

ORDINANCE NO. #####
BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA

The Borough of Malvern's Zoning Ordinance of 2003, as amended, is hereby amended as follows.

SECTION 1 – Definitions.

ARTICLE II: DEFINITIONS, SECTION 201: DEFINITION OF TERMS of the Borough of Malvern's Zoning Ordinance of 2003, as amended, is hereby amended to add the following definitions in alphabetical order:

DEMOLITION BY NEGLECT. The absence of routine maintenance or repair that threatens the structural or weather-tight integrity of a building that may lead to its eventual decay, deterioration, or destruction.

ECONOMIC HARDSHIP. Denial of a permit would deny the applicant of all reasonable beneficial use or return on the property.

STRUCTURAL HISTORIC FABRIC. The exterior form of a significant historic resource, consisting of exterior walls, front or side porches, and roof trusses.

HISTORICAL COMMISSION. The Historical Commission of Malvern Borough, Chester County, Pennsylvania, as established by Malvern Borough Ordinance No. 83-12.

SIGNIFICANT HISTORIC RESOURCE. A building, structure, object, monument, landscape, or site that has been designated by the Malvern Borough Council for its historical, architectural, or archeological importance as provided in the criteria set forth in Article XXIII.

SECTION 2 – Overlay District.

ARTICLE III: ESTABLISHMENT OF DISTRICTS, SECTION 300: CLASSES OF DISTRICTS, SUBSECTION D of the Borough of Malvern's Zoning Ordinance of 2003, as amended, is hereby amended as follows:

Overlay Districts. In addition, there are two overlay districts, the Floodplain Overlay District, contained in Section 2201 of Article XXII, Natural Resource Protection Standards, and the Historic Overlay District, contained in Article XXIII, Historic Resource Protection Standards. An overlay district shall overlay and be in addition to the regulations of the base zoning districts in which the lot, building, or structure is located. The more restrictive of the district regulations shall prevail.

ARTICLE III: ESTABLISHMENT OF DISTRICTS, SECTION 302: ZONING MAP, SUBSECTION A of the Borough of Malvern's Zoning Ordinance of 2003, as amended, is hereby amended as follows:

The locations and boundaries of such districts, except the Flood Overlay District and Historic Overlay District, shall be shown upon the map attached to and hereby made a part of this

Ordinance, which shall be designated the "Zoning Map." The Zoning Map and all the notation, references and other data shown thereon shall be as much as part of this Ordinance as if fully described herein. The Flood Overlay District and Historic Overlay District shall be treated as overlay zones to the otherwise applicable base zones.

SECTION 3 – Standards.

ARTICLE XXIII: HISTORIC RESOURCE PROTECTION STANDARDS is hereby added to the Borough of Malvern's Zoning Ordinance of 2003, as amended, with the following Sections:

Section 2300 PURPOSE

It is the intent of this Article to preserve and protect the significant historic resources and associated properties within the Borough of Malvern that have a distinctive character recalling the historical, architectural, residential, commercial, aesthetic, and cultural heritage of the Borough, Chester County and the Commonwealth of Pennsylvania. The preservation and protection of significant historic resources and associated properties is a public necessity and promotes the general welfare for the citizens of the Borough of Malvern.

The provisions of this Article are intended to:

- A. Identify and designate significant historic resources in the Borough;
- B. Encourage the continued use of significant historic resources and facilitate their appropriate reuse;
- C. Discourage the unnecessary demolition of significant historic resources, including their settings, landscapes and other similar features by establishing a clear process whereby proposed demolitions affecting historic resources are reviewed;
- D. Discourage the unnecessary deterioration and decline of significant historic resources that lead to blighted conditions through the implementation of demolition by neglect procedures;
- E. Minimize adverse impacts on historic resources by establishing standards to regulate the demolition, destruction, and removal of significant historic resources through the implementation of the standards contained herein;
- F. Promote retention of historical integrity in the context of proposed land use, subdivision, and land development proposals;
- G. Ensure the proper documentation of significant historic resources if their demolition or destruction is necessary; and
- H. Provide information on historic preservation best practices and incentives to property owners and residents.

