

ORDINANCE NO. 115 - 2004

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON CREATING A HISTORIC DISTRICT, DEFINING ITS LIMITS, PROVIDING FOR THE APPOINTMENT OF A HISTORIC ARCHITECTURAL REVIEW BOARD TO GIVE RECOMMENDATIONS TO THE TOWNSHIP SUPERVISORS THE TOWNSHIP OF ABINGTON REGARDING THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS IN CONNECTION WITH THE GRANTING OR REFUSAL OF PERMITS FOR THE CONSTRUCTION, ALTERATION, RESTORATION, RECONSTRUCTION, REPAIRS OR DEMOLITION OF ANY BUILDING WITHIN THE DISTRICT AND FOR APPEALS FROM SUCH REFUSALS, AND PROVIDING FOR THE NOTIFICATION TO THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION OF THE ADOPTION OF THIS ORDINANCE AND OBTAINING FROM THE COMMISSION A CERTIFICATE AS TO THE HISTORICAL SIGNIFICANCE OF THE DISTRICT.

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ARTICLE I

Section 100 - Legal Authorization

Pursuant to authority contained in the Act of June 13, 1961, P. L. 282, No. 167 (53 P.S. 8001), as amended, there is hereby created a historic district within the Township of Abington.

The Historic District shall be considered as an "overlay" to the zoning ordinance. All of the provisions and requirements of the underlying zoning districts shall remain in full force, except that these additional procedures and requirements of this Article shall also apply.

This Ordinance shall be known and may be cited as the "Township of Abington Historic District Ordinance."

Section 101 - Purposes

This Historic District is created for the following purposes:

To protect that portion of the Township of Abington which reflects the cultural, economic, social, political and architectural history of the Township of Abington, the State, and the Nation.

B. To promote the use and reuse of the historic structures of the Township of Abington for the

culture, education, pleasure and the general welfare of the people of the Township of Abington, the State, and the Nation.

- C. To strengthen the economy of the Township of Abington by stabilizing and improving property values within the historic district.
- D. To encourage renovation or alteration of existing structures and new building and development within the historic district that will be harmonious with the existing historic and architecturally important structures.

ARTICLE II

Section 200 - Definitions: For the purpose of this ordinance, all words used in the present tense include the future tense. All words used in the plural number include the singular number and all words used in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."

- A. Alteration - Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object, or any part of a structure which is visible from the streets or public roads within the Historic District, excluding changes of paint color.
- B. Building - A structure formed of any combination of materials that is erected on the ground and permanently affixed thereto, and designed, intended, or arranged for the housing, shelter, enclosure or structural support of person, animals, or property of any kind.

Any structure such as but not limited to those having a roof supported by columns, piers, or walls, including tents, lunch wagons, mobile homes, trailers, dining cars, or other structures on wheels, or having other supports, and, any unrooded platform, terrace or porch having vertical face higher than three (3) feet above the level of the ground over or upon which said structure is located
- C. Building Permit - An approval statement signed by the Code Enforcement Officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any structure within the historic district.
- D. Building Permit Application - The request filed by any person with the Code Enforcement Officer that seeks authorization to construct, alter, reconstruct, repair, restore, demolish or raze all or a part of any structure within the historic district
- E. Code Enforcement Officer - The officer of the Township of Abington designated by Township Supervisors as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building
- F. Certificate of Appropriateness - The approval statement signed by the Township Supervisors which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any structure within a historic district and authorizes the issuance of a building permit for said request.
- G. Completed Application - A complete permit or certificate of appropriateness application that conforms to the submittal criteria for specific historic preservation projects, as determined by the Historical Architectural Review Board.
- H. Construction - Any or all work necessary for the erection of any structure from a combination of materials that form safe and stable structures.
- I. Demolition - The dismantling or tearing down of all or part of any structure and all operations incidental thereto, including neglecting routine maintenance and repairs, which can lead to deterioration and decay.

