

Part 17

Historic Resource Protection

§27-1701. Intended Purposes.

It is the intent of this Part to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures and districts in London Grove Township. This Part establishes the London Grove Township Historical Commission, or in the absence of such Commission the London Grove Township Planning Commission, to serve as an advisory body to the Board of Supervisors. The protections and incentives of this Part are targeted toward the Townships significant historic resources; they include notification of demolition and waivers or modifications of area and bulk requirements.

§27-1702. General Provisions.

1. *Compliance.* Exterior alterations to, rehabilitation of, or a change in use of a historic resource shown on the Historic Resource Map shall occur in compliance with the terms of this Part and including, but not limited to, the Township Building Code [Chapter 5].

A. For any Class I or II resource or any property shown on the Historic Resources Map, the provisions of this Part shall: (a) apply in addition to those of the underlying zoning district, and (b) supersede the otherwise applicable requirements of the underlying zoning district to the extent those provisions are inconsistent with the provisions of this Part.

B. Should the Historic Resources Map be revised as a result of legislative action or judicial decision such that a property is no longer in the area of the Historic Resources Map, 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 Part.

2. *Preservation of Other Restrictions.* It is not intended by this Part to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Part imposes greater restrictions, the provisions of this Part shall prevail.

§27-1703. Historic Resources Map.

1. *Classifications.* The Historic Resources Map delineates three classifications of historic resources in London Grove Township, which are defined as follows:

A. *Class I* (Having National or State significance).

(1) Historic resources and historic districts which are listed on the National Register of Historic Places.

(2) Contributing resources i.e., buildings, sites, structures, underground resources and objects, filed as such with the National Register of Historic Places, or having the requisites to be listed in the National Register, or those filed with the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission (Historic Preservation Act, 1966 amended 10/92).

(3) Buildings, sites, structures, objects and districts which have received a determination of eligibility (DOE) from the Pennsylvania Bureau of Historic Preservation and/or the Secretary of the Interior, as meeting the National Register criteria, but not listed in the National Register of Historic Places.

(4) Resources which are deemed by the London Grove Township Board of Supervisors to meet substantially the National Register criteria under the Chester County Certification Program. Following is a partial list of the National Register Criteria.

(a) *Criteria A.* A property may be registered if it is associated with events that have made a significant contribution to the broad patterns of our history. (Example: The economic growth or decline of a community during a particular period, the development of a transportation system, a pattern of agricultural land use.)

(b) *Criteria B.* A property may be registered if it is associated with the lives of persons significant in our past. (Examples: important writers, inventors, politicians or community leaders.)

(c) *Criteria C.* A property may be registered if it embodies the distinctive characteristics of a type, period, or method of construction; if it represents the work of a master, or if it possesses high artistic values. A property may also be registered if it represents a significant and distinguishable entity whose components may lack individual distinction.

(d) *Criteria D.* A property may be registered if it has yielded, or may be likely to yield, information important in prehistory or history.

B. *Class II* (Having local municipal historical significance and documented by the municipality).

(1) Buildings, sites, structures, objects, and districts included in the historic resources inventory of the London Grove Township that are determined to be of historical, architectural, or other significance as determined by the London Grove Township Board of Supervisors.

C. *Class III* (Municipally inventoried but not classified as I or II).

(1) All other sites, structures and objects included in the Historic Resources inventory of the London Grove Township not included in the Class I or class II categories and having potential significance in the future.

2. *Revisions.* The Historic Resources Map may be revised from time to time by legislative action of the Board of Supervisors. The Historic Resource Map is available for review at the London Grove Township Municipal Building.

A. In considering any revision, including additions, deletions, or changes of classification to the Historic Resources Map, the Board of Supervisors shall receive a written recommendation from the London Grove Township Historical Commission or Township Planning Commission.

B. The owner(s) of any property(ies) which are the subject of any such proposed legislative action shall be given written notice of the

Historical Commission's recommendation to the Board of Supervisors at least 10 days prior to the public meeting bearing on any such property.

