

ARTICLE XXIII. HISTORIC OVERLAY DISTRICT

SECTION 2301. PURPOSE; INTENT

The purpose of the Historic Overlay District is to promote, protect and facilitate the general welfare of Manheim Township by preserving the natural and historic features and resources in the Township's environment and implement MPC Sections 603(b)(5), 603(g)(2), 604(1) and 605(2)(vi), regarding the protection and preservation of natural and historic features and resources. The intent of the Historic Overlay District is to establish review procedures for proposed changes affecting natural and historic features and resources, encourage mitigation of any negative effects of proposed changes to natural and historic resources, encourage continued use and facilitate appropriate adaptive reuse of historic resources, encourage the preservation and restoration of historic settings and landscapes, and discourage the demolition of historic resources.

SECTION 2302. APPLICABILITY; EXPLANATION OF PROVISIONS

1. Historic Overlay District. The Historic Overlay District shall be comprised of the historic resources shown on the Historic Resources Map provided for in the Lancaster County Comprehensive Historic Site Survey. The district shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land in Manheim Township. For any property in the Historic Overlay District, the provisions of this article, to the extent such provisions are more restrictive, shall supersede conflicting provisions of the underlying zoning district. However, all other provisions of this ordinance and all other ordinances of the Township shall remain in full force. Should any or all provisions of the Historic Overlay District become inapplicable as a result of legislative, administrative or judicial action, the provisions of the underlying zoning districts shall apply.
2. Preservation of other restrictions. It is not intended by the article to repeal, abrogate, or impair any existing Township regulations. However, where this article imposes greater restrictions, the provisions of this article shall prevail.

SECTION 2303. HISTORIC RESOURCES

1. Classification. The historic resources which may be included in the Historic Overlay District shall be as follows:
 - A. Class I.
 - (1) Historic resources listed on, or eligible to be listed on, the National Register of Historic Places maintained by the United States Department of the Interior (A final determination of eligibility for the National Register shall be based on an official opinion of eligibility from the Pennsylvania Historical and Museum Commission or a determination of eligibility from the United States Department of the Interior.); or
 - (2) Historic resources listed on, or determined by the Historic Preservation Trust to be eligible to be listed on, the Lancaster County Historic Sites Register as having Levels of Significance I or II.

2. Historic Resources Map. The Historic Overlay District shall be identified as those properties included on the Historic Resources Map. The Official Historic Resources Map shall be filed in the Township office and shall be maintained by the Township Manager-Secretary.
3. Historic resources list. There shall be an official list of all historic resources shown on the Historic Resources Map and included in the Historic Overlay District. The Township Manager-Secretary shall maintain the official copy of the historic resources list. This list shall include at least the following information about each historic resource: present name, historic name, street address or exact location, description of extent of site (e.g., building only, portion of parcel of land and all buildings thereon, or entire parcel of land and all buildings thereon), site number from Lancaster County Historic Sites Inventory, classification (e.g., Level of Significance I, Level of Significance II, Level of Significance III or Level of Significance IV), and whether listed on the National Register of Historic Places.
4. Establishment and amendments. The Historic Resources Map and historic resources list shall be established and amended by official action of the Board of Commissioners. Prior to any amendment of the Historic Resources Map and historic resources list, the following criteria shall be met:
 - A. The Board of Commissioners shall request a written recommendation from the Historic Preservation Trust.
 - B. The owners of any properties which are subject to such action shall be given written notice of the proposed action and a copy of the Historic Preservation Trust's recommendations, if any, at least ten (10) days prior to the meeting at which the public hearing is scheduled.
 - C. The Board of Commissioners shall enact an ordinance to amend this ordinance in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code.

SECTION 2304. HISTORIC PRESERVATION TRUST

1. Advisory role. The Historic Preservation Trust's advisory role in the administration of this article shall include, but not be limited to, making recommendations concerning establishment of or amendments to the Historic Resources Map and historic resources list; making recommendations concerning requests for special exceptions, conditional uses, or variances affecting historic resources; making recommendations concerning rehabilitation, alteration, or enlargement of historic resources; making recommendations on demolition of historic resources; and performing any other lawful activities which shall be deemed necessary to further the purposes of this article.
2. Review and recommendation schedules. Unless specified to the contrary elsewhere in this article, the Historic Preservation Trust shall make all recommendations within thirty (30) days of receiving a request.

SECTION 2305. MODIFICATION TO LOT AREA REGULATIONS

The subdivision of a lot which contains an historic resource of any level of significance as

identified in the Lancaster County Comprehensive Historic Site Survey shall be accomplished in such a manner that the resulting lot which will contain the historic resource is of adequate size and configuration to preserve the integrity of the setting of the resource. The size and configuration of the subdivided lot shall depend on the level of significance of the historic resource and the characteristics of the landscaping of the subdivided lot and the adjacent lots.