Section 2301 GENERAL PROVISIONS

- A. **Compliance.** Any demolition of all or part of a significant historic resource as designated by this Article shall occur only in full compliance with the terms of this Article and other applicable regulations.
- B. **Historical Overlay.** The land parcel associated with each significant historic resource included on the official list shall be deemed part of the historical overlay on any zoning district now or hereafter enacted to regulate the use of land in the Borough of Malvern. A land parcel associated with a significant historic resource shall be included in its entirety and shall not be subdivided unless approved by the procedures provided in this Article.
- C. **Severability.** Should any section of this Article be revised as a result of legislative or administrative action or judicial decision separate from and independent of the authority of the Borough of Malvern, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district and shall remain in full effect without consideration of this Article.
- D. **Applicability.** All property, including land, improvements and appurtenances, associated with a significant historic resource are considered part of the Historical Overlay and are governed by the provisions of this Article.
- E. **Other Restrictions.** It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.
- F. **Records.** The Borough Manager shall maintain in his or her office a record of all applications associated with the provisions of this Article including all final dispositions of the same.
- G. **Reimbursement of Costs.** Any costs incurred by the Historical Commission, as agreed to in advance and in writing by the Applicant, to review the application and any plans or studies submitted therewith to the Historical Commission, shall be fully reimbursed by the Applicant. *(Borough Solicitor recommends a schedule of fixed fees for applications as well as reimbursement.)*
- H. **Violations.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment equal to the market value or replacement value of the property demolished or destroyed. In addition, no permit for the construction of a new building on the property shall be issued for a twelve (12) month period. Other enforcement actions afforded the Borough through the code of ordinances shall be used accordingly. Because of the irreplaceable nature of historic resources, injunctive relief may be appropriate notwithstanding a lack of physical danger to the general public.
- I. **Other Permits and Approvals.** Review and approval by the Borough of proposed work under the provisions of this Article shall be considered prerequisite to the issuance of any other permits and approvals required by the Borough. The issuance of any approval under the provisions of this Article shall not relieve the applicant from obtaining other permits or approvals required by the Borough.

Section 2302 ADDITIONAL DUTIES OF THE HISTORICAL COMMISSION

In addition to the functions and duties established for the Historical Commission in Malvern Borough Ordinance No. 83-12 the following shall be added in accordance with the purposes of this Article:

- A. Provide recommendations to the Borough Council concerning the proposed addition or removal of a property as a significant historic resource on the official list. Provide Borough Council with recommendations on the issuance of permits for demolition that impact significant historic resources.
- B. Review and comment on subdivision and land development applications which affect significant historic resources in accordance with the requirements and procedures outlined in this Article.
- C. Perform any other lawful activities at the bequest of Borough Council that shall be deemed necessary to further the purposes of this Article.

Section 2303 OFFICIAL LIST OF SIGNIFICANT HISTORIC RESOURCES

- A. **Establishment.** The official list of significant historic resources is hereby established of buildings, structures, objects, monuments, landscapes, and sites in the Borough. The official list is attached to and hereby made part of this Ordinance, and shall be available for public inspection in the Borough Administrative Office. Initially, the official list shall consist of the significant historic resources designated by Borough Council in the adoption of this ordinance.
- B. **Criteria for designation.** A building, structure, object, monument, landscape, or site may be placed on the official list through an action of Borough Council if and only if it is fifty (50) years of age or older and meets any two or more of the following criteria:
 - 1. Has significant character, interest or value as part of the development, heritage or cultural characteristics of the Borough, Chester County, region, commonwealth, or nation.
 - 2. Is associated with the life of a person or history of an organization of importance to the history of the Borough, Chester County, region, commonwealth or nation.
 - 3. Is associated with an event of importance to the history of the Borough, Chester County, region, commonwealth or nation.
 - 4. Embodies distinguishing characteristics of an architectural style, vernacular type, or feat of engineering.
 - 5. Is the noteworthy work of a designer, architect, landscape architect, or engineer whose work has significantly influenced the historical, architectural, economic, social or cultural development of the Borough, Chester County, region, commonwealth or nation.

6. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation.
7. 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.
8. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Borough.
9. Has yielded, or may be likely to yield, information important in prehistory or history.
10. Exemplifies the cultural, political, economic, social or historical heritage of the community.

