - (3) The resource is associated with events or persons of historical importance; or that have significant character, interest or value as part of the development of the Township, county, region, state, or nation; or exemplify its cultural, political, economic, social or historical heritage; or that have yielded, or may be likely to yield, information important in history or prehistory.

- (4) The resource embodies the distinctive characteristics of a type, period, architectural style, engineering technique or process, or method of construction or contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or that represent a significant and distinguishable entity whose components may lack individual distinction, or that is the noteworthy work of a designer, architect, landscape architect or engineer whose work has influenced the historical, architectural, economic, social or cultural development of the Township, county, region, state or nation;
 - (5) The resource is part of or related to a commercial center, park, community or other distinctive area which should be preserved according to a historic, cultural or architectural motif; or that owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Township.
 - (6) The resource has yielded, or may be likely to yield, information important in pre-history or history.
 - (7) The resource exemplifies the cultural, political, economic, social, or historical heritage of the community.
 - (8) Any resource which is included on the National Register of Historic Places shall be included on the Historic Resource Inventory.
- B. Procedure for designation or removal. Any property proposed for designation on or removal from the Historic Resource Inventory shall be proposed by or shall first be referred to the Historical Commission, which shall hold a public meeting thereon.
- (1) A landowner shall be permitted to submit an application to the Township Historic Commission requesting that the landowner's property be included on the Historic Resource Inventory. Applications for inclusion on the Historic Resource Inventory shall not be permitted to be submitted by any person not having an ownership interest in the property proposed to be included.
 - (2) At least 30 days before holding a public meeting to consider the proposed designation or removal of a building, structure or site as historic, the Historical Commission shall send notice to the owner of the property proposed for designation. Such notice shall indicate the date, time and place of the public meeting at which the Historical Commission will consider the proposed designation or removal. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Township

Treasurer and sent to the "owner" at the street address of the property in question.

- (3) Any interested party may present testimony or documentary evidence regarding the proposed designation or removal at the public meeting.
- (4) The Historical Commission shall present its written report to the Board of Commissioners, the applicant and any person granted party status at the public meeting within 60 days following the public meeting, basing its recommendation upon those criteria for designation established in this section. A property shall be recommended for removal from the Historic Resource Inventory if it does not currently meet the criteria for designation. The report shall include a summary of the information and copies of all documents presented at the meeting and used by the Historical Commission in making its recommendation.
- (5) Based upon the criteria set forth in this section and after receiving the recommendations of the Historical Commission, the Board of Commissioners shall from time to time add or delete buildings, structures and sites to or from the Historic Resource Inventory. Written notice of the action of the Board of Commissioners shall be given to the property owner and to any person appearing at the public meeting of the Historical Commission who requests notification.

C. **Publication.** The Historic Resources Inventory shall be made available to the public for inspection at the Springfield Township Building during regular business hours. The Inventory, or parts thereof, may also be made public through other means, including but not limited to display on the Township's website or at a local library.

§ 46-8. Alteration or Demolition of Identified Historic Resources.

- A. The terms "alteration", "alter", "demolition" or "demolish" shall refer to the definitions provided in Chapter 114, entitled "Zoning" of this Code.
- B. No identified Historic Resource listed on the Historic Resources Inventory shall be altered, demolished, removed or relocated until the provisions as provided herein have been satisfied, whereupon alteration, demolition, removal or relocation of the Historic Resource shall be allowed. For the purposes of this Chapter, a removal or relocation of a Historic Resource shall constitute an alteration, and shall be covered by a Historic Resource Alteration Permit. These provisions shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site, or object where such work does not otherwise require a permit and where the purpose

and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site, or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

C. Alteration Permit and Demolition Permit requirements for Identified Historic Resources:

- (1) A complete Historic Resources Alteration Permit and Demolition Permit Application shall be submitted to the Township Zoning Officer. A Building Permit or Demolition Permit may not be submitted until the Historic Resources Alteration Permit and Demolition Permit has been issued.
- (2) In addition to the Location, Identification, and the Type and Project Cost Information for the regular Building Permit or Demolition Permit, the Historic Resources Alteration Permit and Demolition Permit Application shall require the applicant to provide the following information. The remainder of the normal Building Permit or Demolition Permit requirements will be necessary after the approval of the Historic Resources Alteration Permit and Demolition Permit.
 - (a) Date of purchase of the property, party from which purchased, and full amount paid for the property.
 - (b) Assessed value of the land and improvements, using the common level ratio currently in use in Montgomery County, Pennsylvania.
 - (c) A scaled site plan showing all buildings and structures on the property.
 - (d) Recent photographs of the resource proposed for demolition, removal, or relocation from the front, sides and rear and representative photography (if applicable) of the interior of any buildings.
 - (e) Detailed reasons for the alteration, demolition, removal, or relocation, along with financial explanation (if applicable).
 - (f) Intended future use of the site and of the materials from the altered or demolished resource.
 - (g) Timeline for implementation of proposed use for the site.
 - (h) The applicant shall sign a statement that the applicant has received a list of additional uses allowed for Historic

Resources provided in Chapter 114, Zoning, Article XIID from the Township Zoning Officer.

