

UPPER MORELAND TOWNSHIP CODE

ARTICLE 20A – HISTORIC PRESERVATION OVERLAY

ORD.#1451 7/1/2002

Sec. 20A.01 Legal Authorization, Purpose and Intent

(a) 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), Upper Moreland Township shall amend its zoning ordinance in order to promote, protect, and facilitate the preservation of areas of historic significance and to preserve the historic values in the environment. Upper Moreland Township shall create an historic preservation overlay zone for the regulation, restriction, or prohibition of uses, buildings, or structures at, along, or near places having unique historical, architectural, or patriotic interest or value.

(b) Pursuant to Article 1, Section 27 of the Pennsylvania Constitution which states that:

The people have a right to clean air, pure water, and the preservation of the natural, scenic, historic and aesthetic values of the environment.

It is the purpose and intent of Upper Moreland Township to preserve and protect buildings, structures, sites, objects, and districts of historic value that exist within the Township. Upper Moreland Township has many historic resources worthy of preservation from the colonial period, Victorian era, and early suburban development. Preservation of these historic resources is in the best interest of the health, prosperity and welfare of the people of Upper Moreland Township by enhancing property values, improving aesthetics of the built and natural environment, and creating the potential for heritage tourism.

Sec. 20A.02 Definitions

For purposes of the Historic Preservation Overlay Zone the following definitions shall apply:

UPPER MORELAND TOWNSHIP CODE

Building – Any construction having a minimum of three enclosed walls and a roof. Examples include but are not limited to house, garage, barn, shed, school, train station, or privy.

Structure – A construction that does not have enclosed walls. Examples include but are not limited to bridges, gazebos, bandstands, carousels, fences, walls, or dams.

Object – An item that is primarily artistic or decorative in nature. Examples include but are not limited to monuments, sculptures, fountains, or statues.

Site – A location that, with or without the existence of buildings, structures, or objects, has commemorative or cultural significance. Examples include but are not limited to battlefields, cemeteries, parks, ruins, scenic views, or natural features.

Historic District – A significant concentration, linkage, or continuity of buildings, structures, sites, or objects joined by plan or physical development. Examples include but are not limited to business districts and industrial areas, residential neighborhoods, college campuses, villages, or transportation systems.

Contributing Historic Resource – An historic resource in a district that adds to the historic significance of the district.

Historic Resource – A building, structure, object, site, or a contributing resource to an historic district that is historically significant to the Nation, State, or to Upper Moreland Township. Historic resources may be significant for association with historically important events or people; or significant for architecture, or building technique.

Demolition – The complete dismantling, removal, or destruction of an historic resource.

Demolition by neglect – The deliberate disregard of routine maintenance causing weakness, decay, and deterioration of an historic resource for purposes of avoiding the provisions of this ordinance. Also the intentional act of disregarding the security of an historic resource resulting in degradation by criminal activity for purposes of avoiding the provisions of this ordinance.

Alteration – The act of putting an addition on to, repairing, renovating, or replacing materials on the exterior of an

UPPER MORELAND TOWNSHIP CODE

historic resource.

Preserve – The act of altering an historic resource by maintaining and repairing the existing materials and current form of an historic resource for purposes of displaying it as it has evolved through time.

Rehabilitate – The act of making alterations to an historic resource for the purpose of changing its use while also preserving the historic resource.

Restore-The act of altering an historic resource by returning it to a particular time period by removing elements of other time periods.

Reconstruction – The act of rebuilding an historic resource by recreating vanished or non-surviving elements of an historic resource.

Family member-A persons spouse, former spouse, parent, step-parent, child, step-child, grandparent, great-grandparent, grandchild, great-grandchild, brother, step-brother, half-brother, sister, half-sister, step-sister, first or second cousin, aunt, great-aunt, uncle, great-uncle, niece, grand-niece, nephew, or grand-nephew.

Class I Historic Resource – An historic resource that is designated a National Historic Landmark, listed on the National Register of Historic Places, or a contributing resource to a National Register Historic District.

Class II Historic Resource – An historic resource that is not a Class I historic resource, but is considered eligible for the National Register of Historic Places, or a contributing resource to an eligible National Register Historic District. National Register eligibility being determined by inclusion on the Pennsylvania Historical and Museum Commission list of National Register eligible resources.

Class III Historic Resource – An historic resource that is not a Class I or Class II historic resource but has been accepted for listing on the Upper Moreland Township Historic Resource Inventory by the Upper Moreland Township Historical Commission.

Sec. 20A.03 The Upper Moreland Township Historical Commission

(a) The Upper Moreland Township Historical Commission shall be composed of 15 members. It is recommended that the Historical Commission be composed of members with the following backgrounds or qualifications:

Ord. #1487 6/7/04

UPPER MORELAND TOWNSHIP CODE

One registered architect;

One licensed real estate agent;

One member of the Upper Moreland Township Advisory Planning Agency;

One member of the Upper Moreland Township Commissioners;

One attorney;

Two shall be members of the Upper Moreland Historical Association; And two members shall be any person with demonstrated interest in architectural history, history, historic preservation, or community revitalization.

(b) Members of the Historical Commission shall be appointed by the Upper Moreland Township Board of Commissioners. The terms of the initial members of the Historical Commission shall be staggered so that three members of the Historical Commission shall be replaced or reappointed in each of the next three years. The reappointed or replaced members shall then serve for a term of three years.

