

BOROUGH OF CHESTER HEIGHTS

ORDINANCE NO. 218

AN ORDINANCE OF THE BOROUGH OF CHESTER HEIGHTS AMENDING CHAPTER 185 OF THE CHESTER HEIGHTS BOROUGH CODE BY ADDING ARTICLE XXIV TO PRESERVE HISTORIC RESOURCES IN THE BOROUGH OF CHESTER HEIGHTS, STATING A PURPOSE FOR THE HISTORIC PRESERVATION OF RESOURCES, DEFINING THE RESOURCES, PREPARING AN HISTORIC RESOURCE INVENTORY, ESTABLISHING AN HISTORIC COMMISSION, REGULATING DEMOLITION OF HISTORIC RESOURCES, PERMITTING USES OF HISTORIC RESOURCES IN THE BOROUGH BY CONDITIONAL USE BEFORE COUNCIL , MODIFYING AREA AND BULK REGULATIONS, PROVIDING DEVELOPMENT PROVISIONS, DEFINING HISTORIC RESOURCE STUDY REQUIREMENTS AND PROCESS, REPEALING ALL ORDINANCES AND RESOLUTIONS DIRECTLY INCONSISTENT HEREWITH AND ESTABLISHING AN EFFECTIVE DATE.

Chapter 185. Zoning

Article XXIV. Historic Preservation

185-147.1.1 Purposes.

The Historic Preservation Article is designed to:

- A. Promote the general welfare by protecting the integrity of the historic resources of Chester Heights Borough.
- B. Establish a clear process by which proposed changes affecting historic resources, such as requests for demolition of, or conditional uses for, or any subdivision or land development construction within (200) feet of an historic resource as described in 185-151 and 185-152 are reviewed by the Chester Heights Borough Historical Commission and Borough Council.
- C. Mitigate the negative effects of proposed changes on historic resources.
- D. Encourage the continued use of historic resources and facilitate their appropriate reuse.
- E. Tailor protective measures to those clearly delineated historic resources within Chester Heights Borough worthy of preservation.
- F. Encourage the preservation of historic settings and landscapes.
- G. Discourage the unnecessary demolition of historic resources.
- H. Implement Section 605(2)(vi) of the Pennsylvania Municipalities Planning Code (1) whereby uses and structures at or near places having historical, architectural, or cultural interest or value may be regulated. (1) Editor's note: See 53 P.S. 10101 et seq;

185-148.1 Application and interpretation.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the meanings indicated below:

- A. The present tense includes all other tenses; the singular includes the plural, and the plural includes the singular; the masculine gender includes the feminine and neuter; the word “used” includes the words “designed” or “arranged,” the word “person” includes any individual, estate, trust, fiduciary, partnership, association, corporation or any other organization or entity, including the principal officers thereof or any person or entity acting directly or indirectly by, through or under any of the foregoing; the word “occupied” includes the words “designed, or intended to be occupied; “the word “structure” includes “building”; the word “shall” is always mandatory; the word “may” is always permissive and the words “as amended” as applied to any statute, ordinance, code, regulation, plan or map includes replacements, supplements or restatements thereof; and reference to a particular article, sections or subsections, includes all articles, sections or subsections referred to.
- B. The word Borough means Borough of Chester Heights Delaware County, Pennsylvania; the term “Council” means the Council of the Borough; the term “Planning Commission” means the Planning Commission of the Borough; and “Commission” or “Historical Commission” means the Historical Commission of the Borough.
- C. The terms “such as” and “including” are intended to introduce matters which are illustrative of the meaning of the sentence, clause, or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear.

185-148.2 DEFINITION

Council

Council of the Borough of Chester Heights

Historical Commission or Commission

The Chester Heights Borough Historical Commission

Building Inspector

The Borough of Chester Heights Building Inspector

Demolition or demolish

The razing or destruction, whether entirely or in significant part, of a building or structure. Demolition includes the removal of a building or structure from its site

Historic Resources or Structure

Any structure or district listed in the "Report of the Findings of the Delaware County Historic Resources Survey for the Chester Heights Borough", prepared by the Delaware County Planning Department, June, 1983, and prepared as part of the Comprehensive Historic Resources Survey by the Delaware County Planning Department in conjunction with the Pennsylvania Bureau of Historic Preservation, as updated from time to time either by the Delaware County Planning Department or by the Borough Historic Commission in accordance with the provisions of Section 185-149 herein.