- J. Demolition by Neglect - The absence of routine maintenance and repair which can lead to a structure's structural weakness, decay, and deterioration resulting in its demolition.
- K. Noncontributing building - Any building within the historic district that is identified in the National Register of Historic Places nomination documents as being non-contributing to the character of the district by virtue of its age or degree of alteration.
- L. Property - A parcel of land including improvements, lawns, pavement, sidewalks, parking areas, and curbing.
- M. Reconstruction - Any or all work needed to remake or rebuild all or a part of any structure to a sound condition, but not necessarily of original materials.
- N. Repairs - any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.
- O. Restoration - Any or all work connected with the returning to or restoring a structure or a part of any structure to its original condition through the use of original or nearly original materials.
- P. Sign - A lettered board, structure or other surface, or any other device used to visually announce, advertise or convey information to the public for any purpose. Included would be:
 - 1. Animated Sign - A sign with action or motion, flashing lights or color changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind-actuated elements such as flags, banners or pennants.
 - 2. Business Sign - A sign that announces or directs attention to a business, product, service or activity sold or conducted on the premises where such sign is located.
 - 3. Illuminated Sign - A sign incorporating a source of light in order to make the message readable. Included are internally and externally lighted signs.
- Q. Structure - Any combination of materials forming a unit that requires location in or on the ground or which is attached to something having location on the ground. The term "structure" shall include buildings, signs, sidewalks, fences, walls (including but not limited to stone walls), towers, swimming pools (above or below ground), porches, carports, garages, stadia, sheds or similar structures.
- R. Township of Abington Historic Architectural Review Board (HARB) - The agency that advises the Township Supervisors of the Township of Abington on any requests for authorization to construct, alter, reconstruct, repair, restore or demolish all or a part of any structure within the historic district
- S. Township Planning Commission - The agency, which advises the Township Supervisors of the Township of Abington on planning and planning-related matters.

ARTICLE III

Section 300 - Delineation of Historic Districts

The Township of Abington Historic District shall be described in writing in this section and delineated on an official map of the Township, attached hereto as Exhibit "A."

The Official Historic District Map shall be signed by the Township Supervisors of the Township of Abington and shall be located in the office of the Code Enforcement Officer.

The Township of Abington Historic District is bounded as follows: The Waverly National Register of Historic

Places historic district as delineated in the National Register of Historic Places Registration Form.

Section 301 - Interpretation of Boundaries

Where uncertainty and/or discrepancies exist as to the boundaries of the district as shown on the Official Township of Abington Historic District Map and/or as described in the above, the following rules shall apply:

- A. Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as parallel to or extensions of features indicated in the above, shall be so construed. Distances not specifically indicated on this Official Map shall be determined by the scale of the Map.
- D. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by the above, the Township Supervisors shall interpret the boundaries of the District.

ARTICLE IV

Section 400 - The Creation and Membership of the Historical Architectural Review Board

- A. An Historical Architectural Review Board, hereafter referred to as "the HARB," is hereby established to be composed of seven (7) members appointed by the Township Supervisors of the Township of Abington. The membership of the HARB shall be as follows:
 - One (1) member shall be a registered architect;
 - One (1) shall be a licensed real estate broker;
 - One (1) shall be the Township's Building Code Official;
 - One (1) shall be a Planning Commission member; and
 - Three (3) shall be persons with demonstrated interest in the preservation of the Township of Abington Historic District, who may also possess knowledge, ability, experience, or expertise in restoration, historic rehabilitation, or neighborhood conservation.
- B. The initial terms of the first members shall be so fixed that no more than two (2) members shall be replaced or reappointed during any one calendar year. Their successors shall serve for a term of five (5) years. The position of any member of the HARB appointed in his or her capacity such as a registered architect, a licensed real estate broker, zoning officer, planning commission member, etc., who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- C. It shall be the duty of each HARB member to remain conscious of and sensitive to any possible conflict of interest (including, but not limited to financial considerations), which may arise by virtue of his or her membership on the Board. Any member, promptly upon determining that he or she has a conflict relative to any matter brought before the Board, shall disqualify himself or herself from participating, in any manner, publicly or privately, in the presentation, discussion, or deliberation of and the voting on any such matter, including temporarily absenting himself or herself from the room in which the discussion is being held.

Section 401 - Powers and Duties of the HARB

- A. **Advisory Role** - The HARB shall give advice to property owners and recommendations to the Township Supervisors of the Township of Abington regarding the issuance of Certificates of Appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended and with this Ordinance.