(c) Members of the Historical Commission shall select a President, Vice President, Secretary, and Treasurer from among its members. It shall be the President's responsibility to conduct meetings of the Historical Commission and to act as a liaison between the Historical Commission and the Code Enforcement Officer, Advisory Planning Agency, and Board of Commissioners. The Vice-president shall assist the president and assume the role of President when the President is absent. The Secretary shall have duties related to keeping records and handling correspondence. The Treasurer shall have duties related to the finances of the Historical Commission.

(d) A vacancy on the Historical Commission shall be filled by an appointment by the Board of Commissioners preferably within 60 days from the date that the vacancy is evident. Historical Commission members must attend all meetings. A member who is absent for 4 consecutive regular monthly meetings shall be considered inactive and will be replaced by appointment of a new member.

(e) A quorum, required to conduct business at Historical Commission meetings shall be a majority of the then appointed members. Members shall not be compensated, but may be reimbursed for expenses approved by the Board of Commissioners and directly related to the duties of the Historical Commission.

(f) Historical Commission members shall not nominate, vote on, or participate in any discussion concerning an historic resource that is owned by himself or a family member.

Sec 20A.04 Duties

(a) The Historical Commission shall hold meetings monthly, or

UPPER MORELAND TOWNSHIP CODE

more often as necessary.

(b) The Historical Commission shall be responsible for establishing procedures at meetings, keeping records, and establishing rules for nominating, electing, replacing, and removing the President, Vice-president, Secretary, and Treasurer.

(c) The Historical Commission shall be responsible for evaluating, compiling, maintaining, and publishing the Upper Moreland Township Historic Resources Inventory. The Historical Commission shall periodically review the historic resources on the inventory and add or delete historic resources as needed, subject to Board of Commissioners Approval of Changes to the Historic Resources Inventory.

(d) The Historical Commission shall be responsible for monitoring projects in Upper Moreland Township that may have an impact on historic resources.

(e) The Historical Commission shall maintain regular communication with the Pennsylvania Historical and Museum Commission and the National Park Service to obtain lists of historic resources in the Township that are National Historic Landmarks, or listed or eligible for the National Register of Historic Places, and for advice on matters of historic preservation in Upper Moreland Township.

(f) The Historical Commission shall aid, assist, promote, and perform the nomination of resources in Upper Moreland Township to the National Register of Historic Places.

(g) The Historical Commission shall have the general responsibility to promote historic preservation within Upper Moreland Township by performing any or all of the following:

Publishing printed material related to historic preservation;

Adding historic preservation related material to the Township's Web Site;

Holding events to promote and educate Township residents about historic preservation;

Educating historic resource owners about grants, tax incentives, and the benefits of protection provided by state and federal government historic preservation programs and laws.

Educating historic resource owners about the potential benefits of having a resource listed on the Upper Moreland Township Historic Resources Inventory including honorary designation, improved development opportunities, and

UPPER MORELAND TOWNSHIP CODE

protection.

Advising the Board of Commissioners concerning acquiring, restoring, preserving, reconstructing, or rehabilitating historic resources in Upper Moreland Township.

Sec. 20A.05 Powers

The Upper Moreland Township Historical Commission shall have an advisory role on issues related to the change of use, alteration, demolition, or demolition by neglect of historic resources in Upper Moreland Township. In addition, all actions regarding the Upper Moreland Township Historic Resources Inventory taken by the Historical Commission shall be subject to Board of Commissioners Approval of Changes to the Historic Resources Inventory.

Sec. 20A.06 Historic Resources Inventory

(a) Criteria for Listing an Historic Resource to the Upper Moreland Township Historic Resources Inventory

These criteria shall be applied with the consideration that the historic resource may be significant to the Nation, State, or to Upper Moreland Township.

An historic resource must be at least 75 years old or older.

The historic resource must also have retained its historic integrity by remaining identifiable in terms of its location, setting, materials, design, or workmanship, and shall meet any one of the following areas of significance:

- A. Associated with events that have made a significant contribution to the broad patterns of our history or;
- B. Associated with the lives of persons significant in our past or;
- C. Architecturally significant in that the historic resource embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values.

(b) Criteria Considerations

The Upper Moreland Township Historical Commission may consider

UPPER MORELAND TOWNSHIP CODE

an historic resource for the Inventory that is less than 75 years old provided that the historic resource is deemed to be highly significant by the Historical Commission.

(c) Contents

The Upper Moreland Township Historic Resources Inventory shall contain the owners name and address, the address or location of the historic resource, the approximate year built, recent photographs, an architectural description, a brief history of the resource, its status as a Class I, Class II, or Class III Historic Resource, and the date the historic resource was added, changed, or deleted from the Inventory.

(d) Publication

The Upper Moreland Township Historic Resources inventory shall be made available to the public for inspection at the Upper Moreland Township Building during regular business hours. The inventory, or parts thereof, may also be made public through other means including but not limited to publishing it on the Township's Web site, at a local library, or at the Upper Moreland Historical Association.

Sec. 20A.07 Historical Commission Adoption of Historic Resource Inventory or Survey

(a) The Historical Commission may adopt an existing inventory or survey of historic resources conducted in Upper Moreland Township to serve as the Upper Moreland Township Historic Resources Inventory. The adopted inventory or survey can include, but is not limited to, an inventory or survey of historic resources that currently exists, or any historic resources inventory or survey that may be conducted in the Township in the future. The Historical Commission shall review the survey and inventory to determine if it contains accurate information and will meet the needs of the Historical Commission. The Historical Commission will then vote to either accept or reject the adopted inventory.

ORD.#1487 6/7/04

(b) If the adopted inventory is accepted the Historical Commission shall determine which resources on the inventory or survey meet the Criteria for Listing an Historic Resource (Sec. 20A.06(a)) to the Upper Moreland Township Historic Resources Inventory.