185-149 Historic Resources Inventory

Historic resources in Chester Heights shall be as listed in a "Historic Resource Inventory Schedule" attached to and made part of this article which shall be designated "**Historic Resources Inventory**" or "**HRI**" prepared for the Borough. Said schedule and all the notations, references and other data compiled by the Borough Historical Commission from time to time, are hereby incorporated herein by reference into this article and shall be as much a part of this article as if all were fully described herein.

- A. Classifications. **The Historic Resource Inventory** delineates resources by classification, two classifications of historic resources in Chester Heights Borough are defined as follows:
- (1) Class 1
 - (a) Buildings on the National Register
 - (b) Contributing resources in a registered historic district, i.e., buildings, sites, structures and objects filed as such with the National Register of Historic Places.
 - (c) Buildings, sites, structures, objects, and districts which have been nominated by the Pennsylvania Historic Preservation Office and determined to be eligible for listing in the National Register of Historic Places.
 - (2) Class 2. Historic resources and districts not meeting the National Register criteria but determined to be of historical significance to Delaware County and/or Borough and appropriately documented to that effect by the Borough Historical Commission.
- B. Revisions. **The Historic Resources Inventory** shall be reviewed as needed but at least once each calendar year and revised if needed by Resolution of Council, and a public hearing.
- (1) In considering any revisions, including additions, deletions, or changes of classification to the **Historic Resource Inventory**, Council shall afford the Historical Commission an opportunity to supply a written recommendation.
 - (2) The owner of any property which is the subject to any such proposed action by Council shall be given written notice, registered mail/return receipt, of the Historical Commission's recommendation to Borough Council at least 30 days prior to the public hearing.
 - (3) The Commission may add structures to the HRI, which the Commission finds to be significant to the Borough for its ability to meet one or any combination of the following criteria:

- a. Listed in or determined to be eligible for the National Register of Historic Places as provided in the National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq.
 - b. Listed in the Delaware County Historic Resources Survey for the Chester Heights Borough, June 1983, as updated from time to time.
 - c. Has significant character, interest, or value as an example of the development, heritage or cultural characteristics of the Borough, the county, the commonwealth, or the United States.
 - d. Is the site of a significant historic event.
 - e. Exemplifies the cultural, political, economic, social or historical heritage of the community.
 - f. Embodies distinguishing characteristics of an architectural style or engineering specimen.
 - g. Is the work of a designer, architect, landscape architect or engineer whose individual work has significantly influenced the development of the Borough, the county, the commonwealth or the United States.
 - h. Contains elements of design, detail, materials or craftsmanship, which represent a significant innovation.
 - i. Is the singular known example of a design or use of material or style of architecture within the Borough.
 - j. Is part of the historic context of a square, park or other distinctive area which should be preserved according to a plan based on an historic, cultural or an architectural context.
 - k. Is a landmark; that is, an established and familiar visual feature which assists in defining the character of the neighborhood, community or Borough due to its unique location or singular physical characteristic.
 - l. Has yielded or is likely to yield information of importance to the Borough, county's, commonwealth's, or United States' history.
- C. Official inventory. The Historical Commission shall maintain an updated inventory of resources on the **Historic Resource Inventory** and their respective classifications for Borough. The Historical Commission shall cause the Historic Resource Inventory to be plotted on an official Borough Historic Resources Map (HRM) which shall become a part of and be attached to this article. In the event of conflicting information, the Historic Resource Map shall be instructive, but not binding.
- (1) Editor's Note: The Report of the Findings of the Delaware County Historic Resources Survey for the Chester Heights Borough, June 1983 is the accepted Historical Resource Inventory of the Borough of Chester Heights at the inception of this ordinance subject to §185-149 B

185-150 Historical Commission.

- A. Establishment and membership. There is hereby established an Historical Commission which shall consist of five members, four of whom shall be residents of the Borough, and who shall be appointed by Borough Council. The membership of the Commission shall include individuals who have an interest, experience and/or education in history, archaeology, or historic preservation.

