

**WILLISTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO 5 OF 2024**

**AN ORDINANCE PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTER 139 OF THE CODE OF ORDINANCES OF THE WILLISTOWN TOWNSHIP, BEING THE WILLISTOWN TOWNSHIP ZONING ORDINANCE, BY AMENDING ARTICLE XXIX HISTORIC PRESERVATION BY CORRECTING SEVERAL SECTION REFERENCES; DELETING NONAPPLICABLE SECTIONS; AND BY ADDING SPECIFIC STANDARDS.**

Section 1 amends Section 139-160 to eliminate reference to Act 167, Section 139-162 to revised requirements related to the historic resources inventory, Section 139-163 to revise regulations of historical commission membership, Section 139-164 to revise regulations of demolition or alteration of historic resources, Section 139-165 to revise special use provisions for historic resources, Section 139-166 to revise regulations of signs in close proximity to historic resources, Section 139-167 to eliminate references to Class I, IB or II historic resources, Section 139-168 to revise regulations of landscape plans for historic resources, Section 139-169 to revise standards for rehabilitation of historic resources, Section 139-171 to revise regulations of historic resource impact studies, Section 139-172 to revise regulations of historic districts, and Section 139-173 to revise regulations of design standards for historic resources.

Sections 2, 3, and 4 address severability, effective date and repeal.

**BE IT AND IT IS HEREBY ENACTED** by the Board of Supervisors of Willistown Township, Chester County, as follows:

**SECTION 1.** The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Ordinance of 1981, as amended (the "Zoning Ordinance), Article XXIX, Historic Preservation, Sections 139-160-173, shall be amended by revision to and creation of the following:

**Article XXIX HISTORIC PRESERVATION**

**§139-160 Intended Purposes**

- A. It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures and sites of historic, architectural, cultural, archeological, educational and aesthetic merit, e.g., historic resources, are public necessities and are in the interests of the health, prosperity and welfare of the citizens of Willistown Township. To this end, the Township has undertaken to identify and document its historic resources.
- B. The purposes of this Article are:
- (1) To promote the general welfare by protecting the integrity of those historic resources of Willistown Township.
  - (2) To establish a clear process by which proposed land use changes affecting historic resources can be reviewed by the Township.
  - (3) To mitigate the negative effects of proposed changes on historic resources.
  - (4) To encourage the continued use of historic resources and facilitate their appropriate reuse.
  - (5) To tailor protective measures to those clearly delineated historic resources in Willistown Township worthy of preservation.
  - (6) To encourage the preservation of historic settings and landscapes.
  - (7) To discourage the unnecessary demolition of historic resources.

- (8) To implement the goals of the Pennsylvania Constitution at Article I, Section 27, which establishes the state policy of encouraging the preservation of historic and aesthetic resources.
- (9) To implement the provisions of Article VI of the Municipalities Planning Code, as amended, Sections 603(b)(5) and (g)(2), Section 604(1) and Section 605(2)(vi), regarding the preservation, protection and regulation of natural, scenic and historic resources in Willistown Township.

**§139-161 General Provisions**

- A. Compliance. Any change to an historic resource shown on the Township's Historic Resources Inventory shall occur only in full compliance with the terms of this article.
- B. Historic overlay concept. The historic resources inventory shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land in Willistown. The boundary of said district shall be shown upon the map entitled "Historic Districts" dated January 2001, prepared by Yerkes Associates, attached hereto and made a part of this article. Said map and all notations, references and other data shown thereon (including the Willistown Township Historic District Listing) are hereby incorporated by reference in this article and shall be as much a part of this article as if all were fully described herein.
  - (1) For any property shown on the Historic Resources Inventory, the requirements and opportunities contained in this article shall supersede the use and area requirements of the underlying zoning district. In the case of an inconsistency or conflict between this article and the provisions of the underlying district, the provisions of this article apply, as determined by the Board of Supervisors.
  - (2) Should, for any reason, such as a result of legislative or administrative action or judicial decision, this overlay district be determined not to be applicable, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this article.
- C. Preservation of other restrictions. It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions than existing easements, covenants, or deed restrictions, the provisions of this article shall prevail.

**§139-162 Historic Resources Inventory**

- A. The Historic Resources Inventory shall be comprised of all properties designated prior to [date of adoption of ordinance] and may be amended to add historic properties certified by the Historical Commission and affirmed by the Board of Supervisors that have been found to meet at least two (2) of the criteria listed in §139-162B.
- B. Research requirements and criteria for inclusion. Placement on the Township's Historic Resource Inventory requires documentation to the level required in the Pennsylvania Historical Resource Survey Form. Documentation includes visual surveys augmented by historical research of documents and information maintained by the Recorder of Deeds, the Register of Wills, the Chester County Historical Society and other recognized sources of historical information. A list of resources that are included on the Township's Inventory is maintained at the Township building. The Historical Commission and Board of Supervisors shall review applications for additions to the Historic Resources Inventory and evaluate their eligibility for inclusion in accordance with to any one or more of the following criteria:
  - (1) The proposed resource is associated with an event or period of importance to the history of the Township, county, region, commonwealth, or the nation.
  - (2) Owing to its unique location or singular physical characteristic, the proposed resource represents an established and familiar visual feature of a neighborhood, community, or the Township.
  - (3) The proposed resource is associated with the life of a person of importance to the history of significance in the Township, county, region, commonwealth or nation. or elsewhere in the past.
  - (4) The proposed resource embodies distinguishing characteristics of an architectural style, engineering technology, construction or building method or material fabrication technique.
  - (5) The proposed resource is the work of a designer, architect, landscape architect or engineer whose work has influenced the historical, architectural, economic, social, or cultural development of the Township, county, region, commonwealth, or nation.
  - (6) The proposed resource has significant character, interest or value as part of the development, heritage or cultural characteristics of the Township, county, region, commonwealth or nation.