(c) The survey or inventory must also be examined by the Upper Moreland Township Historical Commission to determine if any resources on the inventory are Class I Historic Resources. Any historic resources on the adopted inventory or survey that are found to be Class I Historic Resources will be listed in the Upper Moreland Township Historic Resource Inventory as Class I Historic

UPPER MORELAND TOWNSHIP CODE

Resources.

(d) Of the remaining resources on the adopted inventory or survey that are not Class I historic resources, the Upper Moreland Township Historical Commission shall classify the resources into either Class II or Class III historic resources and send to the owners of those historic resources by certified mail with return receipt, and a return envelope and postage, a request to concur or object to the listing of the historic resource in the Upper Moreland Township Historic Resources Inventory.

(e) Those owners that concur shall have the resource listed to the Township Historic Resources Inventory either as Class II or Class III Historic Resources, as applicable. Those owners that object in writing shall not have the resource listed to the Inventory of Historic Resources. The Historical Commission shall have the discretion to treat a failure to respond as an objection to the listing of the resource or to make such additional requests of the owner as to the Historical Commission may deem appropriate with respect to the resource in question. An owner who has objected may withdraw the objection at any time by notifying the Historical Commission in writing that the owner withdraws the objection and concurs to the listing, in which event, the resource shall be listed to the Township Historic Resources Inventory, either as Class II or Class III Historic Resources, as applicable, provided that the resource continues to meet the criteria for Listing an Historic Resources (Sec. 20A.06(a)) to the Historic Resources Inventory and meets the definition of a Class II or Class III resource.

ORD.#1487 6/7/04

(f) An subsequent owner of a Class II or Class III resource the previous owner of which objected to the listing in the Inventory shall also be permitted to have the resource listed to the Inventory by appearing at a meeting of Historical Commission and requesting the resource be listed. The resource shall be listed at the meeting provided that it continues to meet the Criteria for Listing an Historic Resource (Sec. 20A.06(a)) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class II or Class III resource. If the Historical Commission determines that the resource should not be listed, the owner shall be provided with a written explanation for the determination.

(g) If the Historical Commission votes not to adopt an historic resources inventory or survey the Upper Moreland Township Historic Resources Inventory may be compiled using the procedure for Listing Historic Resources to the Upper Moreland Township Historic Resource Inventory described in Sec 20A.08.

(h) Nothing in this Section 20A.07 shall prevent a resource from being listed or nominated for listing in the Inventory pursuant to Section 20A.08 at any time.

UPPER MORELAND TOWNSHIP CODE

Sec. 20A.08 Listing Historic Resources to the Upper Moreland Township Historic Resources Inventory

The following procedure shall be used to compile, or add resources to, the Upper Moreland Township Historic Resources Inventory.

(a) Class I Historic Resources

All historic resources in the Township that meet the definition of a Class I Historic Resource shall be listed in the Upper Moreland Township Historic Resources Inventory as Class I Historic Resources.

(b) Class II Historic Resources

(1) Historic resources that meet the definition of a Class II Historic Resource shall be listed as a Class II Historic Resource on the Upper Moreland Township Historic Resources Inventory provided that the Upper Moreland Township Historical Commission first sends to the owner of the historic resource by certified mail with return receipt, and a return envelope and postage, a request to concur or object to the listing of their resource in the Inventory.

(2) Those owners that concur shall have their resource listed to the Township Historic Resources Inventory as a Class II historic resource.

(3) Those owners that object in writing shall not have the resource listed to the Inventory of Historic Resources. The Historical Commission shall have the discretion to treat a failure to respond as an objection to the listing of the resource or to make such additional requests of the owner as to the Historical Commission may deem appropriate with respect to the resource in question. An owner who has objected may withdraw the objection at any time by notifying the Historical Commission in writing that the owner withdraws the objection and concurs to the listing, in which event, the resource shall be listed to the Township Historic Resources Inventory, either as Class II or Class III Historic Resources, as applicable, provided that the resource continues to meet the criteria for Listing an Historic Resources (Sec. 20A.06(a)) to the Historic Resources Inventory and meets the definition of a Class II or Class III resource.

ORD.#1487 6/7/04

(4) A subsequent owner of a Class II resource the previous owner of which objected to listing in the Inventory shall be permitted to apply to have the resource listed to the Inventory, provided that it continues to meet the Criteria for Listing an Historic Resource (Sec. 20A.06(a)) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class II Historic Resource as defined in this Ordinance.

UPPER MORELAND TOWNSHIP CODE

(c) Class III Historic Resources

Class III historic resources are listed on the Upper Moreland Township Historic Resources Inventory by either of the following procedures:

(1) Owner Nomination of Class III Historic Resource

(A) Any resource owner in Upper Moreland Township who wants their resource listed in the Upper Moreland Township Historic Resources Inventory as a Class III historic resource may submit in writing or appear at a meeting of the Historical Commission and provide the address or location of the historic resource, the approximate year built, recent photographs, a brief architectural description, and a brief history of the resource.

(B) The Historical Commission will review the material and vote at the meeting to either accept or reject the historic resource based on the Criteria for Listing a Resource (Sec. 20A.06) in the Upper Moreland Township Historic Resources Inventory.

(C) If the resource is accepted by the Historical Commission it will be listed to the Upper Moreland Township Historic Resources Inventory as a Class III Historic Resource. If the resource is rejected by the Historical Commission the resource owner shall be provided a written explanation for the rejection which may include a request for additional information so that the Historical Commission can reevaluate the request for listing at a later date.