3. *Official List.* The Historical Commission or Planning Commission shall maintain an updated list of resources shown on the Historic Resources Map and their respective classifications. Individual historic resource property files will be maintained for each designated property on the Historic Resource Map and become part of the official records of the London Grove Township.

§27-1704. Demolition of Historic Resources.

1. No Class I or Class II historic resource may be demolished, as that term is defined in this Chapter, until the applicant obtains a notification of demolition form from the Township and complies with the applicable procedures of this Part.

2. The proposed demolition of any Class I or II structure on a subdivision plan subject to a DEP Act 537 program will be reviewed by State agencies who may request information from the London Grove Township.

A. One copy of the notification of demolition shall be forwarded to the London Grove Township Historical Commission or Planning Commission no less than 30 days prior to the proposed demolition, together with a sketch plan showing all buildings on the property, and explanation of the reasons for demolition, and future uses of the site. The London Grove Township Historical Commission or Planning Commission may request interior and exterior photographs, taken by a Commission member with the applicant's permission.

B. The Historical Commission or Planning Commission shall meet as soon as possible to review the notification of demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the notification, the Historical Commission shall take into account:

(1) The effect of demolition on the historical significance and architectural integrity of neighboring contributing historic resources.

(2) Economic feasibility of adaptively reusing the resource proposed for demolition.

(3) Alternatives to demolition of the resource.

3. Following the conclusion of the meeting, the London Grove Township Historical Commission or Planning Commission shall set forth its recommendation in a written report to the owner/applicant and to the Board of Supervisors. Within the recommendation to the Board of Supervisors, the Historic Commission or Planning Commission may conclude that a 1:1 incentive be provided to the applicant in lieu of demolition to the historic resource.

A. Should the Township learn that a building, structure, or other facility, listed on the Township Historic Resources Inventory as a Class I or Class II, has fallen into such a state of disrepair as to be a threat to public health, safety, or welfare, the Supervisors may dispatch a representative of the Township and an appointed member of the Historical Commission or Planning Commission to inspect such building subject to the owner's permission and issue a report of their findings to the Board of Supervisors and to the owner(s) of the property.

B. *Enforcement.*

(1) *Violation and Penalties.* Any person who violates the terms of this Section shall be subject to the penalties imposed under the terms of this Chapter, found elsewhere within, as well as applicable fines and penalties imposed under the Township Building Code.

(2) In addition to the above remedies, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Chapter.

§27-1705. Modification to Area, Bulk and Use Regulations.

1. *Zoning Hearing Board.* The Zoning Hearing Board, through the grant of a special exception, may approve requested modifications to the otherwise applicable lot size, lot dimension, yard requirements or use for plans affecting Class I or Class II historic resources, in accordance with the criteria of "Standards for Rehabilitation," of this Chapter and provided the following additional criteria are met.

A. The granting of the special exception is deemed by the Zoning Hearing Board to be necessary to the preservation of a Class I or Class II historic resource.

B. The granting of the special exception will be deemed by the Zoning Hearing Board to have minimal detrimental effect on neighboring properties.

C. Any plans for the rehabilitation, alteration, or enlargement of a Class I or Class II historic resource shown on the application for special exception must be in substantial compliance with the standards contained in all other applicable sections of this Part.

D. The Township Historical Commission or Planning Commission shall review the request for adaptive re-uses for Class I or Class II structures, and make a recommendation to the Zoning Hearing Board before the granting of a Special Exception. Any plans for modification of the use on a property shall be limited to a permitted residential use found in the base zoning districts. Alternative or adaptive re-uses shall comply with the standards of all other applicable sections of this Part.

E. The Township Historical Commission or Planning Commission shall review the request for special exception and evaluate whether the proposed modifications are necessary to the preservation of the Class I or Class II resource. The Historical Commission or Planning Commission also shall review any construction plans for their compliance with the standards of all other applicable sections of this Part. Recommendations shall be transmitted in the form of a written report to the Zoning Hearing Board and shall indicate what specific changes in the plans would bring them into substantial compliance with the standards. The written report of the Historical Commission or Planning Commission shall be admissible before the Zoning Hearing Board without further testimony or authentication.