- B. Board Rule-Making Power - The HARB may establish and amend rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth and all provisions of this Ordinance.
- C. Annual Reports - The members of the HARB shall make an annual report to the Township Supervisors of the Township of Abington that would include any recommendations for change in the Ordinance.
- D. Compensation - The members of the HARB shall serve without compensation, except as may be provided otherwise by Township Supervisors, such as reimbursement for HARB-related expenses. The HARB may, in accordance with appropriations by the Township Supervisors of the Township of Abington, employ clerical assistants and incur other necessary expenses.
- E. Meetings - The HARB shall meet publicly at least once at regularly scheduled intervals or within fifteen days of the receipt of an application. Further, the HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this Ordinance. Such meetings shall be open to the public. A majority of the HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the quorum (four [4] members) of the HARB.
- F. Training - HARB members and HARB support staff are encouraged to attend a minimum of eight (8) hours annually of seminars, conferences or workshops related to historic preservation and HARB administration, with the expenses associated with attendance at such seminars, conferences, or workshops to be reimbursed by the Township.

Section 402 - Additional Powers and Duties of the HARB

In addition to the above, the HARB shall have the following powers and duties:

- A. To conduct investigations of buildings and structures for the purpose of determining those of historic and/or architectural significance along with pertinent facts about them; to act in coordination with the Township Planning Commission and other appropriate groups; and to maintain and periodically revise the detailed listings of historic sites and buildings and data about them, appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise.
- B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to the existing historic district.
- C. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings including proposals for the installation and care of such historic markers.
- D. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Township's historic and/or architectural sites and buildings.
- E. To cooperate with and advise the Township Supervisors of the Township of Abington, the Township Planning Commission, and other Township agencies in matters involving historically and/or architecturally significant sites and buildings (including but not limited to appropriate land usage, parking facilities, and signs, as well as adherence to lot dimensional regulations and minimum structural standards).
- F. To cooperate with and enlist assistance from the Pennsylvania Historical and Museum Commission, the National Park Service, Preservation Pennsylvania, the National Trust for Historic Preservation, and other agencies, public and private, from time to time, concerned with historic sites and buildings.
- G. To advise owners of historic buildings and structures on issues related to preservation.
- H. To promote public interest in the purpose of this Ordinance by carrying on a public relations program.

ARTICLE V

Section 500 - Design Guidelines

In determining the recommendations to be made to the Township Supervisors of the Township of Abington concerning the issuance of a Certificate of Appropriateness, the HARB shall consider only those issues that are pertinent to the preservation of the historic and/or architectural aspect and nature of the building, structure, site, area or district, certified to have historical significance, including the following:

- A. The effect of the proposed change upon the general historic and architectural nature of the District.
- B. The appropriateness of the exterior architectural features which can be seen from the streets or public roads within the Historic District; features not visible from the streets or public roads within the Historic District are not regulated by this Ordinance.
- C. The general design, arrangement, texture, and material of the building or structure and the relation of such factors to similar features of buildings or structures in the District.
- D. The conformity of the proposed project to the following guidelines, which are adapted from "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," as developed by the National Park Service of the U. S. Department of the Interior:
 - 1. The historic character of a Property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a Property will be avoided.
 - 2. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
 - 3. Changes to a Property that have acquired historic significance in their own right will be retained and preserved.
 - 4. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the structures on a Property will be preserved.
 - 5. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
 - 6. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - 7. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the Property and its environment.
 - 8. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic Property and its environment would be unimpaired.
- E. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by more than fifty (50) percent. This requirement shall also apply to any proposed modifications to existing buildings or structures.
- F. In cases where applications for proposed demolition or razing occur, the HARB shall, where deemed necessary, recommend to the Township Supervisors of the Township of Abington that the proposed demolition or razing be postponed to allow for the investigation of alternatives to demolition. However, in the event demolition cannot be avoided, then the moving of a building shall be encouraged as an alternative to demolition if there is no other way to preserve the building on its original site. If moving a

building or structure slated to be demolished is economically infeasible, efforts should be made to salvage architectural features of said building or structure for use within the Township.

- G. In addition to the above, all other Township laws and ordinances not inconsistent with this ordinance shall be complied with, including the zoning and subdivision ordinances.