(D) Nothing in this Section 20A.08(c) (1) shall prevent a resource from being listed or nominated for listing in the Inventory pursuant to Section 20A.08(c) (2) at any time.

(2) Historical Commission Nomination of Class III Historic Resource

(A) Members of the Historical Commission may nominate historic resources to the Township Historic Resources Inventory by providing at a regular meeting of the Historical Commission, the resource owners name and address, the address or location of the historic resource, the approximate year built, recent photographs, a brief architectural description, and a brief history of the resource.

(B) The Historical Commission shall review the material and vote within 45 days to accept or reject the resource based on the Criteria for Listing a Resource (Sec. 20A.06) in the Upper Moreland Township Historic Resource Inventory.

UPPER MORELAND TOWNSHIP CODE

(C) If the historic resource is accepted for listing in the Upper Moreland Township Historic Resources Inventory the Historical Commission will send the resource owner, or owners, a request by certified mail with return receipt, and return envelope and postage, to concur or object to the listing of the resource to the Inventory. If a resource owner concurs it shall be listed on the Upper Moreland Township Historic Resources Inventory as a Class III Historic Resource.

(D) If the owner objects, the resource shall not be placed on the Upper Moreland Historic Resources Inventory. The Historical Commission shall have the discretion to treat a failure to respond as an objection to the listing of the resource or to make such additional requests of the owner as to the Historical Commission may deem appropriate with respect to the resource in question. An owner who has objected may withdraw the objection at any time by notifying the Historical Commission in writing that the owner withdraws the objection and concurs to the listing, in which event, the resource shall be listed to the Township Historic Resources Inventory as a Class III Historic Resources, provided that the resource continues to meet the criteria for Listing an Historic Resources (Sec. 20A.06 (a)) to the Historic Resources Inventory and meets the definition of a Class III resource.

ORD. #1487 6/7/04

(E) A subsequent owner of a Class III resource, the previous owner of which objected to the listing of the resource in the Inventory shall be permitted to have the resource listed to the Inventory, by appearing at a meeting of Historical Commission and requesting the resource be listed. The resource shall be listed at the meeting provided that it continues to meet provided that it continues to meet the Criteria for Listing an Historic Resource (Sec. 20A.06(a)) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class III resource.

(F) If the resource is rejected by the Historical Commission the resource owner shall be provided a written explanation for the rejection which may include a request for additional information so that the Historical Commission can reevaluate the request for listing at a later date.

(G) Nothing in this Section 20A.08 (c) (2) shall prevent a resource from being listed or nominated for listing in the Inventory pursuant to Section 20A.08 (c) (1) at any time.

UPPER MORELAND TOWNSHIP CODE

Sec. 20A.09 Deleting Resources from the Upper Moreland Township Historic Resources Inventory

(a) Class I Historic Resources

Class I historic resources shall be deleted from the Upper Moreland Township Historic Resource Inventory when it has been removed as a National Historic Landmark and/or deleted from the National Register by the National Park Service. The Historical Commission shall delete the resource from the Inventory within 90 days from the date of receipt of written confirmation of the removal noted in the preceding sentence. The Historical Commission shall consider whether such resources should be re-listed as Class II or Class III resources and, if so, shall take appropriate steps to so list the resources in accordance with Section 20A.08.

(b) Class II Historic Resources

(1) Class II historic resources shall be deleted from the Upper Moreland Township Historic Resources Inventory when it is removed from the Pennsylvania Historical and Museum Commission list of National Register eligible resources, except if the historic resource was removed because it was listed to the National Register of Historic Places, or achieved National Historic Landmark status. The Historical Commission shall delete the resource from the Inventory within 90 days from the date of receipt of written confirmation of the removal noted in the preceding sentence. The Historical Commission shall consider whether such resources should be relisted as a Class III resources and, if so, shall take appropriate steps to so list the resource in accordance with Section 20A.08. A Class II historic resource shall be deleted from the Upper Moreland Township Historic Resources Inventory if the owner sends a written notification to the Historical Commission directing that the historic resource be deleted from the Inventory. The Historical Commission shall delete the resource from the Inventory within 90 days from the date of receipt of written notification.

ORD.[??]

(2) Owners of Class II resources that request deletion of their resource from the Upper Moreland Township Historic Resources Inventory shall be permitted to have the resource subsequently re-listed to the Inventory, by appearing at a meeting of Historical Commission and requesting the resource be re-listed. The resource shall be re-listed at the meeting provided that it continues to meet the Criteria for Listing an Historic Resource (Sec. 20A.06) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class II Historic Resource. If the Historical Commission determines that the resource should not be re-listed, the owner shall be provided with a written explanation for the determination. A subsequent owner of a Class II resource, the previous owner of which has requested deletion of the resource from the Inventory shall also be permitted to have the resource re-listed by following the same procedure.

UPPER MORELAND TOWNSHIP CODE

(3) An owner, or any subsequent owner of a Class II historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request deletion of the resource after a conditional use permit has been approved by the Board of Commissioners under the provisions of this ordinance.

(4) An owner, or any subsequent owner of a Class II historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request deletion of the resource after an application for a building permit or demolition permit has been received by Upper Moreland Township.

(c) Class III Historic Resource

(1) Class III historic resources shall be deleted from the Upper Moreland Township Historic Resources Inventory when the Historical Commission has determined that the resource no longer meets the Criteria for Listing a Resource (Sec. 20A.06) in the Upper Moreland Township Historic Resources Inventory. The Historical Commission shall delete the resource from the Inventory within 90 days from the date of determination noted in the preceding sentence. The owner of the Class III historic resource will be notified by the Upper Moreland Township Historical Commission in writing with the reasons for the removal of the resource from the Inventory.