C. **Amendments.** Significant historic resources may be added to or removed from the official list using the following procedure:

1. **Nomination.** A property may be nominated for addition to or removal from the official list by either the property owner or the Historical Commission.
 - a. *Application by Property Owner.* Applications shall be submitted on such forms provided by the Borough. The application shall include at least the following information and such other information as may be required by the form provided by the Borough:
 - 1) Recent photographs of the subject property;
 - 2) A list and site plan of contributing elements and noncontributing elements located on the subject property;
 - 3) Justification for the proposed addition or removal of the subject property as a significant historic resource on the official list, based on the criteria in Section 2303.B; and
 - 4) Application fee.
 - b. *Nomination by Historical Commission.* If the Historical Commission nominates a property for addition or removal from the official list of significant historic resources, the Borough shall provide written notification to the property owner at least thirty (30) days prior to the public meeting of the Historical Commission.
 - 1) The notice shall include a statement describing the justification for the proposed addition or removal of the subject property as a significant historic resource on the official list, based on the criteria in Section 2303.B.
 - 2) Such notice shall indicate the date, time and place of the public meeting and shall encourage the property owner or an official representative to attend the meeting.

- 3) Notice shall be sent by first class mail to the registered property owner's last known address as it appears in the Chester County real estate tax records.
2. Public Meeting. The nomination shall first be reviewed by the Historical Commission at a public meeting. Any interested party may attend the public meeting and present testimony or documentary evidence regarding the proposed addition or removal of the subject property as a significant historic resource on the official list.
3. Recommendation. The Historical Commission shall present its recommendation in writing to the Borough Council and the property owner. The written recommendation shall include the opinion of the Historical Commission regarding the proposed action, a summary of findings reached by the Historical Commission, and copies of all documents presented at the public meeting.
4. Public Hearing. After receipt of the recommendation from the Historical Commission, Borough Council shall hold a public hearing pursuant to the requirements of Section 609, Enactment of Zoning Ordinance Amendments, of Act 247, Municipalities Planning Code, as amended.
 - a. If the nomination was made by the property owner(s), the public meeting by the Historical Commission and public hearing by Borough Council shall both be held within sixty (60) days of receipt of the application, unless an extension of time is formally granted by the applicant.
 - b. If the nomination was made by the Historical Commission, the public hearing by Borough Council shall be held within sixty (60) days of the public meeting by the Historical Commission.
5. Decision. Within forty five (45) days of the public hearing, Borough Council shall render its decision on the addition or removal of the property as a significant historic resource on the official list based upon the criteria set forth in Section 2303.B. Written notice of the action taken by Borough Council shall be sent in writing to the property owner and any other individual or organization requesting notification.

Section 2304 PERMITS FOR DEMOLITION OF STRUCTURAL HISTORIC FABRIC

The intentional demolition, in whole or in part, of the structural historic fabric of a significant historic resource shall not occur until the Applicant obtains such permit from the Borough in accordance with the following procedures.

- A. **Application for Demolition of Structural Historic Fabric.** An application for demolition of the structural historic fabric of a significant historic resource shall be completed by the Applicant and submitted to the Zoning Officer. Applications shall be submitted on such forms provided by the Borough. The application shall include at least the following information and such other information as may be required by the form provided by the Borough:

1. Information about the existing significant historic resource, including:
 - a. Disclosure of any known history of the significant historic resource and its contents;
 - b. Recent interior and exterior photographs of the significant historic resource; and
 - c. A site plan showing property boundaries, the entire footprint of all buildings, structures, plantings, driveways, and other features, and significant historic resources on the property.
2. A written statement about the proposed demolition and construction, including:
 - a. Proposed future use of the site;
 - b. Proposed method of demolition;
 - c. Proposed means for disposition of materials;
 - d. Timeline for implementation of the proposed future use of the site; and
 - e. Conceptual renderings of proposed new construction.
3. Justification for demolition of the structural historic fabric of the significant historic resource including credible evidence regarding:
 - a. Any attempt to sell the property during the preceding three (3) years;
 - b. Uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied, are not feasible due to constraints created by the significant historic resource, or do not provide a reasonable economic return based on a reasonable initial investment;
 - c. The razing and removal of the significant historic resource will not adversely impact the significance, or structural or aesthetic integrity of any adjacent significant historic resource; and
 - d. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
4. Application fee.

B. Procedures for Review of Demolition of Structural Historic Fabric.

1. **Application Completeness.** The Zoning Officer shall review the application to determine if it is complete. If the application is deficient in any way, the Zoning Officer shall notify the applicant in writing, specifying any and all deficiencies. If such deficiencies are not remedied in the form of a resubmitted application rectifying such identified deficiencies by the applicant, this shall constitute sufficient grounds for denial by the Borough Council of the application subsequent to public hearing should the Council deem such deficiencies to be substantially at variance with the requirements of this or other applicable Borough Ordinances.