Section 501 - Signs in Commercial Zone

- A. No sign or permanent external advertising display of any kind shall be erected, altered or used in a commercial zone within the historic district except for advertising informing the public of the service, business, occupation or professional carried on, in or about the property on which such sign or permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered until an application for permit to make such erection or alteration has been reviewed by the HARB for its conformity in exterior material composition, exterior structural design, external appearance and size with similar advertising or information media used in the architectural period of the District and a permit granted thereon.
- B. In addition to the above, and those matters considered in Section 500, the following shall be adhered to:
1. No animated, revolving or moving signs shall be permitted.
 2. Illumination of any sign shall be indirect, shielded or otherwise arranged to prevent direct glare; internally illuminated signs, whether a large sign or individual letters, shall not be used.
 3. Projecting signs extending more than two (2) feet over any public walk or right-of-way shall be at least ten (10) feet above the walk grade and at least fourteen (14) feet above any vehicular right-of-way.
 4. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location, where by reason of its position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
 5. The use of neon may be permitted by the HARB, depending upon its location and scale with respect to a building, its storefront, or other architectural components.
 6. No sign shall be located so as to prevent or hinder free ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape.
 7. The use of awnings is encouraged; graphics may be applied to the front and sides of the awning. Such awnings shall be of a traditional design; awnings with a curved profile or which are internally illuminated shall not be used.
 8. No sign shall be attached to or placed on any public utility pole or tree located within any public right-of-way.
- C. Temporary signs advertising community events may be erected from time to time, but they should not be electrified; such signs shall not be erected more than seven (7) days before the event and must be removed within twenty-four (24) hours of the end of the event.
- D. All other requirements of any Township Ordinances must be complied with. Historical markers may be authorized by the HARB subject to the provisions stipulated and such markers shall not be considered as signs but are to be erected in accordance with the requirements established for historical markers by the HARB.

Section 502 - Demolition

- A. The intent of this section is to ensure that valuable historic structures are not permanently destroyed unless no reasonable alternatives are available.
- B. This section shall apply to any existing structure or portion of such structure within the historic district.
- C. No structure defined by Subsection "B", above, shall be demolished or razed unless one of the following is satisfied, in the determination of Township Supervisors, based upon the recommendations of the HARB:
 - 1. That the structure is non-contributing to the overall character of the historic district, based upon the advice of the HARB;
 - 2. That the applicant proves that no reasonable beneficial use of the structure is possible, and that such situation is not the result of intentional neglect by the current owner; or
 - 3. That the applicant proves that the denial of the demolition or razing request would greatly result in unreasonable economic hardship to the owner.
 - 4. That demolition or razing would remove a public hazard and protect the health and safety of the public.

ARTICLE VI

Section 600 - Application Review Procedure

- A. Upon receipt of an application for a Certificate of Appropriateness for work to be done in the district, the Township's Building Code Official shall act in accordance with the procedures then being followed in that office, except those procedures that are necessarily modified by the following requirements:
 - 1. He shall forward copies of the application for a Certificate of Appropriateness together with copies of any plot plan and building plans and specifications filed by the applicant to each member of the HARB.
 - 2. He shall not issue a permit for any construction, alteration, reconstruction, repair, restoration or demolition of all or a part of any structure in the District until the Township Supervisors of the Township of Abington has issued a Certificate of Appropriateness.
 - 3. He shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit so that the information needed to make the determination set forth in Section 600(G) 1-8 will be available.
 - 4. He shall maintain in his office a record of all such applications and final disposition of the same.
- B. HARB Review of Applications - Upon the receipt of any Certificate of Appropriateness application under the jurisdiction of this Ordinance, the HARB shall consider such at its next regularly scheduled meeting or at a special meeting.
- C. Notification of Applicant of HARB Meeting - The person(s) applying for the Certificate of Appropriateness shall be advised of the time and place of said meeting and be invited to appear to explain a proposed project at least ten (10) days in advance of the meeting. The HARB may invite such other persons as it desires to attend its meeting.
- D. Design Guidelines - In determining the recommendations to be presented to the Township Supervisors of the Township of Abington, concerning the issuing of a Certificate of Appropriateness authorizing a permit for the construction, alteration, reconstruction, repair, restoration or demolition of all or a part of any

building or structure within the Historic District, the HARB shall consider the Design Guidelines set forth in Section 500 and 501.