- (7) The proposed resource has yielded, or may be likely to yield, information important in pre-history or history.
- C. Revisions. The Historic Resources Inventory may be added from time to time by ordinance of the Board of Supervisors.
- (1) In considering any revision, including additions, deletions or changes of classifications to the Historic Resources Inventory, the Board shall receive a written recommendation from the Willistown Historical Commission.
  - (2) The owner(s) of any property or properties which are the subject of any such proposed administrative action shall be given written notice of the Willistown Historical Commission's recommendation to the Board of Supervisors at least thirty (30) days prior to the public hearing on the proposed ordinance.
- D. Official list. The Historical Commission shall maintain an updated list of resources shown on the Historic Resources Inventory and their respective classifications.

**§139-163 Willistown Historical Commission/HARB**

- A. Establishment and membership.
- (1) There shall be an historical commission, referenced in this Article as the "Commission", which shall consist of no less than seven (7) members and up to no greater than nine (9) members, who shall be appointed by the Board of Supervisors.
  - (2) The membership of the Commission shall include individuals who have an interest in history, archaeology, historic preservation, and should include a Pennsylvania-registered architect, a licensed realtor and an individual with expertise or training in historic preservation and architecture.
  - (3) A majority of members must be Township residents and, with the exception of those with professional expertise, membership preference shall be given to Township residents.
- B. Terms.
- (1) Each Commission member shall serve for a term of five (5) years, which shall be so fixed that no more than two (2) terms shall expire each year.
  - (2) The Commission shall notify the Board of Supervisors of any vacancies in the Commission, and the Board shall act within ninety (90) days to fill those vacancies.
  - (3) Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term.
  - (4) Members shall serve without pay but shall be reimbursed for any personal expenditure in the conduct of Commission business when authorized by the Board of Supervisors.
- C. Organization. The Commission shall annually elect from its own membership a Chairman, 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, adopt, alter, and rescind bylaws and application forms for its procedures consistent with the ordinances of the Township and laws and regulations of the Commonwealth. The Commission shall conduct business at regularly scheduled public meetings. The Commission shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors by March of each year.
- D. Expenditures for services. Within the limits of funds appropriated by the Board of Supervisors, the Commission may employ staff or contract for clerical, consulting, or other technical services.
- E. Functions and duties. In accordance with the purposes of this article, the Commission shall have the following functions and duties:
- (1) Undertake, encourage, and/or facilitate survey, inventory and photographic documentation of historic buildings, sites, structures, objects, and districts in the Township.

- (2) Conduct research on and nominate significant resources to the National Register of Historic Places and any other appropriate lists or programs.
  - (3) Make recommendations to the Zoning Officer and Board of Supervisors concerning the issuance of demolition permits as set forth in §139-164.
  - (4) Review and provide comment on subdivision or land development applications that affect historic resources, in accordance with the requirements and procedures of the Willistown Township Code of Ordinances, including the Zoning ordinance (Chapter 139), the Subdivision and Land Development Ordinance (Chapter 123), and the Environmental Protection Ordinance (Chapter 73).
  - (5) Make recommendations to the Board of Supervisors concerning revisions, updates, or corrections to the Historic Resources Inventory.
  - (6) Maintain an updated list that clearly identifies buildings, sites, structures, and objects on the Historic Resources Inventory.
  - (7) Advise the Board of Supervisors or Zoning Hearing Board on all requests for conditional uses, special exceptions, or variances affecting historic resources.
  - (8) Function as an Historical Architectural Review Board (HARB) Subcommittee for historic districts in the Township, for the definition of HARB see §139-172B.
  - (9) Review of applications for the rehabilitation, enlargement or alteration of historic resources (collectively referred to as "alterations" in this Article) for compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as required herein.
  - (10) Document ongoing changes to the physical landscape of the Township with the use of color photographs.
  - (11) Perform any other lawful activities that shall be deemed necessary to further the purpose of this article.
  - (12) Conduct educational activities in furtherance of the purpose of this Article and preservation plans for Willistown Township.
- F. Training. Each Commission member shall attend at least one educational meeting a year. Such meeting may include programs sponsored by the Pennsylvania State Historic Preservation Office (SHPO) or may include meetings of other municipal historic commissions, Historic Architectural Review Boards (HARBs), or other accredited or certified continuing education courses with related subject matter.

**§139-164 Demolition, removal, or alterations of historic resources.**

- A. Permit requirements. No historic resources shall be demolished by neglect. Demolition by neglect includes, but is not limited to, leaving a building or structure open or vulnerable to vandalism or decay by the elements. Unoccupied structures shall be tightly sealed and fenced off in accordance with those standards set forth in the Township Building Code<sup>[1]</sup> and applicable provisions of the National Park Service Preservation Brief 31. When it can be shown that over a five (5) year period the owner of an historic resource allowed the resource to fall into the category of demolition by neglect due to a lack of routine maintenance and they cannot prove that the negligence occurred due to lack of financial ability to provide maintenance, or lack of feasible use they will be subject to all enforcement remedies available to the Township, at law or in equity, under this chapter and Article VI of the Municipalities Planning Code,<sup>[2]</sup> as may be amended from time to time.