2. **Historical Commission Public Meeting.** Within thirty (30) days of receipt of a complete application, at a regular meeting or a special meeting, the Historical Commission shall review the application for demolition of structural historic fabric.
 - a. Signs. Public notice signs provided by the Borough shall be posted on the subject property in full view of the public. Where a significant historic resource does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the subject historic resource. The signs shall be erected not less than seven (7) days before the Historical Commission meeting, and shall be maintained by the applicant until final determination has been made by the Borough Council.
 - b. Notification. The Applicant shall provide written notice to all adjacent property owners not less than seven (7) days before the Historical Commission meeting.
 - c. Testimony. Any interested party may attend the public meeting and present testimony or documentary evidence regarding the proposed demolition impacting the significant historic resource.
3. **Temporary Delay.** If the subject property satisfies three or more of the criteria for designation specified in Section 2303.B, the Historical Commission may elect to implement a temporary delay for a period not to exceed ninety (90) days to allow further consideration of one or more of the following:
 - a. Discussion with the Applicant of alternatives to demolition;
 - b. Submittal, by the Applicant, of any of the additional information outlined in Section 2304.C at the request of the Historical Commission; or
 - c. If the subject property satisfies criterion 2303.B.9, preparation, by the Applicant, of archival documentation for the significant historic resource as set forth in Section 2305.

The Historical Commission shall hold another public meeting prior to the conclusion of the temporary delay period.

4. **Recommendation.** The Historical Commission shall present its recommendation in writing to the Borough Council, the Applicant, and the property owner within ten (10) days following the final public meeting, which period may be extended by mutual consent of the Historical Commission and Applicant. The written recommendation shall include the Historical Commission's recommendation to approve, approve with conditions, or deny the application for demolition of structural historic fabric, with reasons or conditions provided in detail. The Historical Commission shall base its recommendation on the criteria outlined in Section 2303.D and shall provide a summary of findings reached by the Historical Commission along with copies of all documents presented at the meeting.

5. **Borough Council Public Meeting and Decision.** Within forty five (45) days of receipt of the written recommendation of the Historical Commission, unless this period is extended by mutual consent of the Borough Council and Applicant, Borough Council shall review the application at a public meeting and shall render a decision to either approve, approve with conditions, or deny the application for demolition of structural historic fabric. Borough Council shall consider the written recommendation of the Historical Commission as well as any evidence, reports or testimony of interested parties.

C. **Additional Information for Review of Demolition of Structural Historic Fabric.** During the review period, the Historical Commission may require any of the following additional information from the Applicant to assist in reaching a recommendation:

1. A condition assessment prepared by a registered structural engineer or architect with demonstrated experience in historic preservation;
2. A report from a code enforcement officer indicating the property's compliance, or lack thereof, with the International Property Maintenance Code;
3. The amount paid for the property;
4. The date of purchase and party from whom purchased;
5. The most recent assessed value of the land and improvements;
6. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record that includes the annual gross income from the property for the previous three years;
7. Itemized operating and maintenance expenses for the previous three years;
8. Any depreciation deduction taken;
9. Annual cash flow before and after debt service, if any;
10. Any consideration by the owner as to profitable adaptive reuse of the property;
11. The current form of ownership and operation of the property, whether an individual, for-profit or not-for-profit corporation, limited partnership, or joint venture;
12. A cost estimate of proposed rehabilitation work and demolition;
13. The estimated market value of the property in its current condition and after completion of the proposed construction, alteration, or demolition;
14. A financial summary of operations and maintenance costs for any adaptive uses considered;

15. Any listing of the property for sale or rent including price asked and offers received during the past three years;
16. The remaining balance on any mortgage or other financing secured by the owner or applicant and annual debt service, if any, for the previous three years; or
17. Copies of all appraisals obtained within the previous three years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

D. **Standards for Review of Demolition of Structural Historic Fabric.** The following standards shall be used in evaluating the proposed demolition of the structural historic fabric of a significant historic resource:

1. The impact of the proposed demolition on the historical importance and architectural integrity of the significant historic resource(s) on the subject property;
2. The impact of the proposed demolition on the historical importance and architectural integrity of adjacent significant historic resources and contributing resources;
3. Economic hardship;
4. Property condition;
5. Feasibility for adaptive reuse of significant historic resources;
6. Design compatibility of proposed new construction with adjacent significant historic resources and the surrounding neighborhood;
7. Reasonable alternatives to demolition the structural historic fabric of the significant historic resource; and
8. The speculative nature and timeline for the proposed future use of the property.