- B. Each Commission member shall serve for a term of three years which shall be so fixed that no more than two terms shall expire each year. The Commission shall notify Council of any vacancies in the Commission. Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term.
- C. Members shall serve without pay but shall be reimbursed for any personal expenditures in the conduct of Commission business when authorized by Council.
- D. Council may, after the hearing, remove any member of the Commission from office for inefficiency, neglect of duty, malfeasance in office or conflict of interest.
- E. Organization. The Commission shall annually elect from its own membership a Chairperson, who will direct the activities of the Commission, and such other officers as may be required for the conduct of its business. A quorum shall be not less than a majority of the current membership. The Commission may make and rescind rules and forms for its procedures consistent with the ordinances of the Borough and laws and regulations of the commonwealth. The Commission shall keep full public records of its business and shall submit a Semi-Annual report of its activities to Council. The Commission shall meet in accordance with the applicable requirements of the State Sunshine Act , 65 Pa.C.S. Sections 701-716
- F. Expenditures for services. Within the limits of funds appropriated by Council the Commission may employ staff or contract for clerical, consulting or other technical services.
- G. Functions and duties. In accordance with the purposes of this article, the Commission's primary purpose is to advise Council on matters pertaining to the historic resources of Chester Heights and shall have the following functions and duties:
 - (1) Gather publicly available evidence, illustrations, photographs, and other appropriate material to establish historic sites worthy of listing in the **Historic Resource Inventory** and to maintain a system for the continued survey and inventory of historic buildings, sites, structures, objects and districts in the Borough.
 - (2) With consent of the owner, conduct research on and nominate significant resources to the National Register of Historic Places and any other appropriate lists or programs.
 - (3) Advise the Building Inspector and Council on the issuance of demolition permits for historic resources.
 - (4) Review and comment on subdivision or land development applications which contain historic resources, or are within 200 feet from a building, and other structures, streets, parking facilities, common open space and/or public facilities in accordance with the requirements and procedures of the Borough Subdivision and Land Development Ordinance, and other applicable ordinances.
 - (5) Make recommendations to Council concerning revisions, updates, or corrections to the **Historic Resources Inventory**.
 - (6) Meet at least twice a year , provide a report to Council and maintain an updated inventory which clearly identifies buildings, sites, structures, objects and districts and their respective classifications on the **Historic Resource Inventory**.
 - (7) With consent of the owner, consider, promote and, with the approval of Borough Council apply for technical and financial assistance from appropriate local, county, state, federal and other agencies in the preservation of significant historical and architectural sites within the Borough and to report all related actions to Council.
 - (8) Prepare and submit a annual budget to Council for sums deemed necessary to carry out the objectives of the Commission.

- (9) Assist individual property owners with guidance pertaining to historic resources in terms of their use and maintenance.
- (10) Advise the Building Inspector and Council on all requests for conditional uses affecting historic resources.
- (11) Collaborate with the Owner at their request to encourage preservation of historic resources
- (12) Perform any other historic preservation activities as might be requested by Council.

185-151 Demolition of historic resources.

- A. No Class 1 or Class 2 historic resource, as defined on the Historic Resources Map, may be demolished unless the property owner obtains a permit and complies with this section.
- B. Permit requirements. No Class 1 or Class 2 historic resource within the Borough shall be demolished unless in compliance with the applicable standards and procedures of the state and local building and fire codes. The Building Inspector, or such other person or agency charged by Council with the issuance of permits for demolitions, shall not issue a permit for any proposed demolition of an historic resource that is not in compliance with code requirements and, as applicable, with the requirements of this section. The Building Inspector shall advise Council and the Commission upon a determination that an historic resource structure is unsafe because of inadequate means of egress, fire hazard, other dangers to human life, or the public welfare, illegal or improper occupancy or inadequate maintenance, vacancy or neglect. The Building Inspector may recommend unoccupied structures be tightly sealed, fenced off and utilities turned off for public safety. The Building Inspector shall follow the guidelines, requirements and time periods for permit and inspection process set forth in the applicable regulations of the state uniform construction code for residential and commercial properties. Title 34, The Pennsylvania Code, Chapters 401, 403 et. seq.
- C. Proposed demolition of historic resources. All applications to demolish a Class I or Class 2 historic resource, as identified on the **Historic Resource Inventory**, that are received by the Borough will be forwarded to Borough Council for acceptance at its next public meeting. This meeting will begin the review period, at the end of which, or prior if appropriate, Council will render a decision. The review period begins with the acceptance of the application and ends at the Council's monthly meeting three (3) calendar months after acceptance of the application.
- D. Following the Council's acceptance of the application, the Historical Commission shall review the application, monitor and work with the property owner on processing the application.
- E. Application requirements for historic resources. In addition to applicable requirements under Council's building and fire codes, any property owner seeking a permit to demolish a Class I or Class 2 historic resource shall provide a written report of the following about that historic resource. Some of the information required may be obtained through the Historical Commission; however, it is the property owner's responsibility to produce the report.
 - (1) Owner of record.
 - (2) Identification, description, and classification from the **Historic Resources Inventory**.
 - (3) Site plan showing all buildings and structures and all historic resources on the property.
 - (4) Recent photographs of the resource proposed for demolition.
 - (5) Reasons for the demolition.
 - (6) Method of demolition.