SECTION 2306. STANDARDS FOR REHABILITATION

1. Standards for rehabilitation. Any proposed rehabilitation, alteration, or enlargement of a Class I historic resource should be, whenever reasonably possible, in substantial compliance with the United States Secretary of the Interior's "Standards for Rehabilitation," as reproduced below:
 - A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - C. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
 - D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
 - F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 - G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - J. New additions and adjacent or related new construction shall 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.

2. Review. The Zoning Officer shall refer applications for permits which propose rehabilitation of Class I historic resources to the Historic Preservation Trust. The Historic Preservation Trust shall review applications for permits and make written recommendations to the Zoning Officer.

SECTION 2307. PERMITS

1. Permits. No permit required by Section 2703 of this ordinance for any land within the Historic Overlay District shall be issued by the Zoning Officer prior to the Historic Preservation Trust having an opportunity to review and make recommendations on the permit application.
2. Review and recommendations. The Zoning Officer shall provide to the Historic Preservation Trust with a copy of the permit application, together with any plans or diagrams required by this ordinance, within five (5) days of receipt of a complete application. The Historic Preservation Trust shall make written recommendations to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans will have any detrimental effect on the architectural integrity or public enjoyment of an historic resource. The report shall indicate what specific changes in the plans can be made to mitigate any detrimental effect.
3. Issuance of permit. If the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the permit upon receiving a report of no detrimental effect from the Historic Preservation Trust; upon the plans having been revised by the applicant in accordance with the recommendations of the Historic Preservation Trust to mitigate any detrimental effect; or not later than ninety (90) days from the date of the permit application.

SECTION 2308. DEMOLITION OF HISTORIC RESOURCES

1. Demolished by neglect. No Class I historic resource shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements. Unoccupied structures shall be properly protected against weather and vandalism.
2. Demolition permit. No Class I historic resource shall be demolished, in whole or in part, including the indiscriminate removal or stripping of any significant interior or exterior architectural features, unless a permit is obtained from the Zoning Officer in accordance with the procedures and requirements of this section and other applicable standards and procedures of the Township.
3. Demolition application requirements for historic resources. In addition to any other applicable standards and procedures of the Township, any applicant seeking a permit to demolish an historic resource shall provide the following information or documents with regard to that historic resource:
 - A. Owner of record.
 - B. Classification in Historic Resources Map.

- C. Site plan showing all buildings and structures on the property.
- D. Recent photographs of the resource proposed for demolition.
- E. Reasons for the demolition.
- F. Method of demolition.
- G. Future uses of the site and of the materials from the demolished resource.

4. Review by Historic Preservation Trust. The Zoning Officer shall provide the Historic Preservation Trust with a copy of the application for demolition within five (5) days of acceptance of a properly completed application. The Historic Preservation Trust may make recommendations as indicated below.

5. Recommendation of the Historic Preservation Trust.

- A. The Historic Preservation Trust may recommend immediate approval of the permit and may so advise the Zoning Officer.
- B. The Historic Preservation Trust may elect to use the following time period to provide adequate opportunity for documentation of the historic resource or for discussion with the applicant with respect to alternatives to demolition:
 - (a) Class I historic resources: a maximum of seventy-five (75) days from the date of application.
- C. Within the time period stipulated in Section 2308.5. (B), the Historic Preservation Trust may recommend approval of the demolition permit. The Zoning Officer may issue the permit in accordance with any applicable standards and procedures.
- D. In all cases, the Zoning Officer shall act upon an application to demolish an historic resource within ninety (90) days of receipt of a complete application for a demolition permit.

SECTION 2309. ADAPTIVE REUSE

1. Legislative intent. It is the intent of this section to provide for the adaptive reuse of existing historic buildings in order to promote, protect, enhance, perpetuate, and preserve those historic resources for the educational, cultural, economic, enjoyment, and general welfare of the public. The Board of Commissioners recognizes that existing historic buildings have not been designed in accordance with the requirements of this ordinance, and that restricting and limiting such historic buildings to the uses and regulations which would be imposed on newly constructed buildings limits the use of such historic buildings. By allowing flexibility and adaptive reuse, the Board of Commissioners believes that historic buildings can be put to profitable use and thereby be maintained and preserved for future generations. Such adaptive reuse, however, must be carefully monitored in order to insure there will be no adverse effect upon the neighborhood.
2. Authorization for adaptive reuse. Within all business districts and industrial districts, an historic building shown on the Official Historic Resources Map and located within the Historic Overlay District pursuant to Section 2302 of this ordinance and which is listed at

Significance Level I, II, or III in the Lancaster County Historic Sites Inventory may, by conditional use approval, be put to an adaptive reuse if all requirements of this section are met.