[1] *Editor's Note: See Ch. 72, Construction Standards and Fire Prevention, Art. I, Building Construction.*

[2] *Editor's Note: See 53 P.S. §§ 10601 to 10621.*

- B. No historic resource shall be removed from its site or demolished, in whole or in part, including the removal or stripping of any significant exterior architectural features, unless a zoning permit is obtained from the Zoning Officer of Willistown Township in accordance with the procedures and requirements of this section and a building permit is obtained from the Building Code Official of Willistown Township under applicable standards and procedures of the Township Building and Fire Codes.<sup>[3]</sup>



[3] *Editor's Note: See Ch. 72, Construction Standards and Fire Prevention.*

- C. Proposed demolition, removal or alteration of historic resources. All applications for demolition, removal or alteration received by the Building Department and the Zoning Officer will be reviewed against the Historic Resources Inventory. If the application concerns an historic resource, the Zoning Officer will advise the applicant that he must comply with the standards contained herein, as applicable.
- D. Application requirements for the demolition, removal or alteration of historic resources. In addition to applicable requirements under the Township Building and Fire Codes,<sup>[4]</sup> any applicant seeking a permit to demolish or remove an historic resource shall provide the following with regard to that historic resource.
- (1) Owner of record.
  - (2) Location as shown on the Historic Resources Inventory or Map.
  - (3) Site plan showing all buildings and structures on the property, with appropriate measurements and drawings of all floors and elevations (facades) prepared by an architect licensed in the Commonwealth of Pennsylvania. The scale of all drawings shall be at a level appropriate for the size of the property and building(s), at the sole discretion of the Township.
  - (4) Recent digital color photographs of the interior of all floors, including the attic and basement and all exterior elevations of the resource proposed for demolition. Printed copies of all photos shall be provided, at 8x10 inches and in color, and digital copies shall be provided at a resolution of at least 3,000 by 2,000 pixels, numbered, and with their locations noted on the site plan and floor plans. If the Historical Commission finds that the submitted documentation is insufficient, the Commission may require additional or more recent documentation.
  - (5) Explanation of the reasons for the demolition, removal or alteration request.
  - (6) Proposed method of demolition, removal or alteration.
  - (7) Future uses of the site and of the materials from the demolished resource.
  - (8) Should structural instability be stated the reason for a proposed demolition in a certified engineering report, prepared by an architect or engineer licensed in the Commonwealth of Pennsylvania having historic preservation experience, regarding the structural stability of the historic resource.
  - (9) In any instance where there is a claim that a historic resource cannot be used for any purpose for which it is or may be reasonably adapted, or where a permit application for demolition is based, in whole or in part, on financial hardship, the applicant shall submit, by affidavit, the information required in §139-164J having to do with a financial analysis. The Historical Commission may further require the applicant to conduct, at the applicant's expense, evaluations or studies, as are reasonably necessary in the opinion of the Commission, to determine whether the historic resource has or may have alternate uses consistent with preservation.  
[4] *Editor's Note: See Ch. 72, Construction Standards and Fire Prevention.*
- E. Review of applications for demolition or removal by the Willistown Historical Commission and Historic Architectural Review Board (HARB).
- (1) The Zoning Officer shall notify the Commission and HARB subcommittee of the application for demolition or removal within seven (7) days of acceptance of a properly completed application, including the necessary filing fee. Within forty (40) days of the date of application the Commission, at its regular or special meeting, shall consider the application for demolition or removal. As part of its review, the Historical Commission should visit the property in question. In reviewing the application, the Historical Commission and HARB shall consider the following:
    - (a) The impact of the demolition or removal on the historic property itself.
    - (b) The effect of demolition or removal on the historical significance and architectural integrity of neighboring contributing historic resources.

- (c) The economic feasibility of adaptively reusing the resource proposed for demolition or removal.
  - (d) All conceivable alternatives to demolition or removal of the resource.
  - (e) Any expert testimony, such as, but not limited to, a certified engineering report regarding the structural stability of the resource, that would indicate threats to public safety.
  - (f) The archaeological potential of the site.
  - (g) Any cogent public comment germane to the topic.
- (2) Any costs incurred by the Commission and HARB as agreed to by the applicant in reviewing plans or studies submitted by consultants specifically retained for this application shall be reimbursed by the applicant.
- F. Application requirements for the alteration of historic resources by the Willistown Historical Commission. All proposals shall be accompanied by a completed Historical Review Application available from the Township. For an application to be eligible for rehabilitation, alteration or enlargement, the design standards contained in §139-173 and the following requirements must be adhered to. If the Commission determines that the below requirements are insufficient or have not been met to their satisfaction, the applicant may be required to amend their submitted application materials accordingly.
- (1) All proposals, applications and site changes shall be sealed by an architect licensed in the Commonwealth of Pennsylvania.
  - (2) All site plans will use the scale 1 inch to 40 feet or a scale that adequately shows an appropriate level of detail of the property. The scale of the drawings shall be determined at the whole discretion of the Township.
  - (3) The architectural as-built drawings and drawings of the planned construction or alterations shall be at the scale of one foot to ¼ inch or a scale that adequately shows an appropriate level of detail of the building(s). The scale of the drawings shall be determined at the whole discretion of the Township.
  - (4) Clear, color digital photographs to show each elevation of the historic resource, in its setting. Photographs shall be at least 3,000 by 2,000 pixels, numbered with their locations noted on the site plan. The Commission may request additional photographs if the applicant does not provide sufficient photographic documentation.
- G. Initial recommendation of the Willistown Historical Commission.
- (1) The Commission may recommend immediate approval of demolition, removal or alteration as stated in the zoning permit and building permit and may so advise the Zoning Officer and the Building Code Official.
  - (2) Alternatively, the Commission may delay the issuance of a recommendation a maximum of ninety (90) business days from the date of application to provide adequate opportunity for documentation of the resource as set forth in §139-164I, preparation of a financial analysis as set forth in §139-164J, or dialogue with the applicant on alternatives to demolition or removal:
  - (3) If a delay is enacted at the end of the period stipulated in Subsection G(2), of this section, or sooner by mutual consent, the Commission can recommend approval or denial of the demolition or building permit. If approved by the Board of Supervisors, the Zoning Officer then is authorized to issue the zoning permit in accordance with this section and the Building Code Official then is authorized to issue the demolition or building permit in accordance with the Building and Fire Codes.<sup>[5]</sup>  
[5] *Editor's Note: See Ch. 72, Construction Standards and Fire Prevention.*
  - (4) No permit shall be issued for the demolition, removal or alteration of an historic resource unless the Commission finds that the issuance of the permit is necessary in the public interest, or unless the Commission finds that the historic resource cannot be used for any other purpose for which it is or may be reasonably adapted. In order to show that the historic resource cannot be reasonably used or reasonably