D. Procedures for Review.

- (1) The Township shall have a maximum of 15 business days to determine if the Historic Resources Alteration Permit or Demolition Permit Application is complete and notify the applicant.
- (2) The Historical Commission shall review the application at a public meeting within 30 calendar days of the determination of completeness of the Historic Resources Alteration Permit or Demolition Permit Application.
- (3) The Historical Commission shall make recommendations to the Board of Commissioners within a maximum of 60 calendar days from the date of the first Historical Commission meeting where the application has been discussed. The recommendations shall include any conditions and the extent of documentation of the structure(s) to be altered or demolished if such documentation is required by the Board.
- (4) The Board of Commissioners shall render a decision on the application at a public meeting within 45 calendar days after receiving the recommendation from the Historical Commission. The applicant shall be notified of the meeting by the Township at least 7 calendar days prior to its date. The Board of Commissioners shall either approve the application, approve the application with conditions, deny the application or defer their decision, affording a delay of alteration or demolition for up to 60 calendar days from the date of the meeting. Please note that the Board shall not deny a Historic Resource Demolition Permit if the applicant can demonstrate unreasonable economic hardship under the provisions of sec. 46-10. The Board may, if they deem the resource significant enough, delay the alteration or demolition an additional 90 calendar days for the purposes of gathering additional information, discussing alternatives to alteration or demolition with the applicant, or other factors.

E. Issuance of Historic Resources Alteration Permit or Demolition Permit.

- (1) Before the Historic Resources Alteration Permit or Demolition Permit is issued, the following conditions shall be met:
 - (a) A bond or escrow may be required by the Township to insure compliance with the parameters and conditions of the permit.

- (b) The applicant shall document the Historic Resource as required by the Board of Commissioners prior to the alteration or demolition.
- F. Upon the issuance of the Historic Resources Alteration Permit or Demolition Permit, the applicant may submit an application for a regular Building Permit or Demolition Permit.

§ 46-9. Design guidelines.

In determining the recommendations to be made to the Board of Commissioners concerning the issuance of a Historic Resources Alteration Permit or Demolition Permit, the Historic Commission shall consider only those matters that are pertinent to the preservation of this historic and/or architectural aspect and nature of the building, site, area or district, certified to have historical significance, including the following:

- A. Broad historical values representing the cultural, political, economic or social history of Springfield Township.
- B. The relationship of the building or structure to historic personages or events.
- C. Significant architectural styles representative of a certain historical period or a style of method of construction.
- D. The effect of the proposed change upon the general historic and architectural nature of the district.
- E. The appropriateness of the exterior architectural features which can be seen from a public street.
- F. The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of other buildings for structures in the Township.
- G. Consideration shall be given but not limited to the following:
 - (1) Proportion of building(s) front facades. (The relationship between the width of the front of the building and the height of the front of the building).
 - (2) Proportion of openings within the building. The relationship of width to height of windows and doors.
 - (3) Rhythms of solids to voids in the front facade. Since rhythm is a repeated and recurrent reflection of strong and weak architectural elements, a rhythm of masses to openings in a building should be maintained.

- (4) Rhythm of spacing of buildings on streets. In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.
- (5) Rhythm of entrance and/or porch projections. Moving past a series of structures, a rhythm of entrances or projections.
- (6) Relationship of materials. Within an area the predominant materials may be brick, stone, stucco, wood siding or other material.
- (7) Relationship of textures. The predominant textures of an area may be smooth, such as stucco, or rough, as bricks with tooled joints or horizontal wood siding or other textures.
- (8) Relationship of color. Insofar as the mass and detail such as trim are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending colors of trim is also a factor.
- (9) Relationship of architectural details. Architectural details and their relationship to the structure in question and adjacent ones, including but not limited to cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.
- (10) Relationship of roof shapes. Buildings should have compatible roof shapes such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
- (11) Walls of continuity. Physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses, building facades or combinations of these form continuous, cohesive walls of enclosures along the street and should be maintained.
- (12) Directional expression of front elevation. Preserving the orientation of structural shapes, plan of openings and architectural detail that reflect a predominantly vertical or horizontal character to the building's facade.
- (13) Scale. Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches and balconies, etc.
- (14) In making its recommendation, the Historic Commission shall also consider the specific elements of a property, including such features as traffic gates, fences, railings, windows, doors, porches, balustrades, columns, balconies, facades and roof, whether in the nature of replacements or just repairs, even though these features

may not necessarily require formal Building Permits under other codes of the Township.