Section 2305 DEMOLITION BY NEGLECT OF SIGNIFICANT HISTORIC RESOURCES

When a significant historic resource is allowed to be vandalized, or is improperly maintained as to allow excessive decay or ruin, it shall be considered demolition by neglect. In order to prevent such demolition by neglect the following provisions shall be applicable to significant historic resources:

- A. **Criteria.** Demolition by neglect of a significant historic resource shall be deemed to have occurred if the structure is unoccupied and exhibits two or more of the following:
1. Roof failure or substantial deterioration of roofing material is apparent;
 2. Substantial rot, collapse, or decay is visible on the exterior of the building;
 3. Broken windows are present;

4. Unsecured entrances are visible or reported;
5. Vegetative growth is allowed to damage building fabric;
6. Mold, moss or mildew is visible on building surfaces;
7. Loss of the exterior building envelope is evident.

B. Procedure.

1. Statement of Concern. The process for declaration of demolition by neglect of any significant historic resource may be initiated by any concerned resident or property owner of the Borough. Said resident or property owner shall notify the Borough of their concern by preparing a written statement and submitting said statement to the Borough Office.
2. Notice of Inspection. At a regular or special meeting, the Historical Commission shall make arrangements to have the property examined by an inspection team. The property owner shall be notified in writing by certified mail of the date and time of the inspection at least ten (10) days prior to the inspection.
3. Inspection. On the scheduled date and time for inspection, the inspection team shall enter the property to evaluate conditions of the property and investigate the allegations set forth in the statement of concern. An inspection of the interior of any building subject to a Notice of Inspection for Demolition by Neglect may be conducted if the property owner, or authorized agent, is present, otherwise, only the exterior of the building will be examined. If the building is occupied, the Codes Enforcement Officer shall determine whether conditions warrant a code enforcement action to protect the health, safety and welfare of its occupants and the general public. If the owner refuses to allow entry into the building, and the Codes Enforcement Officer believes that an internal inspection is necessary, an Administrative Search Warrant shall be requested from the Magisterial District Justice.
4. Inspection Report. The inspection team shall gather information, including photographs, sufficient to convey the condition of the significant historic resource to the Historical Commission and Borough Council.
5. Review by the Historical Commission. Within thirty (30) days of the inspection, at its regular meeting or a special meeting, the Historical Commission shall review the results of the inspection. The property owner or authorized agent shall be notified of the meeting and encouraged to present evidence and testimony pertaining to the claim of demolition by neglect. The Historical Commission shall determine if the significant historic resource has been vandalized or improperly maintained so as to cause excessive decay or ruin taking into account the following:
 - a. The condition of significant architectural features that contribute to the historic importance and/or architectural integrity of the significant historic resource.
 - b. Whether the property owner has made a reasonable effort to properly stabilize and secure the property.

- c. Whether there is any current reasonable use of existing buildings on the property.
 - d. Whether property maintenance and stabilization represents a financial hardship for the property owner.
 - e. Any future plans of the property owner for alternative uses of the property.
6. Recommendation of the Historical Commission. Within thirty (30) days of its meeting the Historical Commission shall forward written findings to the Borough Council relative to the claim of demolition by neglect addressing the criteria outlined in this Section.
7. Final Decision on Demolition by Neglect. Within thirty (30) days of receipt of the report, the Borough Council shall review the findings of the Historical Commission. The property owner shall be given ten (10) days notice of the Borough Council meeting. The Borough Council shall consider the report of the Historical Commission as well as any evidence, reports or testimony of interested parties and shall render a decision as to whether or not a demolition by neglect has occurred. The decision shall consist of one of the following based on the evidence and testimony presented:
- a. A demolition by neglect has occurred and shall be remedied through one or more of the actions listed in this Section.
 - b. A demolition by neglect has not occurred and no further action is required of the property owner.

The Borough Council shall, within fifteen (15) days of the aforesaid public meeting, send official written communication of its decision to the property owner including required actions.