adapted for any purpose, the applicant must demonstrate that the sale of the property is impracticable, that rental cannot provide a reasonable rate of return, and that other potential uses of the property are foreclosed. Documentation supporting this conclusion must be submitted pursuant to §139-164K.

- H. Recommended denial of demolitions, removals, or alterations. Upon or prior to the expiration of the time by which the Commission shall make a recommendation for historic resources, the Commission may recommend denial of the application. In such cases, the Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.
- I. Final decision on demolitions, removals, or alterations. Within forty-five (45) days of receipt of the Commission report, the Board of Supervisors will consider the Commission's recommendation for approval or denial of the application for demolition, removal, or alteration of an historic resource at a public hearing. The owner of the resources proposed for demolition, removal, or alteration will be given a minimum of fourteen (14) days notice of the hearing. The Supervisors will consider any evidence, reports, or testimony from interested parties and will render a decision either to deny or approve the application for demolition, removal, or alteration within thirty (30) days of the meeting. This period may be extended, and its length established, by mutual consent.
- J. Documentation. Prior to the issuance of a demolition, removal, or alteration permit, the applicant shall provide documentation of the historic resource proposed for demolition, removal, or alteration. Such documentation may include digital color photographs, floor plans, measured drawings, physical archeological survey of the structure(s) and grounds and any other comparable form of documentation recommended by the Commission.
- K. Financial analysis. In its review of an application to demolish, remove, or alter an historic resource, the Historical Commission may require the applicant to prepare a financial analysis, which may include any or all of the following:
  - (1) Amount paid for property, date of purchase and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
  - (2) Assessed value of the land and improvements thereon according to the most recent assessment.
  - (3) For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.
  - (4) All appraisals obtained by the owner in connection with his purchase or financing of the property or during his ownership of the property.
  - (5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any.
  - (6) Any consideration by the owner as to profitable uses or adaptive uses for the property. Any costs incurred by the Commission, as agreed to by the applicant, to review plans or studies submitted by the Commission's consultant specifically retained for this purpose, shall be reimbursed to the Township by the applicant, in accordance with §139-117.
- L. Enforcement.
  - (1) Fines and penalties. Any person who violates the requirements of this section shall be subject to the fines and penalties imposed under this chapter in accordance with Article XXIV, as well as those fines and penalties imposed under the Township Building and Fire Codes.<sup>[6]</sup>  
[6] *Editor's Note: See Ch. 72, Construction Standards and Fire Prevention.*
  - (2) The Board of Supervisors shall withhold issuing any building permit or grant any approval necessary to further improve or develop any real property during the pendency of any litigation or appeal resulting from legal action(s) brought by the Township to enforce any provision of this Article, or until all fines, costs or judgments resulting from any such litigation or enforcement actions have been paid and satisfied in full.
  - (3) In addition to the above remedies, the Township may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this article.

**§139-165 Special use provisions.**

- A. Additional use opportunities. In addition to the uses permitted by right, conditional use or special exception in the underlying zoning districts, buildings associated with historic resources shall be entitled to the following additional use opportunities as conditional uses: Home Occupation, artist studio, bed-and-breakfast, and combinations of permitted uses. These additional use opportunities shall apply exclusively to existing buildings designated as or associated with historic resources but shall not apply to the construction of new buildings or structures not designated as a historic resource. All historic resources located within the Planned Highway Corridor District, Article XXII, shall be entitled to the permitted conditional uses in §139-131H. Residential conversions are permitted by special exception in accordance with §139-92. These use opportunities shall be available in addition to any use currently being made of the property, subject to the standards and procedures contained in applicable sections of this article and the additional requirements set forth below.
- B. For an application to be eligible for the special use provisions, the design standards contained in §139-173 must be adhered to.
- C. Home Occupations. In conjunction with the residential use of a property, a Home Occupation may be located in any historic resource on a particular property, but there shall be no more than one (1) Home Occupation per structure. In addition to the standards for Home Occupations contained in Article IV,<sup>[1]</sup> Home Occupations placed in historic resources must comply with these additional requirements:
- (1) Any rehabilitation, alteration, or enlargement of an historic resource other than the principal dwelling to accommodate the Home Occupation must be in substantial compliance with the standards contained in §139-169A, below.  
[1] *Editor's Note: See §139-12.*
- D. Residential conversions. The Zoning Hearing Board, in authorizing the conversion of any historic resource into residential use in accordance with the standards contained in §139-92, may modify the otherwise applicable lot area standard stipulated in §139-92A. Any such action by the Zoning Hearing Board shall adhere to the criteria contained in Subsection B, above, and comply with §139-169A.
- E. Bed-and-breakfast. As specified in Subsection A above, historic resources may be used as bed-and-breakfasts. Utilization of this additional use opportunity shall be contingent upon compliance with the general design standards contained in §139-173 and these additional requirements:
- (1) No guest, individual or family may stay longer than ten (10) consecutive nights at any one time.
  - (2) There shall be no separate kitchen or cooking facilities in any guest room. Meals shall be served to guests only.
  - (3) Any other amenities shall be for the benefit of guests only; no walk-in trade shall be permitted.
  - (4) For each guest room, a minimum of one (1) off-street parking space, in addition to those required for dwelling units, shall be provided.