H. Financial feasibility.

- (1) The Historic Commission may consider the financial feasibility of its recommendations in response to a request for a Historic Resources Alteration Permit or Demolition Permit for the erection, reconstruction, alteration and restoration of a building or structure. Financial feasibility shall be determined by the Historic Commission on the basis of an unreasonable cost for repair or replacement in-kind of whole or part of a building or structure, which determination shall be made based on evidence presented by the Applicant.
- (2) The applicant shall submit a minimum of three estimates from bona fide contractors and/or vendors substantiating his or her claim that the financial feasibility of repair in-kind is unreasonable. The Board shall determine the condition of said architectural feature based on its inspection, photographs or report from the Building Inspector or preservation staff or consultant. No substitute material shall be approved which is inappropriate, incompatible or is destructive or has the potential to be destructive to the original fabric of the building or structure.

I. Variations. The Historic Commission may consider recommending variations from the existing conditions in a manner that will be in harmony with the character of the other buildings or structures on the street.

J. Sustainable/Modern Improvements. The Historic Commission shall recommend the addition of modern improvements to Historic Resources which materially contribute to the environmental sustainability of the Historic Resource, provided that such modern, sustainable improvement shall not alter the essential character of the Historic Resource. An example of such a modern, sustainable improvement is a solar panel, provided that the placement of such solar panel is proposed in a location which shall not alter the essential character of the Historic Resource.

J. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures.

K. In such rare cases where the Historic Commission recommends and the Board of Commissioners approves demolition of a historic building or structure a good faith effort shall be made by the Township and the owner(s) to move said building or structure to a proximate site. If moving a building or structure slated to be demolished is economically or practically

infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the Township.

- L. Upon review, structures determined by the Historic Commission to be noncontributing to the historic value and architectural character of the Historic Resource will not be required to obtain a Historic Resources Alteration Permit or Demolition Permit.
- M. In addition to the above, all other Township laws and ordinances shall be complied with, including the Zoning and Subdivision Ordinances

§ 46-10. Unreasonable Economic Hardship.

- A. When a claim of unreasonable economic hardship is made due to the effect of this chapter, the owner of record must present evidence sufficient to prove that, as a result of the Article XIID (Historic Resource Overlay District) of the Zoning Ordinance and this Chapter, he is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the Historical Commission information which shall include but not be limited to the following:
 - (1) Date the property was acquired by its current owner.
 - (2) Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property.
 - (3) Mortgage history of the property, including current mortgages.
 - (4) Current market value of the property in the opinion of the owner.
 - (5) Owner's equity in the property.
 - (6) Income and expense statements for the past two years.
 - (7) Past capital expenditures during ownership of current owner.
 - (8) Appraisals of the property obtained within the previous two years.
 - (9) Income and property tax factors affecting the property.
 - (10) All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.
 - (11) All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.

- (12) Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the planning board for changes necessary for it to approve a Historic Resources Alteration Permit or Demolition Permit.
 - (13) Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
- B. The Historical Commission may require that an applicant furnish additional information relevant to the Historical Commission's determination of unreasonable economic hardship.
 - C. The Historical Commission may receive and consider studies and economic analyses from other Township agencies and from private organizations relating to the property in question.
 - D. Should the Historical Commission determine that the owner's present return is not reasonable, it shall consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The Historical Commission may choose to recommend to the Board that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
 - E. The Historical Commission may seek the assistance of appropriate local, statewide or national preservation 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 a recommendation for a Historic Resources Alteration Permit or Demolition Permit on the basis of economic hardship for a period of 90 days in addition to time periods otherwise applicable.
 - F. Should the applicant satisfy the Board of Commissioners, after having received a recommendation from the Historical Commission, that the applicant will suffer an unreasonable economic hardship if a Historic Resources Demolition Permit is not approved, and should the Historical Commission be unable to develop with the Township or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, the Board must approve the Historic Resources Demolition Permit.

§ 46-11. Violations and Penalties.