ORD. #1487 6/7/04

(2) Class III historic resources shall be deleted from the Upper Moreland Township Historic Resource Inventory if the owner sends a written notification to the Historical Commission directing that the historic resource be deleted from the Inventory. The Historical Commission shall delete the resource from the Inventory within 90 days from the date of receipt of the written notification.

(3) An owner of a Class III resource that requests deletion of the resource from the Upper Moreland Historic Resources Inventory shall be permitted to have the resource subsequently re-listed to the Inventory, by appearing at a meeting of Historical Commission and requesting the resource be re-listed. The resource shall be re-listed at the meeting provided that it continues to meet the Criteria for Listing an Historic Resource (Sec. 20A.06) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class III resource. If the Historical Commission determines that the resource should not be re-listed, the owner shall be provided with a written explanation for the determination. A subsequent owner of a Class III resource, the previous owner of which has requested deletion of the resource from the Inventory shall also be permitted to have the resource re-listed by following the same procedure.

UPPER MORELAND TOWNSHIP CODE

(4) An owner, or any subsequent owner of a Class III historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request deletion of the resource after a conditional use permit has been approved by the Board of Commissioners under the provisions of this ordinance.

(5) An owner, or any subsequent owner of a Class III historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request deletion of the resource after an application for a building permit or demolition permit has been received by Upper Moreland Township.

Sec. 20A.10 Changing the Status of an Historic Resource

(a) Class II or Class III to Class I. If any historic resource with Class II or Class III status is subsequently listed to the National Register of Historic Places or designated a National Historic Landmark its status will be changed in the Upper Moreland Township Historic Resource Inventory to Class I.

(b) Class III to Class II. If any Class III historic resource is placed on the Pennsylvania Historical and Museum Commission list of National Register eligible properties it shall be changed to Class II status in the Upper Moreland Township Historic Resource Inventory.

Sec. 20A.11 Board of Commissioners Approval of Changes to the Historic Resources Inventory

(a) Upon the approval, denial, determination, adoption, addition, deletion, or change of status regarding historic resources on the Upper Moreland Township Historic Resources Inventory, the Historical Commission shall promptly provide a copy or record of the action to the Upper Moreland Township Board of Commissioners. The Historical Commission shall provide to the Board of Commissioners all pertinent information regarding the action and information concerning the historic resource including, but not limited to the historic significance of the resource, written decisions given to the owner, and evidence of the owner's consent, non-consent, or objection to adding or deleting the historic resource.

(b) The Board of Commissioners shall at a public meeting vote to approve, or not approve the changes or actions as recommended by the Historical Commission. The historic resource will be considered to be added to, deleted from, or changed in the Upper

UPPER MORELAND TOWNSHIP CODE

Moreland Township Historic Resources Inventory only upon the approval of the Board of Commissioners. The effective date of the approval, denial, determination, adoption, addition, deletion, or change of status to the historic resource shall be the date on which the Board of Commissioners voted to approve, or not approve the change.

(c) If the Board of Commissioners does not approve the change, the Board of Commissioners shall provide a written explanation for the disapproval to the Historical Commission and to the owner of the historic resource.

Sec. 20A.12 Establishment of the Historic Preservation Overlay Zone

An historic preservation overlay zone is hereby created to overlay all other zoning districts in Upper Moreland Township. The provisions of the Historic Preservation Overlay Zone shall apply to all historic resources listed in the Upper Moreland Township Historic Resources Inventory. Historic Resources on the Upper Moreland Township Historic Resources Inventory shall constitute an overlay to the Upper Moreland Township Zoning Map.

Sec. 20A.13 Additional Uses Permitted in the Historic Preservation Overlay Zone

(a) The following uses and no other shall be permitted in the Historic Preservation Overlay Zoning District:

Any use permitted in the underlying zoning district in which the resource is located.

If a proposed new use is already allowed in an underlying zone the provisions of this Historic Preservation Overlay Zone shall prevail.

(b) In accordance with the specific and general requirements for conditional use approval set forth in this ordinance additional use opportunities may be permitted on all properties listed on the Upper Moreland Township Historic Resources Inventory.

(1) Additional use opportunities may include, but are not limited to:

Bed and Breakfast; provided that there shall not be more than 7 guest rooms, no guest shall be allowed to stay for more that 14 consecutive days in any 6 month period, the size of the building shall be a minimum of 2000 square feet, breakfast shall be the only meal served and shall be served only to guests, and parking shall be provided at a rate of one space per guestroom which may include on or off street parking.

UPPER MORELAND TOWNSHIP CODE

Home Occupation; including but not limited to doctors, lawyers, engineers, planners, consultants, or architects. Provided that the occupation has no more than two employees and there are at least 5 on or off street parking spaces.

Cultural Studio; including but not limited to an artists studio, craftsman's workshop, music studio, or dance studio; provided that the building shall have a minimum of 2500 square feet, that no more than 2 persons shall be employed by the studio, there shall be no more than 5 students, and there are at least 7 on or off street parking spaces.

Antique Store; provided that the building shall have a minimum of 2500 square feet, have no more than 3 employees, and a minimum of 5 on or off street parking spaces.

Gallery or Museum; provided that the building shall have a minimum of 3000 square feet, no more than 3 employees and a minimum of 10 on or off street parking spaces.

Accessory Apartment; provided that the no more than one accessory apartment shall be permitted on the property; that no more than three bedrooms shall be allowed, that the building shall be a minimum on 2000 square feet and that at least two on or off street parking spaces are provided.

