

PENNSBURY TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-11-15-1

AN ORDINANCE OF THE TOWNSHIP OF PENNSBURY, CHESTER COUNTY, PENNSYLVANIA, AUTHORIZED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING THE CODE OF THE TOWNSHIP OF PENNSBURY, PART I, CHAPTER 162, TITLED ZONING, ARTICLE II, TERMINOLOGY, AND ARTICLE XVII, TITLED HISTORIC RESOURCES OVERLAY DISTRICT; PROVIDING THAT THE PROVISIONS OF THE ORDINANCE ARE SEVERABLE, THAT INCONSISTENT ORDINANCES ARE REPEALED, AND THAT THE ORDINANCE IS EFFECTIVE FIVE DAYS FROM THE DATE OF ENACTMENT.

IT IS HEREBY ENACTED by the Board of Supervisors of Pennsbury Township, Chester County, Pennsylvania, that Chapter 162 of the Code of the Township of Pennsbury is amended as set forth in Sections 1 and 2 hereinbelow:

SECTION 1. The following definition of “Studio” is added to Section 162-202:

STUDIO – A place for up to six (6) persons and an instructor, but not including the instructor operator’s or owner’s family: to be a working place of a painter, sculptor, or photographer; a place to study an art (dancing, singing, acting, yoga); a place maintained and equipped for radio, television, or audio programs.

SECTION 2. Article XVII of Chapter 162 of the Code of the Township of Pennsbury is amended by repealing the current Article XVII and enacting a new Article XVII, titled Historic Resources Overlay District, as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 3. Severability. If any sentence, clause, section, or part of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 4. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be effective 5 days following enactment, as by law provided.

ENACTED and ORDAINED this 15th day of November 2023.

**BOARD OF SUPERVISORS
PENNSBURY TOWNSHIP**

ATTEST:

Aaron McIntyre, Chairman

Kathleen Howley, Manager

Wendell Fenton, Vice Chairman

Daniel Boyle, Member

EXHIBIT A TO ORDINANCE NO. 2023-11-15-1

ARTICLE XVII

Historic Resources Overlay District

SECTION 162-1701. PURPOSE.

- A. To promote the general welfare by protecting the integrity of the historic resources in Pennsbury Township.
- B. To establish a process by which proposed changes affecting historic resources are reviewed by the Pennsbury Historical Commission, Planning Commission, and the Board of Supervisors.
- C. To mitigate the negative effects of proposed changes to historic resources.
- D. To encourage the continued use of historic resources consistent with preserving the historic character of those resources and to facilitate their appropriate reuse.
- E. To tailor protective measures to those clearly delineated historic resources in Pennsbury Township worthy of preservation.
- F. To encourage the preservation of historic settings and landscapes.
- G. To discourage the unnecessary alteration, demolition or destruction of historic resources.
- H. To educate the residents of Pennsbury about the history and built-environment of the Township, including its cultural and agricultural heritage and viewsheds.
- I. To serve as a source of information for owners of historic properties about the Township's architecture, its historic resources, and their on-going preservation and reuse.
- J. To implement the *Pennsbury Township Comprehensive Plan of 2006, as amended*.
- K. To implement the goals of the Pennsylvania Constitution, Article I, Section 27, which establishes the state policy of encouraging the preservation of historic and aesthetic resources and the purposes of Section 603(b)(2), Section 604(1), and Section 605(2)(vi) of the Pennsylvania Municipalities Planning Code.

SECTION 162-1702. COMPLIANCE REQUIRED AND OTHER RESTRICTIONS.

- A. Compliance. Any demolition or other action regulated in this Article involving a historic resource shown on the Historic Resources Map shall occur only in full compliance with the terms of this Article and other applicable regulations. For any historic resource shown on the Historic Resources Map, the requirements of this Chapter shall apply, in addition to those applicable to the property on which the historic resource is located by reason of the zoning district in which such property is located.
- B. Preservation of other restrictions. It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants or deed restrictions.

SECTION 162-1703. HISTORIC RESOURCES MAP.

- A. Historic Resources Map. There shall be a Historic Resources Map adopted as part of this Chapter which shall delineate and classify each historic resource as being either a Class I historic resource or a Class II historic resource, defined as follows:
1. Class I historic resources shall include the following:
 - a. All buildings, structures, or sites individually listed on the National Register of Historic Places or designated as a National Historic Landmark or designated as a "contributing" resource in a National Register of Historic Places nomination or in a National Historic Landmark nomination. The source for this determination shall be a copy of the National Register of Historic Place nomination or National Historic Landmark nomination that has been certified by the National Park Service.
 - b. Buildings, structures, or sites listed as contributing resources to a historic district listed on or eligible for the National Register of Historic Places. The source of this information shall be a copy of the National Register of Historic Places nomination that has been certified by the National Park Service or a determination of eligibility (DOE) for listing on the National Register of Historic Places by the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission (PHMC).
 - c. Buildings, structures, or sites determined eligible (DOE) for listing on the National Register of Historic Places by the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission (PHMC).
 2. Class II historic resources shall include the following:
 - a. Buildings, structures, or sites included in the Historic Resources Map of Pennsbury Township and documented on a Pennsylvania historic resource survey form, which retain local, state, or national significance per National Register criteria or for their local significance and meeting one (1) or more of the criteria listed below:
 - 1) That are associated with events that have made a significant contribution to the broad patterns of local, state or national history.
 - 2) That are associated with the lives of persons significant in local, state or national history.
 - 3) That possess the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
 - 4) That exhibit a high degree of original architectural integrity. This integrity should be judged in light of the architectural period best represented by the buildings and not conjecture on how the resource once appeared.