8. Initial Action Required of Property Owner. If the final decision of the Borough Council is that a Demolition by Neglect has occurred the decision shall indicate what measures shall be taken to rectify the situation including an initial action with a deadline for compliance of sixty (60) days. For unoccupied properties, the initial action shall be to adequately secure and stabilize the property and turn off utilities. If the deadline for initial action passes without compliance by the property owner, the Borough Council shall take additional action including one or more of the following:
- a. Granting a deadline extension if the property owner has demonstrated due diligence in correcting adverse conditions;
 - b. Code enforcement including fines; or
 - c. An agent for the Borough may enter the property to secure and repair adverse conditions with a lien placed on the property to recover costs and expenses.
9. Additional Actions Required of Property Owner. After the initial action one or more of the following additional actions with deadlines for compliance, may be required of a property owner when the Borough Council determines that a Demolition by Neglect remains in effect:

- a. Unoccupied significant historic resources shall be properly secured at the property owner's expense in accordance with the National Park Service Preservation Brief # 31 and utilities turned off.
 - b. The property owner, or authorized agent, shall apply for a demolition permit consistent with Section 2304 of this Article.
 - c. A designated agent for the Borough shall enter, repair and secure the significant historic resource to prevent further deterioration with costs to be recovered from the owner through a lien placed on the property.
 - d. If conditions warrant, code enforcement action with the findings of the Historical Commission and Borough Council forwarded to the proper authority.
 - e. Preparation of archival documentation for the significant historic resource as set forth in Section 2306.
10. Periodic Inspections. Throughout the course of proceedings the Borough Council may require periodic inspections of the property to monitor conditions and ensure compliance. The interior and exterior of the significant historic resource shall be inspected periodically by the Building Inspector, a member of the Historical Commission, and the owner or a designated agent to determine compliance.

Section 2306 ARCHIVAL DOCUMENTATION OF SIGNIFICANT HISTORIC RESOURCES

- A. **Contents.** The documentation required for a significant historic resource may depend on the nature of the resource to be demolished. The Borough may recommend documentation and recordation of any or all of the following:
- 1. A detailed description of the significant historic resource and its context, including topography, vegetation, landscaping, driveways, structures and features;
 - 2. A detailed site plan of the significant historic resource;
 - 3. Measured floor plans, if applicable, and exterior elevations;
 - 4. Measured drawings of individual elements of the Historic Resource;
 - 5. Comprehensive photographic record of the major exterior elevations, general photographs of each room, and individual photos of significant decorative elements. Photographs may be black and white or color, and/or in digital format, so long as any prints are of archival quality;
 - 6. Chain of title or other information related to the history of the Historic Resource;
 - 7. Documentation of prior uses and historical events associated with the resource;
 - 8. A statement of the significance of the Historic Resource and its context to the Borough and environs.

- B. **Professional Preparation.** Such documentation, if required by the Historical Commission, shall be prepared by a person or firm with experience and qualifications relating to historic resource documentation.
- C. **Submission.** Two copies of such documentation, all of which shall be of quality and scale acceptable to the Historical Commission, shall be delivered to the Historical Commission for review and approval.
- D. **Review.** Within thirty (30) days of receipt, the Historical Commission, or a subcommittee thereof, shall review the submitted documentation and render a decision on its completeness.
- E. **Acceptance.** Upon approval by the Historical Commission, one copy shall be forwarded to the Borough Zoning Officer with evidence of such approval to be added to the property information on file. The second copy shall be retained in the records of the Historical Commission.

Section 2307 INTEGRITY OF HISTORIC SETTING

- A. **Purpose.** The subdivision or land development of a lot which contains a significant historic resource shall be accomplished in such a manner that the resulting lot that will contain the significant historic resource preserves the integrity of the historic setting and effective use of the significant historic resource. A goal of the Borough shall be to preserve outbuildings, significant site features, immediate yard areas, and public views associated with the significant historic resource and that preserve or create public views of the significant historic resource.
- B. **Historical Commission Responsibilities.** Review and recommendations regarding the significant historic resource, its subdivided lot, and the proposed land development shall be made by the Historical Commission to the Planning Commission and the Borough Council within the prevailing timeline of the Subdivision and Land Development process.
- C. **Lot size and configuration.** The size and configuration of the subdivided lot shall depend upon the significant historic resource and the characteristics of the landscaping of the subdivided lot and adjacent lots. Lot boundaries shall conform to the lines of identifiable landscape features on the site. The Borough may require that a lot size be increased above the minimum lot size for the zoning district in which the resource is located in order to preserve and protect a significant historic resource.
- D. **Density bonuses.** No density bonuses shall be granted to properties where a significant historic resource has been demolished.

SECTION 4 – Effective Date.

This Ordinance shall become effective upon enactment as by law provided.