**§139-166 Review of proposed signs.**

- A. Permits. No permit for a sign to be located on or within one hundred (100) feet of the exterior walls of an historic resource shall be issued by the Zoning Officer prior to the review of and comment on the application by the Willistown Historical Commission, in accordance with the terms of this section. In addition to the requirements of Article XVIII, signs for historic resources must adhere to the following standards:
- (1) The maximum total size of signs, including support structures, shall be six (6) square feet, and the maximum height or width of signs shall be three (3) feet.
  - (2) Signage of any type may not be displayed in any window or door of an historic resource unless recommended in writing by the Historical Commission and approved by the Board of Supervisors.
  - (3) No more than one sign may be erected on any one street frontage of any lot.
  - (4) Lighting. In addition to the standards contained in §139-106, the following shall apply:

- (a) Lighting fixtures and illumination levels shall be compatible with the characteristics of the area. Lighting fixtures shall be made of materials which blend into their settings.
  - (b) Ground signs shall only be illuminated oriented downward from the top of the sign by incandescent light not to exceed 0.5 lumens per square foot.
  - (c) Attached wall signs shall not be illuminated.
- (5) Materials. Natural materials such as wood, brick or stone are preferred for signs relating to historic resources. Internally illuminated signs or LED electronic variable messaging signs (EVMS) or changeable display sign (CDS) style are not permitted in relation to an identified historic resource.
- B. Zoning Officer. The Zoning Officer shall provide the Commission with a copy of the permit application, together with any plans or diagrams required by Article XVIII of this chapter, within five (5) business days of receipt of a complete application.
  - C. Willistown Historical Commission. The Commission shall, within thirty (30) days of receipt of a complete sign permit application, review the application and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the application will have any detrimental effect on the architectural integrity or public enjoyment of an historic resource. The report shall indicate what specific changes to the applications can be made to mitigate any detrimental effect.
  - D. Issuance of permit. Upon receiving a report of no detrimental effect from the Commission, and provided that the application satisfies all other requirements of the Township, the Zoning Officer shall issue the permit.
  - E. If the Commission's report indicates that the application will have a detrimental effect, the Zoning Officer shall not issue the permit until the application has been revised by the applicant in accordance with the Commission's recommendations, or thirty (30) business days have elapsed from the date of application, and all requirements of the Township have been satisfied.

**§139-167 Integrity of cultural landscape or historic setting**

- A. The subdivision or land development of a property containing any historic resource shall be accomplished in such a manner that the resulting lot containing the resource is large enough to preserve the integrity of the cultural landscape or historic setting. The goal of the Township shall be to preserve outbuildings, significant site features and immediate yard areas significant to the resources on the lot with the resources.
- B. Review of subdivisions.
  - (1) The size and configuration of the subdivided lot shall depend upon the criteria used to designate property as an historic resource including the natural characteristics of the landscaping of the subdivided lot and adjacent lots.
  - (2) Lot boundaries shall, in general, conform to the lines of identifiable natural features, including viewshed, landscaping, topography, geology, lot configuration, etc., on the site.
  - (3) Site development shall be based, in general on §139-169 of this chapter.
  - (4) Review and recommendations regarding the resource, its subdivided lot and the proposed land developments shall be made by the Willistown Historical Commission to the Planning Commission and the Board of Supervisors.
  - (5) The Board may require that a lot size be increased above the minimum lot size for the zoning district in which the resource is located if necessary to preserve the integrity of the resource cultural landscape. Conversely, in cases where the historic resource contains two or more contributing structures (barns, springhouses, etc.), the required lot size may be adjusted downward to accommodate conversion of these structures to residential use to preserve the integrity of the historic complex.

- (6) In cases where only a contributing structure of 2,000 square feet or less remains and the contributing structure is to be preserved, the required lot size and setbacks may be adjusted to accommodate the construction of a new primary residential structure consistent with the historic and architectural character of the contributing structure.