- 5) That have yielded or may be likely to yield, information important in history or prehistory.
 - 6) That are architecturally significant.
- B. Adoption and revision. After receiving the recommendations from the Historical Commission in consultation with the Planning Commission, the Historic Resources Map may be revised from time to time by resolution of the Board of Supervisors. In considering adoption of or any revision to the Historic Resources Map, including additions, deletions, or changes of classification, the procedure shall be as follows:
1. Any property may be proposed for addition to or removal from the Historic Resources Map, or for a change in classification (Class I or Class II) by: 1) the owner of such property, 2) by the Historical Commission, 3) by the Board of Supervisors, or 4) by notice from the designating organization (Pennsylvania Historical and Museum Commission or National Park Service) that the historic resource no longer meets the criteria upon which its classification has been based.
 2. All proposals for addition to or removal from the Historic Resources Map, or for a change in classification (Class I or Class II), shall be referred to the Historical Commission, who shall hold a public meeting thereon, after written notice is sent to the owner(s) of the property affected. The Historical Commission shall consider oral testimony or documentary evidence regarding the proposal at the public meeting, describing how or why, the building, structure, or site meets or does not meet the criteria for designation of historic resources set forth in Subsection A, above. The Historical Commission in consultation with the Planning Commission shall present a written report to the Board of Supervisors within thirty (30) days following the public meeting stating its recommendation regarding the subject proposal. A resource shall be recommended for removal from Class I if it does not currently meet the definitional criteria set forth in Subsection A, above. Buildings, structures, or sites removed from Class I may be designated as Class II unless they do not currently meet any of the criteria set forth in Subsection A, above in which case they may be removed altogether from the Historic Resources Map.
 3. Written notice of the proposed action of the Board of Supervisors shall be given to the property owner at least thirty (30) days prior to the date of the meeting where the resolution will be considered. Failure to give such notice, or failure of the owner to receive such notice, shall not, however, render void the action of the Board of Supervisors taken at such public meeting unless otherwise provided by law.
- C. For the purposes of this Chapter, the Pennsbury Township Historical Commission shall maintain an inventory of historic resources in the Township including historic resources classifications, as defined under Subsection A above, which shall supplement the Historic Resources Map.

SECTION 162-1704**DEMOLITION OF HISTORIC RESOURCES.**

No historic resource shall be demolished, in whole or in part, deliberately or by neglect, including removal or stripping of any historically or architecturally significant exterior features, unless a permit is obtained from the Zoning Officer per the requirements of this Section and other applicable standards and procedures of the Township Code.

- A. Demolition of historic resources by neglect. These provisions are intended to protect historic resources from parties who by negligent or willful neglect allow such resources, which are otherwise in a condition that could allow reuse at the time of adoption of this Section or at the time of a property purchase, to deteriorate or become unusable and a liability to the point of needing to be demolished for safety reasons.

Historic resources shall be preserved against decay and deterioration and kept free from structural issues. No historic building or structure shall be demolished by negligent or willful neglect, thereby falling into a state of disrepair that may result in deterioration of historic or architectural structure, character, features, or integrity.

- 1. Demolition by neglect includes, but is not limited to, neglect that results in leaving a building open or vulnerable to vandalism or decay by the elements; deteriorated or defective exterior features as to create a hazardous or unsafe condition, deteriorated or buckling of exterior walls, roofs, chimneys, or windows; lack of adequate waterproofing including painting, caulking, or sealing; deteriorated or defective structural members including floor and ceiling supports; or deteriorated foundation, which could result in permanent damage.
 - 2. The Zoning Officer and Historical Commission shall consult where it is believed a demolition by neglect has occurred or is occurring. If an issue detrimental to the resource is identified, the property owner shall be made aware of such situation. Demolition by neglect shall constitute a violation of this Chapter and the Zoning Officer shall have the ability to institute proceedings, as provided in this Chapter, necessary for enforcement and remedy.
 - 3. Demolition by neglect shall not be used as an automatic justification by the owner or applicant for a demolition approval.
 - 4. Demolition by neglect does not apply to building or structure ruins, such as partially roofed structures, wall or foundation remains, or other structures that are clearly ruins and missing a substantial portion of the structural mass, existing at the time of adoption of this Section, or already located on a property at the time of the property purchase.
 - 5. The following apply to prevent demolition by neglect of historic resources:
 - a. Unoccupied or uninhabitable historic buildings or structures shall be tightly sealed as determined by the Zoning Officer to prevent their dilapidation from exposure to the elements, secured to prevent their vandalism, and utilities turned off for safety, all at the owner's expense.
 - b. Structural integrity of both occupied and unoccupied historic buildings and structures shall be achieved through proper maintenance of structural, architectural, and other critical components to prevent damage by the elements. Historic resources, whether occupied or vacant, shall comply with Township property maintenance codes.
- B. Demolition of historic resources by permit. The following procedure is established for consideration of the issuance of a permit for demolition of a historic resource in order to implement the protection of historic resources' purposes of this Article and to allow for consideration of alternatives to the demolition or disturbance of the historic resource:

1. Demolition permit. No historic building, structure, or site designated as a historic resource and identified on the Historic Resources Map shall be intentionally demolished, razed, or otherwise disturbed, eradicated, or destroyed, in whole or in part, 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 township ordinances and codes. The Zoning Officer shall not take action on an application for a demolition permit for an historic resource until issuance of the recommendation of the Board of Supervisors as required by this Section.
2. Removal of existing significant exterior architectural features. Demolition, for purposes of the foregoing permit requirements, shall include the removal of any existing significant exterior architectural features on a historic resource if such feature(s) is identified as such on a National Register nomination or Pennsylvania historic resources survey form, or so deemed by the Historical Commission.
3. Pre-application meeting required. A meeting between the applicant and the Historical Commission shall be required prior to the official submittal of a demolition permit application. The purpose of this meeting is to foster communication about the demolition proposal and possible alternatives to demolition for the resource in question. This meeting will also include a discussion of the extent and scope of the proposal including but not limited to whether the proposal entails routine maintenance and replacement-in-kind, and/or demolition of existing significant exterior architectural features or the resource itself.

Within seven (7) days of the pre-application meeting, the Historical Commission shall submit a summary of the meeting to the Planning Commission for its information.

If the Historical Commission determines that the proposal involves routine maintenance or replacement-in-kind of existing significant exterior architectural features, the applicant shall be required to submit a modified application in accordance with Subsection 4.j, below.

4. Application requirements for the demolition of a historic resource. In addition to applicable requirements under the Township Building Code, any applicant seeking a permit to demolish a historic resource shall provide the following with regard to that historic resource:
 - a. Name of legal and equitable owner of record.
 - b. Classification on Historic Resources Map.
 - c. Measured site plan showing the locations, dimensions, use, height of all buildings and structures on the lot on which the historic resource is located in relation to lot lines, roadways, and natural features.
 - d. Photographs of the historic resource proposed for demolition depicting its appearance at the time of application. Photographs of historic buildings or structures must include each exterior elevation.
 - e. In depth reasons for the proposed demolition that shall include an engineer's structural integrity report under Subsection B.6.d, a Financial Analysis under

Subsection B.10, and an Impact Statement under Section 162-1708.

- f. Description of the proposal, method of proposed demolition (i.e. façade removal, foundation changes, structural engineering), and if an addition, rebuild, renovation, restoration, or rehabilitation is also proposed standards of Section 162-1709 apply. Any such addition, rebuild, renovation, restoration, or rehabilitation may be administratively processed in coordination with this Section.
 - g. Future uses of the site and of the materials from the historic resource proposed for demolition including items to be salvaged.
 - h. Consideration of the potential for the presence of significant archaeological resources.
 - i. Explanation of the uses for the historic resource which the applicant has considered prior to, or instead of, demolition.
 - j. Modified Demolition Application for projects that involve routine maintenance, repair, or replacement in-kind of building features. A modified demolition application specifically for routine maintenance and/or replacement-in-kind of existing significant exterior architectural elements or features on a historic resource may be submitted and shall include a description of the proposal, standards that meet Section 162-1709, and information in Subsections a., b., d., and f., above as well as in depth reasons for the proposed demolition. Any such modified demolition application may be administratively processed in coordination with Section 162-1709.
5. Application. The applicant shall submit ten (10) copies of an application for a demolition permit involving a historic resource, with all of the aforesaid information, to the Zoning Officer. The Zoning Officer shall forward the complete application to the Historical Commission for review, and to the Planning Commission for its information, but shall reject and return an incomplete application. The time periods for review and decision of this Section shall not commence until the Zoning Officer notifies the applicant in writing that a complete application has been accepted for filing.
 6. Review by Historical Commission. Within sixty (60) days of receipt of a complete application from the Zoning Officer, the Historical Commission, at a regular or special meeting, shall review the application for demolition. The applicant shall be notified of such meeting at least twenty (20) days prior to its date and shall have the opportunity to present reasons for filing the application and such other relevant information as the applicant desires. The Historical Commission shall consider the following:
 - a. The effect of demolition on the architectural or archaeological significance and integrity of the historic resource in question, other historic resources on the same property, historic resources on adjacent properties, and/or in historic districts if resources are in a historic district; which may include assessment of potential effects and disturbance as to the impact of the demolition on historic resources, historic setting, and integrity;