Caf#aae, Tea Room, or Coffee House; provided that there shall not be more than 40 seats, that the size of the building shall be a minimum of 2500 square feet, that it shall operate either between the hours of 8:00 AM and 2:00 PM, or between the hours of 4:00 PM and 9:00 PM, that there shall not be more than 4 employees and that parking shall be provided at a rate of 1 space to 2 seats which can include on and off street parking.

Any other similar use with the approval of the Board of Commissioners as a conditional use.

Sec. 20A.14 Additional Regulations for Historic Resources in Underlying Residential Zones

(a) If an historic resource in the Historic Preservation Overlay Zone is located within an underlying residential zoning district the following regulations shall also apply:

No use shall be permitted that creates excessive noise, odor, vibration, or smoke.

UPPER MORELAND TOWNSHIP CODE

Large special events that generate excessive amounts of traffic and cause parking problems are prohibited.

Signs shall be less than 2 feet by 3 feet in size, made of wood, and lighted from an external source.

Lighting shall be used that reduces glare to adjacent properties.

Except where specifically stated, the hours of operation shall be between 8:00 A.M. and 9:00 P.M.

Sec. 20A.15 Bulk, Area, and Set Back Requirements

The bulk, area, and set back requirements of the underlying zoning district shall be relieved by up to 35% for projects involving historic resources within the Historic Preservation Overlay District, provided that the General and Specific Requirements for Conditional Use Approval (Sec 20A.16 and 20A.17) have been met.

Sec. 20A.16 General Requirements for Conditional Use Approval

(a) An applicant for a conditional use approval under the provisions of this ordinance shall have to prove to the Upper Moreland Township Board of Commissioners that the change of use to the Historic Resource will meet the Specific Requirements for Conditional Use Approval and that the change of use to the historic resource will not be contrary to the public interest.

(b) In determining if the conditional use will not be contrary to the public interest the Board of Commissioners will consider whether the conditional use if granted will:

Not adversely affect the public health, safety, and welfare due to changes in traffic, stormwater drainage, air quality, noise, natural environmental resources, neighborhood property values, and aesthetics.

Be in accordance with the Upper Moreland Township Comprehensive Plan.

Be geographically located in a proximity to other similar uses or zoning districts.

Not adversely affect the logical and efficient provision of public services such as refuse collection, police and fire protection, and public water and sewer.

Not otherwise adversely affect the public health, safety, morals or welfare.

UPPER MORELAND TOWNSHIP CODE

Sec. 20A.17 Specific Requirements for Conditional Use Approval

(a) On the date that the conditional use approval is applied for, the subject property must be on the Upper Moreland Township Historic Resources Inventory in order for the application to be valid under the provisions of this ordinance.

(b) If the proposed new use involves alterations to the historic resource the applicant shall follow the procedures for alterations to Historic Resources (Sec. 20A.18 through Sec. 20A.20).

(c) If the proposed new use involves a Class I historic resource and includes construction of new buildings and structures on the property an Historic Resources Impact Study (Sec. 20A.21) shall be completed.

(d) An applicant seeking conditional use approval under the provisions of this Ordinance shall submit the appropriate application for the conditional use to the Code Enforcement Officer, Advisory Planning Agency, or Board of Commissioners.

(e) The Code Enforcement Officer, Advisory Planning Agency, or Board of Commissioners shall provide a copy of the application for conditional use approval to the Upper Moreland Township Historical Commission along with the following additional information provided by the applicant:

Name and Address of the resource owner.

A narrative description of the proposed new use.

Proposed modifications to applicable bulk, area, and setback regulations, if any.

(f) The Historical Commission shall review the materials at a meeting and draft a list of recommendations concerning how the proposed change in use may impact the historic value of the resource.

(g) The Historical Commission shall forward a copy of the recommendations to the Code Enforcement Officer, Advisory Planning Agency, and Board of Commissioners, who shall not approve the conditional use application until the list of recommendations has been received, or until 15 days have expired from the date of the meeting when the proposed change in use was first reviewed by the Historical Commission.

Sec. 20A.18 Preliminary Review for Reconstruction, Rehabilitation, Preservation, or Restoration of Historic Resources

(a) An applicant who seeks to reconstruct, rehabilitate,

UPPER MORELAND TOWNSHIP CODE

preserve, or restore Class I, Class II or Class III historic resources on the Upper Moreland Historic Resources Inventory may expedite the Historical Commission review process by seeking preliminary review of the work prior to completing any other required permits or applications, or submitting any plans to the Code Enforcement Officer, Advisory Planning Agency, or Board of Commissioners.

(b) An applicant for the reconstruction, rehabilitation, preservation, or restoration of a Class I, Class II, or Class III historic resource listed on the Upper Moreland Township Historic Resource Inventory may appear at any meeting of the Historical Commission to get a preliminary review of the proposed work. The applicant shall supply to the Historical Commission:

Recent photographs of the historic resource.

A detailed narrative description of the physical changes to be made to the historic resource including a list of materials to be used to do the work.

A site plan and architectural drawings of the proposed work prepared by a registered architect or engineer.

(c) The Historical Commission shall review the material, at the meeting, based on the Criteria for Review of Alterations to Historic Resources (Sec. 20A.20). The Historical Commission shall draft a list of recommendations concerning the proposed preservation, reconstruction, restoration, or rehabilitation. The Historical Commission shall forward a copy of the recommendations to the Code Enforcement Officer, Advisory Planning Agency, and Board of Commissioners, who shall not approve the alterations until the list of recommendations has been received, or until 15 days have expired from the date of the meeting when the proposed alterations were first reviewed by the Historical Commission.