**§139-168 Landscaping.**

- A. Applicability. In addition to applicable buffering requirements under Article X of Chapter 73, a landscape plan for the grounds surrounding an historic resource may be required by the Board of Supervisors or Zoning Hearing Board when a tract proposed for subdivision or land development contains an historic resource and when an historic resource is proposed for use by conditional use or special exception.
- B. Landscape plan.
  - (1) The plan, as referenced in Subsection A, above, must be prepared by a Landscape Architect licensed in Pennsylvania or a Pennsylvania Certified Nursery doing business in the Commonwealth of Pennsylvania and show all pertinent information, including the location, size and species of all individual trees and shrubs to be planted or preserved. Through screening, buffering and selection of plant material, the plan should strive to protect the integrity of the cultural landscape or historic setting, including any historic plant material of the historic resource.
  - (2) Under no circumstances shall historic trees, as mapped and documented in the Township's most recent Comprehensive Plan (under "locally important vegetation"), be removed without prior review by the Historic Commission, Planning Commission, and approval by the Board of Supervisors. The landscape plan shall detail how such trees will be protected, including limitations to grading necessary to accomplish preservation. Should an identified historic tree not be protected or be intentionally destroyed, permits for all activity within a radius of five hundred (500) feet of said tree shall be revoked for a period of not less than one nor more than three (3) years.
- C. Review by Willistown Historic Commission. The landscape plan will be reviewed for appropriateness and effect by the Commission within the applicable time periods established for Township decision-making on the application. The Commission shall set forth its comments in a written report that will be submitted to the Board of Supervisors within forty-five (45) business days. .

**§139-169 Standards for rehabilitation.**

- A. Standards. Any proposed rehabilitation, alteration or enlargement of an historic resource should be in substantial compliance with the Secretary of the Interior's Standards for Rehabilitation as reproduced below.
  - (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
  - (2) 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 should be avoided when possible.
  - (3) 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 appearance shall be discouraged.
  - (4) Changes that 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.
  - (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
  - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should 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.

- (7) 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.
  - (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
  - (9) 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.
  - (10) Wherever possible, 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 would be unimpaired.
- B. Compliance. Determinations of compliance with these standards shall be made by written report of the Willistown Historical Commission, using the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings to apply the standards to each project.

**§139-170 Article XXVI - Open Space Conservation District**

Where applicable, for developments proposing to use the open space conservation regulations in accordance with Article XXVI, the preservation of historic properties and structures, both on the project site and on adjacent properties, should be a core site consideration for such development.

**§139-171 Historic Resource Impact Study.**

- A. Applicability. When, in the judgment of the Board of Supervisors, a designated historic resource will be adversely impacted by a proposed subdivision or land development, appropriate measures shall be undertaken by the applicant which shall have the effect, in the judgment of the Board of Supervisors, of mitigating such adverse impacts. In general, mitigation measures shall be consistent with §138-169 of this chapter. Existing conditions, proposed changes and proposed mitigation measures, if necessary, shall be described in a Historic Resource Impact Study. An Historic Resource Impact Study, or any applicable portions thereof, shall be required when any of the following are proposed:
- (1) On-site: subdivision or land development plans which include all on-site historic resources identified on the Township Historic Resources Inventory.
  - (2) Off-site: subdivision or land development of tracts within three hundred (300) feet of the exterior walls of an off-site historic resource identified on the Township Historic Resources Inventory.
  - (3) Off-site: any construction or improvement, including subsurface and grading work, to be undertaken in conjunction with a subdivision or land development within three hundred (300) feet of the exterior walls of an off-site historic resource identified on the Township Historic Resources Inventory.
- B. The Board of Supervisors may require the applicant to submit the Historic Resource Impact Study as a subsection of the Conservation Plan requirements of Article III Chapter 73, or as a separate document.
- C. The Historic Resource Impact Study shall be prepared by a qualified professional in historic preservation, historic architecture, planning or other professional who meets the Secretary of the Interior's Professional Qualifications Standards and presented by the applicant or his agent for discussion at a meeting of the Willistown Historical Commission.
- D. Contents. The study shall contain the following information, as required by the Board of Supervisors:
- (1) Background information:
    - (a) If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.



- (b) General description and location classification of all historic resources as described in Subsection A, above.
  - (c) Physical description of all historic resources identified in Subsection B, above.
  - (d) Statement of the significance of each historic resource, both relative to the Township and region in general.
  - (e) Sufficient number of color digital photographs to show every historic resource identified in Subsection B, above, in its setting. Photographs shall be at least 3,000 by 2,000 pixels, numbered, and with their locations noted on the site plan.
  - (f) Narrative description of the historical development of the subject tract or road (historical context).
- (2) Proposed change.
    - (a) General description of project, including timetables or phases.
    - (b) Description of impact on each historic resource identified in Subsection D(1)(b), above, with regard to architectural integrity, historic setting and future use.
    - (c) General description of the effect of noise and traffic and any other impacts generated by the proposed change on each historic resource.
  - (3) Mitigation measures. Proposals for mitigating the project's impact on historic resources for consideration by the Board of Supervisors, including design alternatives, landscaping, and buffering in accordance with §139-168, and any other appropriate measures permitted under the terms of this and other Township ordinances.
- E. Willistown Historical Commission. The Historic Resource Impact Study will be reviewed by the Willistown Historical Commission. The Commission shall set forth its evaluation and recommendations in a written report to the Planning Commission and Board of Supervisors within thirty (30) days of receipt of the report.