- b. Alternatives to demolition and whether and the extent to which the applicant has demonstrated that all alternatives to demolition of the historic resource have been considered;
 - c. Economic feasibility of adaptive reuse of the historic resource proposed for demolition;
 - d. Whether the historic resource in its current condition presents a threat to public safety including its structural integrity report by an engineer or other professional with demonstrated experience in historic building practices;
 - e. Whether the maintenance of the historic resource has been neglected and a demolition by neglect is being sought;
 - f. Whether the required retention of the historic resource would represent an unreasonable economic hardship;
 - g. Whether the applicant has submitted sufficient information to assess the potential for preservation or adaptive reuse of the historic resource;
 - h. Whether there is a potential for significant archeological resources to be adversely affected as a result of the demolition of the historic resource, and whether archaeological mitigation of the adverse effect would be economically feasible or represent an unreasonable economic hardship.
 - i. The financial analysis under Subsection B.10.
 - j. For applications for routine maintenance or replacement-in-kind of existing significant exterior architectural features and elements on historic resources, the Historical Commission shall consider the scope, method, and materials used in the maintenance or in-kind replacement and whether any changes are proposed that would alter the historical or architectural significance of the historic resource in question.
7. Recommendation by the Historical Commission. The Historical Commission shall, after conducting the meeting in Subsection B.6, make a recommendation to the applicant and the Board of Supervisors, with a copy to the Planning Commission for its information, within thirty (30) days of the meeting date as to whether the historic resource should be demolished as requested by the applicant or, in the alternative, as to uses for the historic resource that should be considered or other actions that could be taken by the applicant or the Board of Supervisors to promote the preservation of the historic, cultural, educational, and other values represented by the historic resource, including clarification of information or additional information.

In the case of routine maintenance and/or replacement-in-kind applications, the Historical Commission will make a recommendation of approval or denial of the application to the Zoning Officer within forty-five (45) days who will notify the applicant if the routine maintenance/replacement-in-kind application has been approved or denied.

8. Board of Supervisors decision.
 - a. Within thirty (30) days after receiving the recommendation from the Historical Commission, the Board of Supervisors shall consider the application, together with the comments of the applicant and the recommendations of the Historical Commission, and render a decision to either approve or deny the application or defer their decision for up to ninety (90) days for the purpose of allowing the applicant or the Township to further consider any possible alternative uses for the historic resource or any other possible action or actions that could promote preservation of the historic resource, including gathering and discussing additional possible information.
 - b. If the decision is deferred, the Board of Supervisors may, at its discretion, direct the applicant to perform or cause to be performed evaluations or studies, as are reasonably necessary in the opinion of the Board of Supervisors, to determine whether the historic resource has or may have alternate uses consistent with preservation of the historic resource. Such information may include: historical data, surveys, and other data provided by local, state, and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys (if appropriate); and any other comparable form of documentation recommended by the Historical Commission. The extent of documentation required shall reasonably relate to the architectural quality and/or historical significance of the historic resource.
 - c. If the applicant is directed to prepare additional information, as aforesaid, the ninety (90) day deferral period above shall be extended a period of sixty (60) additional days after the complete submission of such information is delivered to the Township.
 - d. The applicant shall be notified of the Board of Supervisors meeting at which the application for demolition is to be considered at least twenty (20) days prior to the date of the meeting, and shall have the opportunity to present the applicant's reasons for demolishing the historic resource and filing the application. Within five (5) days of making its decision, the Board of Supervisors shall provide written communication of its decision to the applicant, Historical Commission, Planning Commission, and Zoning Officer.
 - e. Nothing herein shall be deemed to limit the authority of the Zoning Officer to deny a permit for:
 1. Failure to provide the information required by this Article or any other ordinance of the Township;
 2. Failure to comply with any other ordinance or code of the Township.
9. Historical Commission recommendation. Prior to the expiration of the deferral period, if any, and before the Board of Supervisors has acted on the permit application, the Historical Commission shall, if requested by the Board of Supervisors, review the application again and any further information requested by the Board of Supervisors. The Historical Commission may recommend to the

Board of Supervisors approval or denial of the demolition application or any other recommendations the Historical Commission deems appropriate for the preservation of the historic resource. The Historical Commission shall communicate its recommendation in writing to the Board of Supervisors before the Board of Supervisors acts upon the application for the demolition permit during the deferral period.