- (7) Future uses of the site and the materials from the demolished resource.
- (8) Alternative to demolition.
- F. Review by the Borough's Historic Commission. After the property owner has provided the information required, the Historical Commission will review the application at its next public meeting. The property owner shall be notified of the meeting and requested to present evidence pertaining to the demolition at the meeting. In reviewing the application, the Commission shall consider:
 - (1) The effect of demolition on the historical significance and architectural integrity of neighboring contributing historic resources.
 - (2) Economic feasibility of adaptively reusing the resources proposed for demolition.
 - (3) Alternatives to demolition of the resource.
 - (4) "Special incentives" to encourage the owner to maintain the structure. For example, including the historic resource as part of the open space contribution, including it as part of the homeowners' association or including the resource in the conditional use provisions under Section 185-152 herein or lot averaging.
- G. Initial recommendations of the Borough Historic Commission. Within the review period related to the Conditional Use, , unless the property owner has agreed, in writing, to an extension of time, the Commission shall recommend one of the following courses of action to Council:
 - (1) The Commission may recommend that Council instruct the Building Inspector to issue the demolition permit.
 - (2) The Commission may recommend approval or denial or elect to request additional time, as specified in Subsection H below, to provide adequate opportunity for the Commission to document the resources proposed for demolition, prior to the actual demolition of the resource. Such documentation may include photographs, floor plans, measured drawings, archaeological survey and any other comparable form of documentation required by the Commission. Upon request by the Commission to and approval by Council , the reasonable cost to document the resources needed shall be borne by the Borough.
 - (3) The Commission may recommend that the demolition be denied because an economically viable alternative has been found for the historic resource. The alternative use may be in concurrence with the property owner or may require additional time as specified in Subsection H below to resolve the issue related to the alternative use.
- H. Time extension. The Commission or the property owner may request a extension of the review period to resolve the issues around the issuance of the demolition permit as stipulated in Subsection **G** above. Each extension shall be for a specified period, subject to approval by Council.
- I. Action by Council. Council within the time frame specified herein and after reviewing all available information, shall take final action upon the application and, where appropriate, issue instructions to the Building Inspector.

185-152 Conditional use provisions.

- A. In addition to the uses permitted by right or conditional use in the various zoning districts of the Borough, each Class I or Class 2 historic resource dwelling, barn, outbuilding or other building as defined on the **Historic Resource Inventory** in these districts shall be entitled to continue any use in existence for a continuous period of not less than 25 years at the time of adoption of this Ordinance. Subject to the following provisions, such Class I or Class 2 historic resource dwelling, barn, outbuilding or other building shall be entitled to one or more of the additional use opportunities specified in Subsections B and C of this section.
- B. Additional dwelling unit. An Additional dwelling unit over and above existing zoning requirements will be allowed in an historic dwelling, barn, outbuilding or other building as defined on the **Historic Resource Inventory** provided that the following conditions are met:
- (1) The additional dwelling unit has no more than three (3) bedrooms.
 - (2) There is sufficient off-street parking, to the rear or side, to accommodate two additional vehicles, and the additional unit will not require or generate additional vehicle parking beyond two provided.
 - (3) Any additions/alterations to the existing historic structure, and all landscaping, must conform to existing zoning and subdivision and land development ordinance requirements.
 - (4) The Dwelling unit shall be totally contained within the historic resource.
 - (5) Property containing an historic resource shall be of sufficient size to comply with the zoning requirements of the district for two dwelling units.
 - (6) The dwelling unit may be in the form of an apartment unit within the historic dwelling or may be wholly contained within the barn, outbuilding or other building.
- (2) Editor's Note: The **Historic Resource Inventory** is located at the end of this chapter.
- C. Conditional uses. The historic dwelling, barn, outbuilding or other building as defined on the Historic Resource Map may be utilized for the uses listed below, provided that the conditions set forth in Subsection D of this section are met:
- (1) Bed-and-breakfast to comply with provisions of this chapter.
 - (2) Cultural studio/facility. A studio used for artistic instruction or education used by artists, photographers, dancers, craftsmen, artisans and/or used by artists to produce artistic objects and/or a facility for public viewing of artistic, educational or historic objects that would allow the selling of the objects on view, such as museums, galleries, as well as antique shops, provided that it includes only the display and sale of objects and does not include the repair, finish/refinish, construction or preparation of objects for sale.
 - (3) Educational/social center. A facility, on a lot of not less than five acres, for educational and business conferences, including teleconferencing, as well as private parties and gatherings, to include the preparation and serving of food and beverage to the guests, but does not include a public restaurant.
 - (4) Flower shop. An establishment for the retail sale of flowers, plants and floral arrangements prepared on site.