**§ 139-172 Historic districts.**

- A. Districts. The Township may create historic districts within their geographic boundaries to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts.
- (1) The boundaries of historic districts may be shown on the Township Historic Resources Inventory Map.
  - (2) The provisions of the section apply to all land, buildings, and structures within the boundaries of historic districts.
  - (3) No historic structure or building shall hereafter be used, and no structure or building shall hereafter be erected, reconstructed, altered, restored, demolished or razed, in whole or in part, without full compliance with the provisions of §139-172 and other applicable regulations.
- B. Historical Architectural Review Board. The Board of Supervisors shall designate the Willistown Historical Commission, or a subcommittee thereof, as the Historical Architectural Review Board (HARB).
- (1) Membership. The HARB shall consist of not less than five (5) members, of whom one shall be a registered architect, one shall be a licensed real estate broker, one member shall be a building inspector, and one should be a member of the Willistown Township Planning Commission. The remaining members shall have a knowledge of and interest in the preservation of historic districts.
  - (2) Duties.
    - (a) The HARB shall give counsel to the Board of Supervisors regarding the advisability of issuing any Certificates of Appropriateness (COA), which the Board of Supervisors is required to issue pursuant to this article and the Act of June 13, 1961, and shall hold such hearings and render such reports as are

- [7] The nature of projections (porches, etc.)
  - [8] The nature of architectural details and style.
  - [9] The nature of materials.
  - [10] Color.
  - [11] Texture.
  - [12] Ornamentation.
  - [13] Signs.
- (b) All proposed erection, reconstruction, alteration, or restoration projects will be assessed based on their appropriateness of the project for the subject property and its impact on the historic district.
- D. Hearing before the HARB. Within thirty (30) days from the time a complete application for a building permit is filed with the Township, a hearing shall be held by the HARB to consider the recommendations which it will give to the Board of Supervisors.
- E. A subgroup of the HARB members appointed by the HARB to conduct a field view/site visit to better evaluate the proposed work.
- F. The applicant shall be given written notice less than thirty (30) days in advance of a public hearing in which the HARB will review the application.
- (1) Findings after hearings.
- (a) Within thirty (30) days following the hearing or hearings, the HARB shall, by official written communication to the applicant, recommend either:
- [1] The issuance of a COA authorized in the application as submitted.
  - [2] The issuance of a COA subject to specified changes and conditions not included in the application as submitted.
  - [3] The denial of a COA with respect to the proposed changes as submitted.
- (b) Failure of the HARB to so act within said period shall be deemed to constitute a recommendation for the issuance of a COA with respect to the application as submitted. In the event that the recommendation for the issuance of a COA is subject to conditions, the applicant may, within fourteen (14) days after receiving a copy of the official written communication from the HARB, give notice of his refusal to accept all of the conditions, in which case the HARB shall be deemed to have recommended against the issuance of a certificate of appropriateness. In the event that the applicant does not, within said period, notify the HARB of his refusal to accept all of said conditions, conditional approval of the application with all conditions shall stand as granted.
- (2) Report to the Board of Supervisors. Upon or before the expiration of the aforesaid thirty (30) day period, HARB shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a COA to authorize a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or a part of any building, site or area for which an application for a building permit has been made. The written report shall set out the following matters:
- (a) The exact location of the area in which the work is to be done.
  - (b) The exterior changes to be made or the exterior character of the structure to be erected.
  - (c) The historic setting and context of the property.

- (d) An analysis of the appropriateness of the proposed work, taking into consideration the criteria specified in §139-172C(3), hereof, where each such factor is deemed relevant.
  - (e) The recommendation of the HARB, including any dissent, as to the appropriateness of the work proposed in regard to the preservation or adverse effects to the historic character and nature of the building, structure, object, or site.
  - (f) Any changes to the plans and specifications recommended by the HARB as conditions for approval.
- G. Public meeting of the Board of Supervisors. Upon receipt of the written counsel of the HARB, the Board of Supervisors shall consider, at the next regularly scheduled meeting of the Board of Supervisors, the question of issuing a COA authorizing a permit for the work proposed by the applicant. The applicant shall be given no less than thirty (30) days written notice of the time and place of the meeting at which the application will be considered. The applicant shall have the right to speak on their application. All interested persons may appear and provide comment at the meeting held by the Board of Supervisors.
- (1) Decision of Board of Supervisors.
    - (a) Within fourteen (14) days following the conclusion of their meeting, the Board of Supervisors shall, by official written communication to the applicant, either:
      - [1] Issue a COA authorizing a permit for the proposed changes as submitted.
      - [2] Issue a COA subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historic character of the building, site or area which is proposed to be changed.
      - [3] Deny a COA with respect to the proposed changes as submitted.
    - (b) Failure of the Board of Supervisors to act within this required period of time the COA shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within ten (10) business days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case the Board shall be deemed to have denied a COA. In the event that the applicant does not, within said period, notify the Board of Supervisors of his refusal to accept all of said conditions, the approval, with all conditions, shall stand as granted.
  - (2) Resolution of Board of Supervisors. The approval or denial of a COA shall be in the form of a written resolution, which shall include findings of fact related to the specific proposal and shall set forth the reasons for the approval, with or without conditions, or for the denial, referring to such of the criteria set forth in §139-172C(3) hereof which were relevant to its decision. A copy of each resolution of denial shall be forwarded to the Pennsylvania Historical and Museum Commission. A copy of each resolution approving or denying the COA shall accompany the official written communication to the applicant as provided in this section.
- H. Appeals. Any decision of the Board of Supervisors under this article, approving or denying a COA or authorizing or refusing to authorize a modification of a previously approved COA, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P. L. 805, as amended, 53 P.S. § 10101 et seq.
- I. Enforcement. The Zoning Officer, or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this article, shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to the HARB as may be necessary to assure compliance with the provisions of this article and the conditions of the certificate of appropriateness. The Township shall enforce the provisions of this Article as it would enforce any other provision of the Zoning Ordinance in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. & 10101 et seq.