10. Financial analysis for the demolition of a historic resource.
 - a. A financial analysis, which shall be verified as true and correct by the applicant, shall include at least the following:
 1. Amount paid for property, date of purchase, and party from whom purchased.
 2. Assessed value of the land and improvements thereon according to the most recent county real estate tax assessment.
 3. Financial information for the previous two (2) years which shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced.
 4. Cost of restoration for permitted uses pursuant to existing zoning, prepared by a certified engineer or architect experienced in the restoration of historic resources of the type proposed for demolition.
 5. Cost of identification, and/or mitigation, of significant archaeological resources.
 6. An appraisal of the fair market value of the property in its existing condition and the estimated fair market value after restoration for permitted uses pursuant to existing zoning, prepared by a Pennsylvania licensed real estate appraiser.
 7. An analysis of the economic viability of the property for sale or rental as it exists and after restoration.
 8. Bona fide offers to purchase or rent the property, including asking price and offers received.
 9. Any consideration by the applicant as to economical adaptive uses for the property.
 - b. Any costs incurred by the Historical Commission, as agreed to by the applicant, to review plans or studies submitted to the Historical Commission's consultant specifically retained for this purpose, shall be reimbursed to the Township by the applicant.

11. Issuance or denial of demolition permit. Where the Board of Supervisors acts to approve the application for the demolition permit, the Zoning Officer shall issue the demolition permit to the applicant (provided all other ordinance and code requirements of the Township have been satisfied). Where the Board of Supervisors acts to deny the demolition permit, the Board of Supervisors shall state the recommended measures for the preservation or adaptive use of the historic resource. The Board of Supervisors shall state the reasons why a demolition permit was approved or denied. The applicant's failure to comply with any requirement of this Article shall be sufficient reason for a Board denial of a demolition permit and denial of the permit by the Zoning Officer. Such permit approval or denial action shall be taken by the Zoning Officer within ten (10) days after the decision of the Board of Supervisors.
12. No permit shall be issued for the demolition of Class I or Class II historic resource unless the Board of Supervisors finds that the Class I or Class II historic resource cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that the Class I or Class II historic resource cannot be used for any purpose for which it is or may be reasonably adapted, the applicant must demonstrate that the sale, rental, or use of the property is impracticable, because a sale or rental cannot provide a reasonable rate of return and that other potential uses of the property authorized by the Zoning Ordinance, and specifically this Article, which would provide a reasonable rate of return, are not possible.
13. Documentation required. Prior to issuance of the demolition permit, the Historical Commission may require that the applicant/owner document the historic resource proposed for demolition. Such documentation may include photographs, floor plans, measured drawings, archeological survey or other form of documentation necessary to adequately record the history and architectural features of the historic resource. The Historical Commission may also require that the applicant/owner remove, preserve, and donate to the Township exterior and interior architectural features or elements of the historic resource.
14. Appeal. Appeal of any action of the Zoning Officer in issuing the permit or declining to issue the permit shall be to the Zoning Hearing Board in accordance with applicable provisions of the Municipalities Planning Code and this Article and Chapter.

SECTION 162-1705. SPECIAL USE PROVISIONS FOR ADAPTIVE REUSE OF HISTORIC RESOURCES.

- A. Purpose. It is declared that certain buildings, structures, and sites in Pennsbury Township are of such historic nature and character that their preservation will serve to protect the character of the Township and the value of the land and will also serve to educate present and future generations of Township residents as to the history of the Township and its people. It is also declared that many historic resources located in Pennsbury Township have become obsolete in size or layout or are expensive to renovate or reuse for uses that are otherwise allowed in underlying zoning districts. It is the purpose of this Section to encourage the preservation of historic resources by permitting alternate uses for such historic resources compatible with their historic character and appearance, subject to various bulk and area requirements and other restrictions as set forth in this Section, Article, and Chapter.

B. Where approved by the Board of Supervisors as a conditional use in accordance with Section 162-2308, and upon review and recommendation by the Historical Commission in consultation with the Planning Commission, the following special uses may be permitted for historic resources. Specifically, such special uses shall be available for a historic resource located in the VR or VC Zoning District as a second principal use in addition to those uses otherwise permitted in the underlying VR or VC zoning districts, and shall be available for a historic resource in place of any use permitted in any other underlying zoning district in which the historic resources is located. It is intended that these special uses, when not otherwise permitted in the underlying zoning district, shall be principally contained within Class I or Class II historic resources and shall meet renovation, restoration, or rehabilitation provisions of Section 162-1709.

- 1. Residential Conversion, in accordance with Section 162-2036.
- 2. Professional office involving not more than two (2) employees in addition to the office operator/owner and of not greater than twenty-five percent (25%) gross occupiable floor area and shall be entirely located in the historic resource. This special use shall only be permitted on properties with frontage on Arterial Roads or Collector Roads.

Solicitor Note: Current Single Professional Office in a Historic Resource standards in Section 162-2039 will need to be changed at some point.