- E. Time Frame for HARB Decision - In most cases, the HARB shall render a decision and recommendation on any application for a Certificate of Appropriateness under its review no later than fifteen (15) days after the hearing/meeting provided for in Section 401 of this Ordinance and shall submit, in writing to the Township Supervisors of the Township of Abington recommendations concerning the issuance of a Certificate of Appropriateness. In the case of large projects, the HARB may postpone its decision for a reasonable time not to exceed forty five (45) days in order to investigate a project more fully than would be possible within fifteen days.
- F. Application Disapproval by the HARB - If the HARB decides to advise against the granting of a Certificate of Appropriateness, it shall prepare a written decision and forward such decision to the applicant for a building permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect the distinctive historical character of the historic district. The HARB shall withhold its report for a period of five (5) days to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he will make the necessary changes, the applicant shall so advise the HARB, which shall in turn advise the Township Supervisors accordingly.
- G. Contents of Written Report - The written report to Township Supervisors concerning the HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the following issues:
 - 1. The exact location of the area in which the work is to be done.
 - 2. The exterior changes to be made or the exterior character of the structure to be erected.
 - 3. A list of the surrounding structures with their general exterior characteristics.
 - 4. The effect of the proposed change upon the general historic and architectural nature of the district.
 - 5. The appropriateness of exterior architectural features of the structure, which can be seen from a street or public road within the historic district.
 - 6. The general design, arrangement, texture, and material of the structure and the relation of such factors to similar features of structures in the historic district.
 - 7. The opinion of the HARB (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the historic district.
 - 8. The specific recommendations of the HARB as to the issuance by the Township Supervisors of the Township of Abington or its refusal to issue a Certificate of Appropriateness.
- H. Notification of Applicant by the Township Supervisors of its Consideration - Upon receipt of the written report from the HARB as provided in Subsection G of this section, the Township Supervisors shall consider at the next regularly scheduled or special meeting, the question of issuing to the Code Enforcement Officer a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised, in writing, by the Township Secretary of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the said application and/or to appeal the negative recommendation from the HARB.
- I. Design Guidelines - In determining whether or not to certify to the appropriateness of the proposed construction, alteration, reconstruction, repair, restoration or demolition, of all or a part of any structure within the historic district, the Township Supervisors shall consider the same factors as the HARB set

forth in Sections 500 and 501 of this Ordinance and the report of the HARB.

- J. Approval by the Township Supervisors - If the Township Supervisors approve the application, the Supervisors shall issue a Certificate of Appropriateness authorizing the Code Enforcement Officer to issue a permit for the work covered.
- K. Disapproval by the Township Supervisors - If the Township Supervisors disapprove, the Supervisors shall do so in writing, and copies shall be given to the Code Enforcement Officer, the applicant, and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district.
- L. Upon receipt of a written disapproval of the Township Supervisors, the Code Enforcement Officer shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law.
- M. Final Notification by Township Supervisors - In either case, the Township Supervisors shall notify the applicant within five (5) business days of its meeting at which the application was considered.
- N. Any new construction within the historic district remains subject to the review and approval processes of the Abington Township Subdivision and Land Development Ordinance.

ARTICLE VII

Section 700 - Unreasonable Economic Hardship

When a claim of unreasonable economic hardship is made due to the effect of this Ordinance, the owner of record must present evidence sufficient to prove that as a result of the HARB's action, he is unable to obtain a reasonable return or a reasonable beneficial use from the building. The owner of record shall submit by affidavit to the HARB information that shall include but not be limited to the following:

- A. Date the property was acquired by its current owner.
- B. Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property.
- C. Mortgage history of the property, including current mortgage.
- D. Current market value of the property.
- E. Equity in the property.
- F. Past and current income and expense statements for a two-year period.
- G. Past capital expenditures during ownership of current owner.
- H. Appraisals of the property obtained within the previous two years.
- I. Income and property tax factors affecting the property.

The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

The HARB may receive and consider studies and economic analyses from other Township agencies and from private organizations relating to the property in question.

Should the HARB determine that the owner's present return is not reasonable, it must 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 HARB may choose to recommend to the Township Supervisors that special economic incentives be developed to assist the owner of the property in maintaining it and

obtaining a suitable economic return or achieving a reasonable beneficial use.

The HARB may seek the assistance of appropriate local, statewide, or national preservation organizations in developing solutions that would relieve the owner's economic hardship. If the HARB chooses to explore such options, it may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

Should the applicant satisfy the HARB that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the HARB be unable to develop with the Township or appropriate local, statewide and/or national preservation organizations a solution which can relieve the owner's economic hardship, the HARB shall recommend that a Certificate of Appropriateness be issued for the proposed undertaking.