Sec. 20A.19 Historical Commission Review of Alterations to Historic Resources

(a) An applicant seeking to make alterations to Class I, Class II, or Class III historic resources on the Upper Moreland Township Inventory of Historic Resources shall complete the necessary permits or applications, or submit plans as required by the Upper Moreland Township Board of Commissioners, Code Enforcement Officer, or Advisory Planning Agency. The applicant shall forward copies of the application and/or permit to the Historical Commission along with the following information:

Name and Address of the resource owner.

Recent photographs of the historic resource.

UPPER MORELAND TOWNSHIP CODE

A detailed narrative description of the physical changes to be made to the historic resource including a list of materials to be used to make the alterations.

A site plan and architectural drawings of the proposed alterations prepared by a registered architect or engineer.

(b) The Historical Commission shall meet and review the material based on the Criteria for Review of Alterations to Historic Resources (Sec. 20A.20). The Historical Commission shall draft a list of recommendations concerning the alterations.

(c) If the alterations involve a Class I Historic Resource, the list of recommendations shall be forwarded to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency who shall not approve the alterations until the list of recommendations have been received, or until 105 days have passed from the meeting of the Historical Commission when the alterations were initially reviewed.

(d) If the alterations involve a Class II Historic Resource, the list of recommendations shall be forwarded to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency who shall not approve the alterations until the list of recommendations have been received, or until 75 days have passed from the meeting of the Historical Commission when the alterations were initially reviewed.

(e) If the alterations involve a Class III Historic Resource, the list of recommendations shall be forwarded to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency who shall not approve the alterations until the list of recommendations have been received, or until 45 days have passed from the meeting of the Historical Commission when the alterations were initially reviewed.

Sec. 20A.20 Criteria for Review of Alterations to Historic Resources

(a) Review of alterations to historic resources by the Historical Commission shall be based only on following criteria:

(1) The proposed alterations replace, repair, or reuse materials that are the same as those that currently exist, or historically existed, on the historic resource. Substitutions of materials can be made for materials that are expensive, dangerous, unhealthy, or rare and can be replaced or repaired with less expensive, safer and more readily available alternatives that are similar in appearance to the original material. Paint shall not be considered a material and paint colors shall not be subject to review by the Historical

UPPER MORELAND TOWNSHIP CODE

Commission.

(2) The alterations do not involve the removal of architectural features currently on the historic resource including, but not limited to, brackets, balusters, dormers, cupolas, roofs, door and window trim, projections, or bays that give the historic resource its distinctive characteristics.

(3) Deteriorating architectural features shall be repaired rather than removing them. If an architectural feature must be removed because of extremely deteriorated condition it shall be reconstructed in the same fashion as it originally existed.

(4) The alterations do not involve adding an architectural feature that is out of character for the architectural style or time period when the building was constructed.

(5) Chemical or physical cleaning such as sandblasting, power washing, or use of harsh chemicals shall not be used.

(6) The spacing and size of windows, doors, and other openings will not be changed, except if changes to the spacing and size of window, door, and other openings is part of a process to preserve or restore the historic resource.

(7) The alterations to the historic resource cannot be seen from the public street, or streets, that border the historic resource.

Sec. 20A.21 Historic Resources Impact Study for Class I Historic Resources

(a) Upon receipt of an application, plan, or a permit that includes the construction of new buildings or structures on a property that has a Class I historic resource, or on a property that is adjacent to, or shares a boundary, or a right of way with a Class I historic resource, the Board of Commissioners, Advisory Planning Agency, or Code Enforcement Officer shall forward the application, plan, or permit to the Historical Commission.

(b) The Historical Commission shall review the material at a meeting and notify the applicant, the Board of Commissioners, Advisory Planning Agency, and Code Enforcement Officer in writing that an historic resources impact study must be provided for the proposed project. The historic resources impact study shall consist of:

A description of the history, architecture, and historic

UPPER MORELAND TOWNSHIP CODE

significance of the Class I historic resource that may be affected by the proposed new construction.

Recent photographs of the Class I resource that may be impacted by the proposed construction project.

A site plan and architectural drawings showing the location of the proposed buildings or structures and architectural details of the proposed buildings or structures.

A statement of the possible physical destruction or movement that may occur to the Class I historic resource as a result of the proposed construction project.

A statement of how visual, audible, or atmospheric changes resulting from the proposed construction project will affect the historic value of the Class I historic resource.

(c) A person, firm, agency, or organization shall be hired by the applicant to complete the historic resources impact study. The persons, firm, agency, or organization hired by the applicant shall have a minimum of a graduate degree in the field of historic preservation, history, American studies, art history or a closely related field, or an undergraduate degree in one of the aforementioned fields and a minimum of two years experience assessing the effects of construction projects on historic resources.

(d) When the historic resource impact study is completed to the satisfaction of the Historical Commission, the applicant shall supply the Historical Commission with a copy. The Historical Commission shall promptly forward a copy of the study, along with recommendations concerning the impact that the project may have on the Class I historic resource to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency, who shall not approve any plan, permit, or application for the proposed construction project until the recommendations and a copy of the historic resources impact study has been received, or until 105 days have passed from the date that the Historical Commission received the completed historic resources impact study.

Sec.20A.22 Demolition of Class I Historic Resources

(a) Upon receipt of an application, plan, or a permit that includes the demolition of a Class I historic resource on the Upper Moreland Township Historic Resources Inventory the Board of Commissioners, Code Enforcement Officer, or Advisory Planning Agency, shall forward the application, plan, or permit to the Historical Commission.