- 3. Bed and Breakfast Lodging, in accordance with Section 162-2010.
- 4. Antique Shop, in accordance with Section 162-2007. This special use shall be limited to properties with frontage on Route 1, Route 52, or Route 926.
- 5. Event space, in conformance with § 162-2021. This special use shall only be permitted as a conditional accessory use on lots with frontage on Route 1, Route 52, Route 926, or S. Creek Road and located in the Historic Resources Overlay District.
- 6. Studio that shall be entirely located in the historic resource. This special use shall only be permitted on properties with frontage on Arterial Roads or Collector Roads.

Solicitor Note: This definition would be added to Article 2.
Studio: A place for up to six (6) persons and an instructor, but not including the instructor operator's or owner's family, to be a working place of a painter, sculptor, or photographer; a place to study an art (dancing, singing, acting, yoga); a place maintained and equipped for radio, television, audio programs.

- 7. Catering having no on-site sales. This special use shall only be permitted on properties with frontage on Arterial Roads or Collector Roads.
- 8. Retail sales (not including Studio or Antique Shop) involving home crafts as defined in Section 162-2024.D.3 and of not greater than fifty percent (50%) gross occupiable floor area and shall be entirely located in the historic resource. This special use shall only be permitted on properties with frontage on Arterial Roads or Collector Roads.
- 9. Restaurant. This special use shall only be permitted on properties with frontage on Arterial Roads or Collector Roads, whereby such use on Arterial Roads may have up to one-hundred (100) seats and on Collector Roads may

have up to fifty (50) seats and shall be entirely located in the historic resource.

- C. Special Uses shall also be subject to the criteria in Sections 162-1707 and 162-1709.

SECTION 162-1706. MODIFICATION OF AREA AND BULK REGULATIONS FOR HISTORIC RESOURCES.

- A. The Board of Supervisors, through the grant of a conditional use, may approve modifications to the otherwise applicable lot size, lot dimension, yard requirements or other bulk and area requirements in the underlying zoning district on the extension or enlargement of permitted and nonconforming uses for plans affecting historic resources, in accordance with the criteria set forth under Section 162-2308, and provided the following additional criteria are met:
1. Where a historic resource exists on a site that is to be subdivided or developed, there shall be a lot area of sufficient size to preserve those portions and features of the historic resource which are significant to its historical, architectural, and cultural values and to allow for landscaping, and buffering or screening that protects the historic resource from the impact of surrounding development.
 2. The modification or rehabilitation shall have the effect of encouraging the continued preservation or adaptive reuse of the historic resource.
 3. The applicant shall present and agree to comply with plans for the rehabilitation, alteration, or enlargement of a historic resource shown on the application for conditional use and must be in substantial compliance with the following standards for rehabilitation (derived from the U.S. Secretary of the Interior's Standards for Rehabilitation):
 - a. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
 - c. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.
 - d. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - e. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity and preserved whenever possible.

- f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
 - i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
 - j. Wherever feasible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure will be unimpaired.
- B. Compliance. Determinations of compliance with these standards shall be made by written report of the Historical Commission, using the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings to apply the Standards to each project.

SECTION 162-1707. DESIGN STANDARDS ASSOCIATED WITH HISTORIC RESOURCES.

- A. Landscaping and Buffering.
- 1. Landscaping. When a Class I or Class II historic resource is located within a tract proposed for subdivision or land development, a landscape plan for the grounds surrounding the Class I or Class II historic resource may be required, as follows.
 - a. The plan shall be prepared by a registered landscape architect, or by a nurseryman or other individual deemed qualified by the Historical Commission or Board of Supervisors.
 - b. The plan shall show all pertinent information, including the location, size and species of all individual trees and shrubs to be removed, relocated, planted, or preserved.
 - c. Through screening, buffering, and selection of plant material, the plan should strive to minimize the impact of the proposed development on the historic resource and protect its integrity of setting and any significant

vegetation.