**§139-173 Design standards.**

The following design standards shall apply to all historic resources, except where specifically noted to the contrary in the subsections below. Compliance with all other sections of the Township Code, including, in particular, landscaping, buffering, and screening (Article X of Chapter 73), outside lighting (§139-106), traffic impact study (§123-30), off-street parking space (§139-98) and signs (Article XVIII) shall be required as applicable.

A. Buildings being converted in accordance with §139-92 may not be altered externally for the desired use. For special use opportunities shown in §139-165A, no historic resource may be enlarged beyond what is minimally necessary to accommodate the additional use. Historic resources with historic resource footprints existing as of November 16, 2002, that are proposed for enlargement shall be reviewed by the Historical Commission pursuant to §139-173 and §139-163D, specifically Subsection D(4) and (9). In addition, the following standards shall apply:

- (1) Additions shall only be permitted if they do not adversely impact the principal facades of the historic resource. Principal facades are defined as the front or major facades of the historic resource within or partially within the public viewshed; at a minimum, this shall include two (2) adjacent facades and the three (3) corners that are part of such facades. Any proposed addition shall be set back a minimum of ten percent (10%) of the length of the facade from the two (2) corners not shared by the adjacent facades. The Commission may, after thorough evaluation of the proposed changes, recommend acceptance of a proposed plan that does not meet the aforementioned standards. It shall be documented that every effort was made to preserve the historic and architectural integrity of the principal facades of the historic resource.
- (2) Applicants shall give careful consideration to and respect the character defining features of historic structures, among these being the building's architectural style and massing, the placement of the historic resource on the land (cultural landscape), roof pitch and overhang, style and proportion of windows and doors, construction materials used, etc.
- (3) Additions shall remain subordinate to or be designed not to diminish the historic context of the historic structure.
- (4) Volume
  - (a) The design of any addition shall maintain, complement and protect the historic resource through incremental and proportional volumetric expansions;
  - (b) The total of the collective incremental expansions of the primary historic volume shall not exceed 150% of the exterior volume of the single floor that comprises the historic resource footprint.
  - (c) For the purposes of calculation, the exterior volume shall be based on the following:
    - [1] Historic resource footprint is the square footage of a single floor, presumably the ground or first floor, as measured from the face of the exterior walls.
    - [2] Interior ceiling height is presumed to be no fewer than eight (8) feet.
  - (d) The height of all new construction shall be proportional to and consistent with the historic structure, with consideration to the style and pitch of the roof line.
  - (e) Additions shall be visually subservient to the historic structure; applicants shall segment additions in a manner that respects the massing of the original structure.
  - (f) The Commission may, after thorough evaluation of the proposed changes, recommend acceptance of a proposed plan that does not meet the aforementioned standards.
- (5) Every effort shall be made to use building materials that are complementary to the original structure.
- (6) Consideration shall be given to the nature and use of the outdoor space surrounding the historic structure, including but not limited to open porches, patios, and the placement of out buildings; applicants shall demonstrate that the historic structure's cultural landscape will not be adversely affected.
- (7) All additions shall be designed by a registered architect licensed in the Commonwealth of Pennsylvania.

- B. Unless otherwise specified under each special use opportunity contained in §139-165, any rehabilitation, alteration, or enlargement of an historic resource to utilize the special use opportunities shown in §139-165 must be in substantial compliance with the standards contained in §139-169A.
- C. Plans for any rehabilitation, alteration or enlargement deemed necessary by the applicant to utilize any of the opportunities shown in §139-165 shall be submitted to the Willistown Historical Commission and Zoning Officer for review. Such plans shall be in sufficient detail to allow the Commission to determine their level of compliance with the standards contained in §139-169A.
- D. Within the applicable time period stipulated for final Township decision-making, the Commission shall review the plans for compliance with the standards contained in §139-169A. The Commission may require a site visit to aid in their decision. The Commission shall submit its findings in a written report. The report shall indicate what specific changes in the plans are necessary to bring them into substantial compliance.
- E. In any case where the proposed use is permitted only as a conditional use or special exception, as provided in §139-165, the Board of Supervisors or Zoning Hearing Board, respectively, may refuse to approve the request for additional use or uses where it deems the degree of noncompliance with the standards contained in §139-169A to be unacceptable and destructive to the integrity of the historic resource.
- F. Landscaping must be provided in accordance with §139-168.
- G. Off-street parking required by the Board of Supervisors or Zoning Hearing Board may be waived if the use is located on a lot that abuts a public or private residential street of local classification, with a paved cartway width of twenty-eight (28) feet minimum, and if on-street parking is permitted by the Township. Where off-street parking is proposed, applicants are encouraged to utilize porous paving, lattice block or other pervious materials to encourage infiltration of stormwater.
- H. Applicants for conditional use or special exception approval shall provide a means to guarantee the permanent protection of the historic integrity of the subject resource(s), including its (their) cultural landscape, such as the establishment of conservation easements or appropriate covenants in a form acceptable to the Township Solicitor.

**SECTION 2. Severability.** The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held to illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.:

**SECTION 3. Effective Date.** This Ordinance shall be effective five (5) days from the date of enactment.

**SECTION 4. Repealer.** All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.


- SIGNATURES ON NEXT PAGE -

ENACTED and ORDAINED this 19<sup>th</sup> day of August, 2024.


**BOARD OF SUPERVISORS  
WILLISTOWN TOWNSHIP**

  
Robert T. Lange, Chair

  
William R. Shoemaker, Vice Chair

  
Molly H.B. Perrin, Member

**ATTEST:**

  
Shanna P. Lodge, Manager