§27-1706. Review of Proposed Rehabilitations, Enlargements, or Alterations.

1. *Zoning Officer.* The Zoning Officer shall, as part of the zoning permit, provide the Historical Commission or Planning Commission with a copy of the application within five days of the receipt of a complete application. The Zoning Officer will give the applicant appropriate information from the Township

Historical Commission or Planning Commission concerning rehabilitation, enlargement or alteration of a Class I or Class II structures.

2. *Building Permits.* No building permit for the rehabilitation, enlargement, or alteration of a Class I or Class II historic resource shall be issued by the Township prior to review and comment on the application by the London Grove Township Historical Commission or Planning Commission, in accordance with the terms of this Section.

A. *London Grove Township Historical Commission or Planning Commission.* The Commission shall, within 30 days of receipt of a complete application from the Township review the plans for compliance with the standards contained in the Standards for Rehabilitation found in Section 17 below, and prepare a written report to the Township with a copy to be sent to the applicant, indicating whether the plans are in substantial compliance. The report shall make suggestions as to what specific changes in the plans would bring them into substantial compliance.

B. *Issuance of Permit.* Upon receiving a report from the Commission, and providing the plans satisfy all other requirements of the Township, the Township shall issue the building permit.

§27-1707. Standards for Rehabilitation.

Any proposed rehabilitation, enlargement, or alteration of a Class I or Class II historic resource should be in substantial compliance with the standards as follows:

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Most properties change over time, those changes that have acquired historic significance in their own right shall be retained and preserved.

E. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize or mimic a historic property shall be preserved.

F. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match, or be similar to, the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigating measures shall be undertaken.

I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§27-1708. Landscaping and Buffering.

1. *Landscaping.* When a Class I or Class II historic resource is located within a proposed subdivision or land development, a landscape plan for the

grounds surrounding the Class I or Class II historic resource may be required by the Board of Supervisors. The plan must meet the requirements of §27-1806 and must be prepared by a landscape architect, or by a nurseryman or other individual deemed qualified by the Board of Supervisors. The plan shall show all pertinent information, including the location, size, and species of all individual trees and shrubs to be removed, planted, or preserved. Through screening, buffering, and selection of plant material, the plan should strive to minimize the impact of the proposed development on the Class I or Class II historic resource and protect its integrity of setting and any significant vegetation. The London Grove Township Historical Commission or Planning Commission shall be given the opportunity to evaluate the landscape plan and suggest any modifications prior to final approval.

2. *Buffering.* When a subdivision, land development, or commercial use is proposed on any property within 100 feet of the exterior walls of a Class I or Class II historic resource, the applicant shall be required to submit a plan for buffering the Class I or Class II historic resource from the impact of the proposed use. Buffering standards found elsewhere herein may include, but are not limited to, vegetative screening and fencing, the appropriateness and effectiveness of which shall be evaluated by the Board of Supervisors prior to plan approval.

§27-1709 Bonus Provisions for Adaptive Re-Use

1. In addition to the uses permitted by right, special exception or conditional use in the various zoning districts of London Grove Township, each Class I or Class II historic resource dwelling, barn, outbuilding or other building as defined on the Historic Resources Map in these districts shall be entitled to continue any use in existence. Class I or Class II historic resource dwelling, barn, outbuilding or other building shall be entitled to one or more of the additional use opportunities subject to the following provisions:

A. Compliance with the standards and procedures contained in applicable sections of this Ordinance.

B. Preparation of historic resource study.

C. Review and recommendation by the Historical Commission or Planning Commission.

D. Additional requirements may be imposed by the Board of Supervisors.

E. Approval of the Board of Supervisors, following a conditional use hearing.

2. Additional dwelling unit. An additional dwelling unit, over and above existing zoning requirements, may be allowed in an historic dwelling, barn, outbuilding or other building as defined on the Historic Resources Map, provided that the following conditions are met.