- d. The plan shall be reviewed by the Historical Commission and submitted by them with written recommendations to the Board of Supervisors prior to any decision by the Board of Supervisors on the subdivision or land development plan.
2. Buffering. When any major subdivision, any land development, or any non-residential use is proposed on a property, any boundary of which is within five hundred (500) feet of an exterior wall of a Class I or Class II historic resource, the applicant may be required to submit a buffering plan, as follows.
 - a. The plan must depict how the historic resource will be buffered against the deleterious impacts of the proposed development. Buffering may include, but need not be limited to vegetative screening and fencing.
 - b. The appropriateness and effectiveness of the proposed buffering shall be reviewed by the Historical Commission to the Board of Supervisors prior to any decision by the Board of Supervisors on the subdivision, land development, or non-residential use proposal.
- B. Lighting. For Class I and Class II historic resources the following lighting standards shall apply in addition to those in Article XIX:
1. The use of non-cut-off fixtures shall not be permitted.
 2. Lighting should be consistent with the historic architectural style of the building.
 3. If lit, light and highlight signs with indirect lighting, such as small goose neck lights or small remote spotlights, should be used.
 4. Where possible, down-lighting should be used.
- C. Signs. For Class I and Class II historic resources the following sign standards shall apply in addition to those in Article XXI:
1. Permits. Signs within the Brandywine Battlefield National Historic Landmark Planning Area, Fairville Village Historic District, Route 1 Corridor Overlay District, or on or within one hundred (100) feet of a historic resource shall be reviewed by the Historical Commission and Planning Commission. No permit for a sign shall be issued by the Zoning Officer prior to the review of and comment on the application in accordance with the terms of this Section.
 2. Zoning Officer. The Zoning Officer shall provide the Historical Commission with a copy of the application, together with any plans or diagrams required by Article XXI, within five (5) days of receipt of a complete application.
 3. Historical Commission. The Historical Commission shall, within twenty (20) days of receipt of a complete application or at the next regular monthly meeting, review the plans or diagrams and prepare a written statement 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 the public view of a historic

resource. The statement shall indicate what specific changes can be made to mitigate any detrimental effect.

4. Issuance of Permit:

- a. Upon receiving a statement of no detrimental effect from the Historical Commission, and providing the plans or diagrams satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.
- b. If the Historical Commission’s statement indicates that the plans or diagrams will have a detrimental effect, the Zoning Officer shall not issue the permit until the plans or diagrams have been revised by the applicant in accordance with the Historical Commission’s recommendations.

D. Parking. For Class I and Class II historic resources the following parking standards shall apply in addition to those in Article XIX:

- 1. Other than access driveways from the street, no driveways, parking lots, drive aisles, or parking shall be located or permitted in the front yard.
- 2. Rear parking shall be encouraged. Access may be from a common alleyway which runs along the rear of all properties in the block.
- 3. Shared parking shall be encouraged between two (2) or more commercial uses operating in close proximity to one another.
- 4. All parking areas shall be lighted where permitted or required, and landscaped in such a way as to maintain the rural Township character.

SECTION 162-1708. HISTORIC RESOURCE IMPACT STATEMENT.

A. Purpose. The objective of the impact statement is to provide the Township with enough information and data to evaluate the impact of the proposed land development on historic resources in the Township and encourage the preservation of those resources to the maximum extent possible. The impact statement shall be prepared by and individual qualified by education and/or experience in historic preservation.

B. Applicability. A historic resource impact statement shall be required when any of the following are proposed:

- 1. Preliminary subdivision or land development plans proposing improvements or disturbance on land within five-hundred (500) feet of the exterior walls of any Class I or Class II historic resource, or on land on which historic resources are located.
- 2. General bridge or highway construction or substantial repair passing within five-hundred (500) feet of the exterior walls of any Class I or Class II historic resource.
- 3. Subdivision or land development plans proposing adaptive reuse or demolition of a Class I or Class II historic resource.
- 4. Subdivision or land development plans which may impact primary archaeological sensitive areas, especially prehistoric sites, in which case an

archaeological impact study shall be submitted and, if archaeological resources potential exists, a Phase I Archaeological Study shall be conducted.

5. Change in traffic patterns due to a subdivision or land development, in order to ensure the road/traffic plans are context sensitive protecting the safety and character of the historic resource, its environment, and other neighboring historic resources.
- C. Contents. The historic resources impact statement shall include the following information:
1. Background Information.
 - a. If not otherwise provided by the applicant, a general site description and plan, including topography, watercourses, vegetation, landscaping, existing drives, etc.
 - b. General description and classification of all Class I or II historic resources located on the land to be developed and within five hundred (500) feet of any proposed land development, improvement, or disturbance.
 - c. Physical description of all Class I or II historic resources.
 - d. Narrative description of the historical development of the tract in question as well as a description of the historical and architectural significance of each Class I or II historic resource.
 - e. Photographs (a minimum of 4" x 6" in size) illustrating each Class I or II historic resource in its setting.
 2. Assessment of Potential Impacts of Development on Historic Resources. A description of impact of the proposed development on each Class I or II historic resource, with emphasis on the impact to architectural integrity, historic setting, and future viable use.
 3. Mitigation Measures. A description of suggested approaches to be undertaken by the developer to minimize potentially negative impacts to Class I or II historic resources, including design alternatives, buffering, landscaping, conservation of existing vegetation, and any other appropriate measures permitted under the terms of this and other Township ordinances.
- D. The Historical Commission will review the impact statement and submit it along with a written recommendation to the Board of Supervisors before the Board of Supervisors makes a decision regarding the land development plan. The potentially negative impacts shall be mitigated by measures satisfactory to and approved by the Board of Supervisors. The mitigation shall be completed and implemented contemporaneously with the development or construction requiring the impact statement.