ARTICLE VIII

Section 800 - Emergencies

- A. In the event of any damage to any structure located within the historic district which requires prompt repair or stabilization for the protection of the structure or items contained therein or to permit the structure to continue to be utilized, the owner of the structure may make temporary repairs to accomplish such stabilization as is necessary to protect the structure or the items contained therein or to permit the continued use of the structure without complying with the provisions of this Article.
- B. Such owner shall report the need for such repairs to the Code Enforcement Officer and obtain a permit promptly after discovery of such need in order to secure the benefits of this section. Such owner shall do no more work than is reasonable to obtain the said protection without complying with the provisions of this article.

Section 801 - Demolition by Neglect

- A. All structures within the Township of Abington Historic District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of such deterioration include, but are not limited to:
 - (i) Deterioration of exterior walls or other vertical supports
 - (ii) Deterioration of roofs or other horizontal members.
 - (ii) Deterioration or crumbling of exterior chimneys.
 - (iv) Deterioration or crumbling of exterior stucco or mortar
 - (v) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
 - (vi) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that a demolition is necessary for the public safety.
- B.
 - (i) In the event HARB determines after inspection and review that a Contributing Structure within the Historic District is deteriorating to the extent that further decay and deterioration will result in Demolition by Neglect of such Structure, HARB shall so inform the Supervisors of its determination and its recommendation as to the repair and maintenance required to prevent such Demolition by Neglect; and
 - (ii) The Supervisors shall notify the record owner of any such neglected Structure, by Certified Mail, Return Receipt Requested and by Posting the Structure, that HARB has made findings and recommendations with regard to the Structure, and demand that the repairs and maintenance specified in the HARB recommendation be completed within sixty (60) days of the Notice; and

- (iii) The owner of the Property that is the subject of the findings and recommendations of HARB shall have the right to appeal the Supervisors' order that the repairs and maintenance specified in the order be performed by submitting a written Appeal to the Township Manager within thirty (30) days of service of the Notice specified in Section 801B(ii), above. The Township Manager shall then schedule a Hearing before HARB within thirty (30) days of such Appeal, at which time the owner/appellant shall have the opportunity to present evidence that the repairs and maintenance required by the findings and recommendations are not reasonable or necessary. The decision of HARB on the Appeal shall be made within thirty (30) days of the conclusion of the Hearing. If HARB does not sustain the Appeal, the order to complete the repairs and maintenance shall be in full force and effect and the sixty (60) day period for completion of the repairs and maintenance shall begin to run from the date of HARB's action on the Appeal.
- (iv) In the event the repairs and maintenance specified in the HARB recommendation are not completed within the sixty (60) day periods set forth in Subsection (ii) or (iii), above:
 - (a) The Supervisors may, but need not, cause such repairs and maintenance to be completed so as to stabilize and protect such Structure and file a Municipal Lien against the Property that includes the Structure for the cost thereof; or
 - (b) The Supervisors may seek appropriate Judicial Relief to compel completion of the work.

ARTICLE IX

Section 900 - Enforcement

The Township's Building Code Official shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Ordinance in the same manner as in his enforcement of the Township Building Permit Ordinance as enacted and as may be amended from time to time.

Section 901 - Penalty

Any person, property owners, occupant, firm or contractor failing to obtain a building permit or Certificate of Appropriateness pursuant to this Ordinance shall be fined the sum of \$100.00 for each day the violation is unabated.

Section 902 - Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 903 - Severability Clause

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof. To the extent that any other ordinance or regulation of the Township conflicts with a provision of this Ordinance, this Ordinance shall supercede such other inconsistent or conflicting Township ordinance or regulation provision.

Section 904 - Amendments

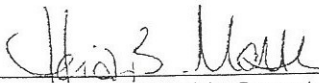
The provisions of the Ordinance may be amended in the future by the Township Supervisors after notice and hearing as provided by law.

Section 905 - Effective Date/Certification by Pennsylvania Historical and Museum Commission

Immediately upon the adoption of this Ordinance, the Township Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall not take effect until: (1) the said Commission has certified, by resolution, to the historical significance of the Township of Abington Historic District and, (2) it has been duly advertised once in one newspaper of general circulation in the Township as required by law.

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 115 - 2004 WHICH WAS DULY ENACTED AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF ABINGTON DULY HELD THE 29TH DAY OF MARCH, 2004.



Township Secretary

[Township Seal]