UPPER MORELAND TOWNSHIP CODE

(b) The Historical Commission shall request that the applicant appear at a meeting to discuss the reasons for the demolition, possible reuse of the historic resource, and other alternatives for preventing the demolition of the historic resource. The applicant shall supply to the Historical Commission at the meeting:

Recent photographs of the historic resource.

A site plan and architectural drawings of proposed locations and architectural details of new buildings on the property prepared by a registered architect or engineer.

(c) If the applicant claims financial hardship, the applicant shall provide the following information to the Historical Commission at the meeting:

The sale price of the property.

The rental history of the property.

An estimate of the cost of demolition.

An estimate of the cost of restoration.

Documents related to the applicant's financial standing including, but not limited to copies of bank statements, statements of the applicants investments, the past 3 years of Pennsylvania and Federal income tax forms, annual financial reports, ledgers, budget reports, or other accounting reports, any other documents the Historical Commission deems pertinent to the applicants financial standing.

(d) The Historical Commission shall review the material and the applicant shall be given the option to pursue an alternative to demolition, or to demolish the Class I resource.

(e) If the applicant chooses to demolish the Class I resource, the applicant shall hire a person, firm, agency, or organization to document the historic resource to Historic American Building Survey (HABS) standards, or if applicable, to Historic American Engineering Record (HAER) standards. The person, firm, agency, or organization hired by the applicant to document the Class I historic resource shall have a minimum of a graduate degree in the field of historic preservation, history, American studies, art history or a closely related field; or an undergraduate degree in one of the aforementioned fields and a minimum of two years experience documenting historic resources to HABS or HAER standards. HABS and HAER standards are available by contacting the National Park Service or the Pennsylvania Historical and Museum

UPPER MORELAND TOWNSHIP CODE

Commission.

(f) When the documentation is complete to the satisfaction of the Historical Commission the applicant shall supply the Historical Commission with a copy. The Historical Commission shall promptly forward a copy of the documentation, along with recommendations concerning the proposed demolition, to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency, who shall not approve any plan, permit, or application for the demolition of the resource until the documentation and recommendations have been received, or until 105 days have passed from the date when the Historical Commission received the completed HABS or HAER documentation.

(g) If the applicant chooses to pursue alternatives to demolition of the Class I historic resource, the Historical Commission shall draft a list of recommendations and alternatives to demolition, which shall be promptly forwarded to the applicant. The Historical Commission shall also promptly forward a copy of the recommendations and alternatives to demolition to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency, who shall not approve any application, permit, or plan to demolish the Class I historic resource.

Sec. 20A.23 Demolition of Class II or Class III Historic Resources

(a) Upon receipt of an application, plan, or a permit that includes the demolition of a Class II or Class III historic resource on the Upper Moreland Township Historic Resources Inventory the Board of Commissioners, Code Enforcement Officer, or Advisory Planning Agency, shall forward the application, plan, or permit to the Historical Commission.

(b) The Historical Commission shall request that the applicant appear at a meeting to discuss the reasons for the demolition, possible options for reuse of the historic resource, and other alternatives for preventing the demolition of the historic resource. The applicant shall supply to the Historical Commission at the meeting:

Recent photographs of the historic resource.

A site plan and architectural drawings prepared by a registered architect or engineer.

(c) The Historical Commission shall review the material and the applicant shall be given the option to pursue an alternative to demolition, or to demolish the Class II or Class III historic resource.

(d) If the applicant chooses to pursue demolition, and the

UPPER MORELAND TOWNSHIP CODE

proposed demolition is of a Class II historic resource, the Historical Commission shall draft a list of recommended alternatives to demolition and shall forward the list to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency, who shall not approve any application, plan, or permit to demolish the Class II historic resource until the list of recommendations has been received, or until 75 days have expired from the date of the Historical Commission meeting when the proposed demolition was initially reviewed.

(e) If the applicant chooses to pursue demolition, and the proposed demolition is of a Class III historic resource, the Historical Commission shall draft a list of recommended alternatives to demolition and shall forward the list to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency, who shall not approve any application, plan, or permit to demolish the Class III historic resource until the list of recommendations has been received, or until 45 days have expired from the date of the Historical Commission meeting when the proposed demolition was initially reviewed.

(f) If the applicant chooses to pursue alternatives to demolition of the Class II or Class III historic resource, the Historical Commission shall draft a list of recommendations and alternatives to demolition, which shall be promptly forwarded to the applicant. The Historical Commission shall also promptly forward a copy of the recommendations and alternatives to demolition to the Board of Commissioners, Code Enforcement Officer, and Advisory Planning Agency, who shall not approve any application, permit, or plan to demolish the Class II or Class III historic resource.

Sec 20A.24 Demolition by Neglect

All historic resources listed on the Upper Moreland Township Historic Resources Inventory shall not be subjected to demolition by neglect in order to avoid any provisions of this ordinance. If demolition by neglect is suspected by the Historical Commission it shall provide to the Code Enforcement Officer the owners name and address, the location of the historic resource, a statement of the condition of the building, and reasons for the suspected demolition by neglect. The Code Enforcement Officer shall investigate, or shall request that other law enforcement officials investigate, the possible demolition by neglect. If demolition by neglect is proven by the investigation, the enforcement provision of this ordinance shall be applied.

Sec. 20A.25 Enforcement

Violation of this ordinance by altering, demolishing, demolishing by neglect, or changing the use of a building on the Upper Moreland Township Historic Resources inventory without having first followed the procedures described in this ordinance, shall result in enforcement remedies as described in Article 24 of the Upper Moreland Township Zoning Ordinance.