

## Chapter 46. Historic Resources

[HISTORY: Adopted by the Board of Commissioners of the Township of Springfield 12-11-2019 by Ord. No. 962. Amendments noted where applicable.]

### § 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 members, plus one 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 chapter, 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 an 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 an 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: 1/3 of the positions as one-year terms, 1/3 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 nonemployee, 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. A majority of the members shall be Township residents.
- 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.

- A. 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.

B. The Commission shall have the following duties:

- (1) Establish procedures for evaluating, compiling, maintaining and publishing an updated Historic Resource Inventory.
- (2) Propose additions, updates and changes to the Historic Resources Inventory to the Board.
- (3) Provide recommendations to the Board, Planning Commission, Zoning Hearing Board and Community Development Department, as provided for in this chapter and in the Township Zoning Ordinance, regarding the use, alteration, preservation or demolition of resources of historic significance located in the Township.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) Provide advice on historic resources in regards to repairs, maintenance methods and technologies, adaptive reuse, and other preservation strategies.
- (8) 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.
- (9) Support the Township's efforts to promote the benefits of historic preservation through media and educational programs.
- (10) 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 chapter 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 established; criteria.

An 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 an 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 prehistory 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, or removed from, 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 last 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 Resource 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 Resource 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 an historic resource shall constitute an alteration, and shall be covered by an 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 Resource Alteration Permit and Demolition Permit Application shall be submitted to the Township Zoning Officer. A building permit or demolition permit application may not be submitted until the historic resource 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 Resource 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 resource 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 Resource 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 Resource 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 seven 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 its decision, affording a delay of alteration or demolition for up to 60 calendar days from the date of the meeting. 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 resource alteration permit or demolition permit.

- (1) Before the historic resource alteration permit or demolition permit is issued, the following conditions shall be met:
  - (a) A bond or escrow may be required by the Township, in an amount determined in the sole discretion of the Township Board of Commissioners or its designated and qualified employee or consultant, to ensure 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 resource 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 an historic resource 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 an historic resource 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 economic hardship caused by the cost of the 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 an unreasonable economic hardship. 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.
- K. 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.
- L. Where the Historic Commission recommends and the Board of Commissioners approves demolition of an 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.
- M. 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 an historic resource alteration permit or demolition permit.
- N. 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 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 were 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 an historic resource 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 an historic resource 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 an historic resource 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 resource demolition permit.

## § 46-11. Violations and penalties.

Any person who violates the terms of this chapter 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 an historic resource in violation of the provisions of this chapter, or in violation of any parameters or conditions specified in a permit issued under the terms of this chapter, 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 Resource Inventory and that subsequently involved an alteration or demolition in violation of this chapter, for three 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 an 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 Resource Inventory and that subsequently was altered or demolished in violation of this chapter shall not be approved for three 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 an historically significant condition.
- D. Any person, property owner, occupant, or contractor who alters or demolishes an historic resource, but fails to obtain the appropriate historic resource alteration permit or demolition permit pursuant to this chapter 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 for each and every violation, plus court costs and reasonable attorneys' 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 an historic resource 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 resource alteration permit or demolition permit as provided by law.

## § 46-14. Historic Resource 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 Resource Inventory of Springfield Township, and such Historic Resource Inventory may be amended from time to time by further resolution of the Commissioners, provided that the procedures set forth in this chapter, and as may be

more fully described in any Pennsylvania Historic Resource Form associated with such properties, have been satisfied.

- (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 were 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 an historic resource 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 an historic resource 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 an historic resource 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 resource demolition permit.

## § 46-11. Violations and penalties.

Any person who violates the terms of this chapter 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 an historic resource in violation of the provisions of this chapter, or in violation of any parameters or conditions specified in a permit issued under the terms of this chapter, 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 Resource Inventory and that subsequently involved an alteration or demolition in violation of this chapter, for three 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 an 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 Resource Inventory and that subsequently was altered or demolished in violation of this chapter shall not be approved for three 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 an historically significant condition.
- D. Any person, property owner, occupant, or contractor who alters or demolishes an historic resource, but fails to obtain the appropriate historic resource alteration permit or demolition permit pursuant to this chapter 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 for each and every violation, plus court costs and reasonable attorneys' 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 an historic resource 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 resource alteration permit or demolition permit as provided by law.

## § 46-14. Historic Resource 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 Resource Inventory of Springfield Township, and such Historic Resource Inventory may be amended from time to time by further resolution of the Commissioners, provided that the procedures set forth in this chapter, and as may be

more fully described in any Pennsylvania Historic Resource Form associated with such properties, have been satisfied.

## Chapter 46. Historic Resources

[HISTORY: Adopted by the Board of Commissioners of the Township of Springfield 12-11-2019 by Ord. No. 962. Amendments noted where applicable.]

### § 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 members, plus one 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 chapter, 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 an 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 an 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: 1/3 of the positions as one-year terms, 1/3 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 nonemployee, 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. A majority of the members shall be Township residents.
- 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.

- A. 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.

B. The Commission shall have the following duties:

- (1) Establish procedures for evaluating, compiling, maintaining and publishing an updated Historic Resource Inventory.
- (2) Propose additions, updates and changes to the Historic Resources Inventory to the Board.
- (3) Provide recommendations to the Board, Planning Commission, Zoning Hearing Board and Community Development Department, as provided for in this chapter and in the Township Zoning Ordinance, regarding the use, alteration, preservation or demolition of resources of historic significance located in the Township.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) Provide advice on historic resources in regards to repairs, maintenance methods and technologies, adaptive reuse, and other preservation strategies.
- (8) 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.
- (9) Support the Township's efforts to promote the benefits of historic preservation through media and educational programs.
- (10) 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 chapter 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 established; criteria.

An 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 an 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 prehistory 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, or removed from, 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 last 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 Resource 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 Resource 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 an historic resource shall constitute an alteration, and shall be covered by an 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 Resource Alteration Permit and Demolition Permit Application shall be submitted to the Township Zoning Officer. A building permit or demolition permit application may not be submitted until the historic resource 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 Resource 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 resource 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 Resource 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 Resource 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 seven 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 its decision, affording a delay of alteration or demolition for up to 60 calendar days from the date of the meeting. 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 resource alteration permit or demolition permit.

- (1) Before the historic resource alteration permit or demolition permit is issued, the following conditions shall be met:
  - (a) A bond or escrow may be required by the Township, in an amount determined in the sole discretion of the Township Board of Commissioners or its designated and qualified employee or consultant, to ensure 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 resource 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 an historic resource 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 an historic resource 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 economic hardship caused by the cost of the 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 an unreasonable economic hardship. 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.
- K. 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.
- L. Where the Historic Commission recommends and the Board of Commissioners approves demolition of an 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.
- M. 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 an historic resource alteration permit or demolition permit.
- N. 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 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.