SECTION 162-1709. RENOVATION, RESTORATION, OR REHABILITATION OF HISTORIC RESOURCES

- A. This Section applies to the Renovation, Restoration, or Rehabilitation of all Class 1 and 2 Historic Resources, not just those using Special Uses provisions for Adaptive Reuse.

- B. In order to facilitate the purposes of this Article and the exchange of ideas between a Historic Resource owner and the Historical Commission, the following procedure is established for the issuance of a Building Permit for the Renovation, Restoration, or Rehabilitation of a Class I or Class II Historic Resource.
- C. Procedures for Renovation, Restoration, or Rehabilitation of a Class I or Class II Historic Resource.
1. A meeting between the Historic Resource owner and the Historical Commission shall be required prior to the commencement of any work on the Renovation, Restoration, or Rehabilitation of a Class I or Class II Historic Resource. If the project requires a building permit, the requirements of this Section shall be met in addition to all applicable Township procedures and codes. The Zoning Officer shall not make a decision on an application for such a Building Permit until the issuance of the report of the Historical Commission as set forth herein. The application for a building permit for the Renovation, Restoration, and Rehabilitation of a Class I or Class II Historic Resource shall not be accepted for filing by the Township until the requirements of this Section 162-1709 are met.
 2. Pre-Application Meeting: At the Pre-Application Meeting, the Commission and the owner shall discuss the project and the following items, which the owner shall produce at the meeting:
 - a. Name of legal and equitable owner of record of the Historic Resource.
 - b. Classification of the Historic Resource listed on the Pennsbury Township Historic Resources Map.
 - c. A brief description of current condition of the Historic Resource, including, but not limited to, the condition of its roof, exterior walls, windows, doors, and the integrity of its structure and foundation.
 - d. A brief statement of the goals and intentions of the Renovation, Restoration, or Rehabilitation, including whether the project will involve any demolition. If any such demolition falls within the demolition of historic resource definition of Article II, it shall be governed by Section 162-1704, but may be administratively processed in coordination with this Section.
 - e. Photographs of the Historic Resource depicting the appearance at the time of meeting, including, but not limited to all exterior elevations.
 - f. A sketch plan or drawing showing the proposed work.
 3. Within ten (10) days following the Pre-Application Meeting, the Historical Commission shall submit a summary report of the meeting with recommendations, to the owner, the Zoning Officer, Board of Supervisors, and Planning Commission for their information.
 - a. In the case of proposals determined to be routine maintenance, replacement-in-kind, or of a size and magnitude that the Historical Commission determines further meetings regarding the project are unnecessary, the Historical Commission shall so notify the Zoning Officer in its summary report, and the Zoning Officer shall process the proposal as a regular Building Permit application (Expedited Procedure).

- b. In the case of proposals determined by the Historical Commission to be of such size, magnitude, and complexity that the Historical Commission needs additional design, development, and implementation information regarding the project, the Historical Commission may continue the meeting, as it deems appropriate. At any such continued meeting or meetings, the Historical Commission may request that the owner provide additional information. This may include a site visit to see the Historic Resource in relation to other buildings on the site, lot lines, setbacks, roadways, and natural features. The Historical Commission shall submit a summary report of each continued meeting to the owner, Zoning Officer, Board of Supervisors, and Planning Commission for their information.
4. **Building Permit Application Process:** After the conclusion of the Pre-Application meeting or continued meetings, the owner shall submit an application for a Building Permit for the project to the Zoning Officer, as required. The Zoning Officer shall forward the completed application to the Historical Commission for review, and to the Planning Commission and Board of Supervisors for their information, but shall reject and return an incomplete application.

In addition to application requirements under Township building codes, any applicant seeking a permit for Renovation, Restoration, or Rehabilitation of a Historic Resource, that has not been determined to be governed by the Expedited Procedure, shall provide the following information with the application:

- a. All information provided at the Pre-Application meeting or continued meetings with the Historical Commission.
 - b. Measured site plans, floor plans, and exterior elevations for those areas of the Historic Resource that are involved in or impact by the project, showing existing conditions, and proposed changes resulting from the project, if not provided under a. above.
 - c. List of items to be salvaged, if applicable.
 - d. Information regarding the potential for significant impact on archeological resources or neighboring Historic Resources.
5. **Review by Historical Commission:** Within thirty (30) days of receipt of a complete application from the Zoning Officer, the Historical Commission, at a regular or special meeting, shall review the application. The applicant will be notified of the meeting and shall have the opportunity to be present and contribute information to the Historical Commission regarding the application.
6. **Report by the Historical Commission:** Within thirty (30) days of the application review meeting, the Historical Commission shall issue its report to the Zoning Officer with copies to the applicant, the Board of Supervisors, and the Planning Commission. The report shall set forth the Historical Commission's recommendations as to how the Restoration, Renovation, or Rehabilitation may be accomplished to best promote the preservation of the historic, architectural, cultural, educational, and other values represented by the Historic Resource.