3. Permitted uses. Any historic building which shall be put to an adaptive reuse shall contain a combination of residential and nonresidential uses meeting the ratio set forth in Section 2309.4 below. Permitted uses shall be limited to the following:
 - A. Day-care centers.
 - B. Apartment dwellings.
 - C. Banks and similar financial institutions.
 - D. Commercial recreational facilities.
 - E. Educational institutions.
 - F. Bed-and-breakfast.
 - G. Offices, professional and medical/dental.
 - H. Public utility installations.
 - I. Restaurants, excluding drive-in/drive through restaurants, provided that the physical location of such facility shall be at least one hundred (100) feet from adjacent residential properties, unless outdoor dining is offered, in which case the facility shall be two hundred (200) feet from adjacent residential properties.
 - J. Retail sales and retail services, provided that such retail uses shall be compatible with other permitted uses and shall not include convenience stores, supermarkets, motor vehicle stations or garages, motor vehicle sales areas or buildings, body art establishments or adult establishments, and further provided that no single such establishment shall exceed five thousand (5,000) square feet in gross floor area, and the aggregate total of retail sales and retail services shall not exceed thirty (30) percent of the total gross floor area of the historic building.
 - K. All other uses permitted in the underlying zoning district.
 - L. Uses customarily accessory and incidental to any permitted use.
4. Required ratio of residential and nonresidential uses. Subject to the limitations in Section 2309.3.(J) for retail sales and retail services, the nonresidential use of an historic building which will be converted to an adaptive reuse shall be a minimum of five hundred (500) square feet of gross nonresidential floor area per apartment dwelling, except that a bed-and-breakfast shall be exempt from this requirement.
5. Minimum standards for allowance of adaptive reuse.
 - A. Sewer and water. Both public sewer and public water service are required.
 - B. Access. The tract containing the historic building must abut and have access to a public roadway.

- C. Minimum lot area, width and depth: none, except as based upon required minimum yard dimensions, minimum open area, minimum open area, minimum off-street parking requirements and other applicable standards contained within this section.
- D. Minimum yard dimensions for an historic building which will be subdivided and located on a separate lot or for an historic building which will be part of a land development with other principal buildings on the same lot (all subject to Section 2213 of this ordinance):
 - (1) Front yard: Twenty-five (25) feet.
 - (2) Side yard, each side: Twenty-five (25) feet, provided that if the lot is adjacent to a residential district, the side yard shall be seventy-five (75) feet along the side contiguous with the residential district.
 - (3) Rear yard: Twenty-five (25) feet, provided that if the lot is adjacent to a residential district, the rear yard shall be seventy-five (75) feet along the side contiguous with the residential district.
 - (4) Perimeter buffer: Ten (10) feet.
- E. Buffering/screening/landscaping/lighting. At a minimum, all buffering, screening, landscaping and lighting shall be provided in accordance with Section 2507, Section 2511, Section 2512 and Section 2513 of this ordinance.
- F. Minimum open area: Thirty (30) percent.
- G. Off-street parking. Off-street parking shall be provided in accordance with Article XX of this ordinance.

6. Application procedure. An applicant who desires conditional use approval for an adaptive reuse shall submit an application which shall include all of the following:

- A. A conceptual site plan for the entire lot on which the historic building is located, which shall include all of the following information:
 - (1) Lot boundaries and adjacent landowners. If the historic building will be located on a lot which will be subdivided from a larger lot, the site plan must show the boundaries of the existing lot and the proposed lot. If the historic building is located on a lot containing other principal structures and will not be subdivided into a separate lot, the site plan must show how the historic building will meet all setbacks from other principal structures identified in Section 2309.5.
 - (2) A location map for the adaptive reuse.
 - (3) North point, scale and date.
 - (4) Streets on and adjacent to the tract.
 - (5) Significant topographical and physical features.
 - (6) Size and location of existing structures.
 - (7) Identification of proposed demolition of existing structure(s).

- (8) Identification of generalized land uses.
- (9) Potential lot configuration.
- (10) Proposed landscaping, screening and buffering.
- (11) Proposed interior street or access drive layout and parking lot configuration.
- (12) Proposed interior circulation plan for vehicular and pedestrian traffic.

B. A traffic study prepared by a qualified traffic engineer meeting the requirements of the Subdivision and Land Development Ordinance.