- (5) Indoor recreational facility. A facility for athletic activities involving physical exercise, fitness, and health maintenance, such as aerobics, racquetball, handball, and tennis.
- (6) Funeral home. An establishment in which the dead are prepared for burial or cremation, and in which wakes, and funerals may be held.
- (7) Educational farm. A facility, on a lot not less than 10 acres in size, making use of its current farming facilities and usage to provide instruction in farming history, methods, techniques and farm animals as practiced in Chester Heights Borough and Delaware County, Pennsylvania.
- (8) Office Building
- (9) Other uses which may be the same or similar to those listed above may be considered for approval by Council.

(3) Editor's Note: **The Historic Resource Inventory** is located at the end of this chapter.

D. Conditions. The conditions that must be met for the historic dwelling, barn, outbuilding or other building as defined on the Historic Resources Map to be utilized for the above defined conditional use are as follows:

- (1) The historic resource is located on a lot of five (5) acres or more or.
- (2) If on a lot of one (1) to five (5) acres, the following must apply
 - (a) The use conforms to existing fire and safety regulations
- (3) There is sufficient off-street parking to accommodate the use, which parking conforms to the following.
 - (a) Parking spaces do not exceed eight allowable spaces per acre of available lot coverage.
 - (b) Parking is at least 100 feet from any residential dwelling located on adjacent property, is placed to the side or rear of the main structure and is sufficiently landscaped to shield the parking area from residential view.
- (4) Lighting is limited to providing sufficient lighting for safety and security of customers of the establishment, but does not impinge on neighboring residential character, as required by state or local codes.
- (5) The conditional use does not include a liquor license.
- (6) Entertainment is not provided by the property owner or lessee (leasing agent), but is allowed if a customer provides the entertainment, the entertainment conforms to existing ordinances and includes no amplified music audible from the outside.
- (7) Hours of operation are limited to 7:00 am to 10:00 pm, excluding time required for set up and clean up.
- (8) Any addition/alteration to the existing historic structure, and all landscaping, must conform to the existing zoning and subdivision and land development ordinance requirements.
- (9) Council approval or rejection.
 - (a) In determining whether to approve or reject the proposed addition or alteration, Council shall consider the effect which the proposed addition/alteration will have upon the general historic and architectural nature of the Borough. Council shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the Borough. In evaluating the proposed additional/alteration, Council shall consider;

- (1) Broad historical values representing the cultural, political, economic or social history of the Borough.
 - (2) The relationship of the structure with historic personage or events.
 - (3) Specimen architectural types representative of a certain period and a style or method of construction.
 - (4) The effect of the proposed change upon the general historic and architectural nature of the Borough.
 - (5) The appropriateness of exterior architectural features which can be seen from a public street or way.
- (b) In its review , Council may rely upon, where appropriate, federal or state guidelines and standards related to maintenance, design, treatment , replacement and repair of Historic Buildings. Council may also consider federal or state standards and guidelines for the preservation, rehabilitation, restoration and reconstruction of historic structures.

10. An applicant requesting a conditional use shall follow the applicable borough code provisions for Conditional uses , and in addition shall comply with the following:

- (1) The request for a conditional use may be accompanied by an historic resource study.
- (2) At the conditional use hearing conducted by the Borough, a representative(s) from the Historic Commission, when requested by Council, may be present and offer testimony and evidence on behalf of the Historic Commission.
- (3) Applicants shall have the option of submitting the historic resource study to the Historic Commission prior to filing the application request for a conditional use and meeting with the Historic Commission to discuss the request for a conditional use.

185 – 153 Modification to area and bulk regulations.

- A. Council through the grant of a conditional use may approve requested modifications to the otherwise applicable lot size, lot dimension or yard requirements for plans affecting Class I and Class 2 historic resources, if it is necessary to preserve and protect an historic resource, as long as it does not adversely affect water supply, sewer systems or off-street parking.
- B. The lot dimensions and/or yard requirements for an historic resource and the lots adjacent to the historic resource may be adjusted, if no alternatives exist, to preserve the historic resource on its own lot.
- C. Council may consider modifications applicable to lot size pursuant to Article VIII, Chapter 185 related to lot averaging.