Any person who violates the terms of this article shall be subject to the fines and penalties imposed under this Chapter, as well as applicable fines and penalties imposed under any other applicable provision(s) of the Code of Springfield Township. The Township shall be entitled to impose any remedies provided in this code or as allowed by state or federal law. In addition:

- A. Any person who alters or demolishes a Historic Resource in violation of the provisions of this article, or in violation of any parameters or conditions specified in a permit issued under the terms of this article, shall be required to restore the building, structure, object, resource, or site to its appearance prior to the violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under this chapter or any other applicable law.
- B. The Township shall withhold issuance of any Building Permit for any property which, at the date of enactment of this chapter or any amendment thereto, was included on the Historic Resources Inventory and that subsequently involved an alteration or demolition in violation of this article, for three (3) years from the date of the Notice of Violation, unless the Building Permit is to be issued for the purpose of restoring the Historic Resource to its condition and appearance immediately prior to the violation or to a historically significant condition.
- C. Any special exception application, zoning application, or subdivision or land development application involving any property which, at the date of enactment of this chapter or any amendment thereto, was included on the Historic Resources Inventory and that subsequently was altered or demolished in violation of this article shall not be approved for three (3) years from the date of notice by the Township to the property owner of the violation, except upon the condition of satisfactory restoration of any such resources unless the approval is for the purpose of restoring the Historic Resource to its condition and appearance immediately prior to the violation or to a historically significant condition.
- D. Any person, property owner, occupant, or contractor who alters or demolishes a Historic Resource, but fails to obtain the appropriate Historic Resources Alteration Permit or Demolition Permit pursuant to this ordinance or any other applicable ordinance of the Township needed to alter or demolish a structure shall be liable, upon conviction of such a violation, to a fine not to exceed \$1,000 (One Thousand dollars) for each and every violation, plus court costs and reasonable attorney's fees. Each day that the violation is uncorrected shall constitute a separate violation subject to the same penalties. This remedy shall be in addition to, and not in lieu of, any other remedy available under this chapter or under other applicable law.

§ 46-12. Enforcement.

In addition to the above remedies, the Township may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this chapter.

§ 46-13. Appeals.

Upon receipt of the written decision of the Board of Commissioners, the Zoning Officer shall notify the applicant for a Historic Resources Alteration Permit or Demolition Permit. The applicant or any person or entity made a party to the hearing may appeal the decision on the Historic Resources Alteration Permit or Demolition Permit as provided by law.

§ 46-14. Historic Resources Inventory.

The buildings, structures, objects, resources, and sites identified and/or located on the list approved by Resolution of the Board of Commissioners shall comprise the Historic Resources Inventory of Springfield Township, and such Historic Resources Inventory may be amended from time to time by further Resolution of the Commissioners, provided that the procedures set forth in this Article, and as may be more fully described in any Pennsylvania Historic Resource Form associated with such properties, have been satisfied.

SECTION IV. – Amendment to the Official Zoning Map of Springfield Township

The Official Zoning Map of Springfield Township is hereby amended to include all properties within the Township in the Historic Resource Overlay District.

SECTION V. – Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VIII. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION IX. – Comprehensive Plan

To the extent the Township Comprehensive Plan is in any way inconsistent with the Zoning Map Amendment embodied in this Ordinance, the Land Use Plan in the most recent draft of the Township Comprehensive Plan is hereby deemed modified to reflect a proposed land use consistent with the Zoning Map Amendment embodied in this Ordinance.

ORDAINED AND ENACTED by the Board of Commissioners of Springfield Township, Montgomery County, Pennsylvania, this _____ day of _____, 2019.

SPRINGFIELD TOWNSHIP

By: _____
Jeffrey T. Harbison, President
Board of Commissioners

Attest: _____
A. Michael Taylor, Secretary

NOTICE

NOTICE is hereby given that the Board of Commissioners of Springfield Township, Montgomery County, at its public meeting on _____ at the Springfield Township Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania, 19038 will hold a public hearing on and could vote to adopt an Ordinance entitled “Historic Resource Overlay District Ordinance” amending the Codified Ordinances of Springfield Township, Chapter 114 (Zoning), to add a new Article XIID entitled “Historic Resource Overlay District” setting forth: legal authorization; legislative intent, role of the Historical Commission regarding the Historical Resources Inventory, permitted uses, requirements for special exception approval and the bulk, area and setback requirements; and further amending Chapter 114 (Zoning), Article II (Definitions), Section 114-21 (Definition of Terms) to add certain definitions related thereto; and further amending the Code of Springfield Township to add a new Chapter 46 entitled “Historic Resources” setting forth: the establishment and authority of the Historical Commission, the criteria for Historical Resource designation, the Historic Resource Inventory, procedure prior to demolition of Identified Historic Resources and procedures applicable to violations, penalties and enforcement; and further amending the Official Zoning Map of Springfield Township to include all properties within the Township in the Historic Resource Overlay District.

Copies of the proposed Ordinance and Map Amendment are available for examination during normal business hours, at a charge no greater than the actual cost thereof, at the offices of *Montgomery Newspapers*, Fort Washington, Pennsylvania; the offices of the Montgomery County Law Library, Court House, Norristown, Pennsylvania; the office of the Township Manager, Springfield Township Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania, and the Free Library of Springfield Township.

JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitor for Springfield Township