C. Evidence that the site plan has been submitted to the Historic Preservation Trust of Lancaster County for review and comment.

D. Narrative identifying all of the proposed uses for the historic building, including the area to be devoted to each use.

E. A floor plan of the historic building indicating the portions of the historic building that will be devoted to residential use, including floor area, and the portions that will be devoted to nonresidential uses, including floor area of each nonresidential use and the total floor area for all nonresidential uses.

F. Identification of how the adaptive reuse will contribute to the preservation of the historic building.

G. Required application fee.

7. Consideration of application for conditional use approval. The applicant shall demonstrate that the adaptive reuse proposal meets all of the applicable requirements of this Section 2309 of this Article XXIII and of this ordinance. The applicant shall also demonstrate and assure that the adaptive reuse is in substantial compliance with applicable requirements of the Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, published by the United States Department of the Interior, National Park Service, either by providing documentation from the Secretary of the Interior evidencing such compliance or by establishing to the satisfaction of the Board of Commissioners compliance with the following standards:

- A. The adaptive reuse shall require minimal change to the defining characteristics of the historic building and its site and environment.
- B. Any alterations to the exterior features shall be limited but shall be permitted in order to enhance the function and reusability of the historic building. Any exterior alterations shall complement the existing architecture and functionality of the historic structure.
- C. The exterior features of the historic building may be altered to provide or change ingress and egress or to address fire safety or emergency services concerns only to the extent required to meet applicable laws or regulations.
- D. The historic character of the historic building shall be retained and preserved. The

removal of historic materials or alteration of features and spaces that characterize a property shall be prohibited unless the applicant presents evidence that such removal is required to comply with applicable state or federal regulations.

- E. Each historic building shall 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 architectural elements from other buildings, shall not be undertaken.
- F. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- G. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an historic building shall be preserved.
- H. The adaptive reuse shall not require demolition or removal of any historic resource on the lot.
- I. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- J. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Effect of approval of site plan. The Board of Commissioners, in approving a conditional use application for an adaptive reuse, shall make compliance with the site plan, together with all accompanying documents and any revisions thereto required by the Commissioners, part of the approval. The applicant shall develop the adaptive reuse in the manner set forth on the site plan, all accompanying documents, and any required revisions thereto, unless a change to the site plan is authorized in accordance with Subsection 8.A or B below.

- A. An applicant may make minor revisions to the site plan as may be necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, floodplains, and changes to street or driveway design as may be required by PennDOT as part of a highway occupancy permit. The Board of Commissioners during the subdivision and/or land development process shall determine whether the applicant's proposed changes to the approved site plan constitute minor revisions necessary to accommodate fully engineered stormwater management facilities, public sewer facilities, public water facilities, floodplains, and changes to street or driveway design as may be required by the PennDOT as part of a highway occupancy permit. In the event a subdivision and/or land development plan is not required for the adaptive reuse, the Board of Commissioners shall review the plan which is submitted with the application for a building permit to determine whether it is consistent with the conditional use approval.

- B. An applicant who desires to make a change to an approved site plan which the Board of Commissioners determines does not constitute a minor revision authorized by Subsection 8.A above shall apply for and obtain an additional conditional use approval. The applicant shall demonstrate to the satisfaction of the Board of Commissioners during the additional conditional use approval process that such change will:
 - (1) Generally enhance the development plan or, in any case, not have an adverse impact on its physical, visual or spatial characteristics.
 - (2) Generally enhance the neighborhood or, in any case, not have an adverse impact on the neighborhood.
 - (3) Not result in any danger to the public health, safety or welfare by making access to the property by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air or by violating the other purposes for which zoning ordinances are to be enacted under Section 604 of the Municipalities Planning Code
 - (4) Allow for equal or better results than the originally approved site plan and represent the minimum modification necessary.
- 9. Modification of standards. The Board of Commissioners may, by conditional use approval, permit the modification of the design standards set forth in this section and incorporated by reference into this section in order to encourage adaptive reuse and preservation of historic resources. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for an adaptive reuse, also make application for conditional use approval under this section. The Board of Commissioners shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards for adaptive reuse shall be subject to the following requirements:
 - A. Such modifications of any design standards shall better serve the intended purposes and goals of adaptive reuse as expressed in Section 2309.1.
 - B. Such modifications of design standards will not result in any adverse impact to adjoining properties or future inhabitants within the historic building.
 - C. Such modifications will not result in an increase in residential or nonresidential densities permitted for the adaptive reuse.
 - D. Such modifications will not result in a removal of architectural features which characterize the historic building or adversely impact the nature of the historic resource as a whole.
 - E. The extent of any modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in this Section 2309.