185-154 Performance of ordinary maintenance

This chapter shall not be construed to prevent ordinary maintenance or repair of any building or structure, where such work does not require a permit by law, and where the purpose and effect of such work is to correct and deterioration or decayof, or damage to, a building or structure and to restore the same to its condition prior to to the occurrence of such deterioration, decay or damage.

185-155 Development provisions.

- A. Residential development.
 - (1) In the preservation and use of a Class I and/or Class 2 historic resource, there shall be included a lot area significant to its historical, architectural and cultural values. As a minimum, no lot line shall be closer than [85] feet to a Class I or Class 2 historic resource.
- B. After the lot area of the Class I and/or Class 2 historic resource is determined in accordance with Subsection A (1) above, the remaining number of buildable lots that would be allowed on the parcel by the Zoning Ordinance may be reduced in size, if necessary, to accommodate that same number of parcels, not smaller than 20,000 square feet.
- C. Nonresidential properties. For each additional acre, above the minimum required lot area for the historic resource, remaining with the historic resource, an additional 1% of building coverage may be permitted for nonresidential properties.

185 – 156. Historic resource Study.

- A. Applicability. A historic resource study is required when any of the following are proposed:
 - (1) When a developer or landowner files an application for approval of a subdivision or land development plan which proposed construction of a building and other structures, streets, ways and parking facilities, common open space and/or public facilities or any other facility or improvement requiring subdivision and/or land development approval pursuant to the provisions of the Chester Heights Borough Subdivision/Land Development Ordinance is located within 200 feet of the exterior walls of any class 1 or Class 2 historic resource.
 - (2) Any application or plan which proposes a conditional use as defined in Article XXIV.
 - (3) General bridge or highway construction or substantial repair passing within 200 feet of the exterior walls of any Class I or Class 2 historic resource.
- B. The historic resource study shall be prepared by the developer and/or land owner and submitted to the Commission. The study may utilize the records contained within the jurisdiction of the Commission.
- C. Content. The study shall contain at least the following information.
 - (1) Background information.
 - (a) A general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.
 - (b) General description and classification of all historic resources located on the subject tract, or tracts, immediately adjacent to the subject tract or road, or within 300 feet of the subject tract or road.
 - (c) Physical description of all historic resources identified in Subsection **C(1)(b)** above.
 - (d) An assessment of the significance of each historic resource, both relative to the Borough and region in general.

- (e) Sufficient number of black and white or color five-inch-by-seven-inch or eight-inch-by-ten-inch photographs to adequately show every historic resource identified in Subsection **C(1)(b)** above.
- (2) Proposed change.
 - (a) General description of project, including timetable or phases.
 - (b) Description of effect on each historic resource identified in Subsection C(1)(b) above, with regard to architectural integrity, historic setting and future use.
 - (c) General description of effect of noise and traffic and any other consequence generated by the proposed change on each historic resource.
- (3) Mitigation measures.
 - (a) Recommendations for mitigating the project's effect on historic resources, including design alternatives, buffering, screening, tree replacement, berming, fencing, landscaping and any other appropriate measures permitted or required under the terms of this article and any Borough ordinance or any other federal or state regulations.
 - (b) Measures to control traffic, noise, order or other emissions which may have an adverse effect on the historic resource.
 - (c) Other mitigation measures may include, but not be limited to:
 - (1) Any new construction cannot be closer than [85] feet to the historic resource.
- 4. Chester Heights Borough Historic Commission. The Historic Resource Study will be reviewed by the Commission. The Commission shall set forth its evaluation and recommendations in a written report.

185 -157 Preservation of other restrictions.

The provisions of this Article XXIV shall not be construed to repeal, abrogate or impair any existing easements, covenants or deed restrictions applicable to historic resources and any such existing easements, covenants or deed restrictions shall remain in full force and effect, enforceable by all parties in interest.

185- 158. Repealer.

All ordinances or parts of ordinances inconsistent with this Chapter or inconsistent with the provisions of this Ordinance except the Borough's Zoning Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

185-159 EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by Borough Council and written approval by the Mayor.

NOW THEREFORE BE IT ORDAINED and ADOPTED this ____ day of _____, 2024
by Council for the Borough of Chester Heights.

BOROUGH OF CHESTER HEIGHTS

By: _____

Drew J. Baum
President

Attest: _____

Secretary/Treasurer

[SEAL]

APPROVED

By: _____

Ginamarie Ellis
Mayor