A. The additional dwelling unit has no more than two bedrooms.

B. There is sufficient off-street parking, to the rear or side, to accommodate two additional vehicles, and the additional unit will not require or generate additional vehicle parking beyond the two provided.

C. Any additions/alterations to the existing historic structure, and all landscaping, must conform to existing zoning and subdivision and land development ordinance requirements and should follow as closely as possible the most recent edition of the Secretary of the United States Department of the Interior's Standards for Rehabilitation (defined in Subsection D below) and the most recent edition of the Secretary of Interior's Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

D. The dwelling unit shall be totally contained within the historic resource.

E. Property containing an historic resource shall be of sufficient size to comply with the zoning requirements of the district for two dwelling units.

F. The dwelling unit may be in the form of an apartment unit in the historic dwelling or may be wholly contained within the barn, outbuilding or other building.

3. Conditional Uses. Provided that the conditions set forth in Subsection 4 of this Section, the historic dwelling, barn, outbuilding or other building, as defined on the Historic Resources Map, may be utilized for the uses listed below:

A. Bed and Breakfast.

B. Cultural studio/facility. A studio used for artistic instruction or education used by artists, photographers, dancers, craftsmen, artisans and/or used by artists to product artistic objects and/or a facility for public viewing of artistic, educational or historic objects that would allow the selling of the objects on view, such as museums, galleries, as well as antique shops, provided that it includes only the display and sale of objects and does not include the repair, finish/refinish, construction or preparation of objects for sale.

C. Educational/Social Center. A facility, on a lot of not less than five acres, for educational and business conferences, including teleconferencing, as well as private parties and gatherings, to include the preparation and serving of food and beverage to the guests, but does not include a public restaurant.

D. Flower Shop. An establishment for the retail sale of flowers, plants and floral arrangements prepared on site.

E. Indoor Recreational Facility. A facility for athletic activities involving physical exercise, fitness and health maintenance, such as aerobics, racquetball, handball and tennis.

F. Educational Farm. A facility, on a lot not less than 10 acres in size, making use of its current farming facilities and usage to provide instruction in farming history, methods, techniques and farm animals.

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

A. The historic resource is located on a lot five acres or more or, if on a lot one to five acres, the activity generated by the proposed use is located at least 300 feet from any residential dwelling.

B. The use conforms to existing fire and safety regulations.

C. There is sufficient off-street parking to accommodate the use, which parking conforms to the following:

(1) Parking spaces do not exceed eight allowable spaces per acre of available lot coverage.

(2) Parking is at least 100 feet from any residential dwelling located on adjacent property, is placed to the side or rear of the main structure and is sufficiently landscaped to shield the parking area from residential view.

D. Lighting is limited to providing sufficient lighting for safety and security of customers of the establishment, but does not impinge on neighboring residential character, as determined by the Historical Commission.

E. The conditional use does not include a liquor license.

F. Entertainment is not provided by the property owner or lessee (leasing agent), but is allowed if a customer provides the entertainment, the entertainment conforms to existing ordinances and includes no amplified music audible from the outside.

G. Hours of operation are limited to 8:00 a.m. to 11:00 p.m., excluding time required for set up and clean up.

H. Any addition/alteration to the existing historic structure, and all landscaping, must conform to the existing zoning and subdivision and land development ordinance requirements.

I. Board approval or rejection.

(1) In determining whether to approve or reject the proposed addition or alteration, the Board of Supervisors shall consider the effect which the proposed addition/alteration will have upon the general historic and architectural nature of the township. The Board shall pass upon the appropriateness of the proposed exterior architectural features which can be seen from a public street or way and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors

to similar features of buildings and structures in the township. In evaluating the proposed addition/alteration, the Board shall consider:

(a) Broad historical values representing the cultural, political, economic or social history of the township.

(b) The relationship of the structure with historic personages or events.

(c) Specimen architectural types representative of a certain period and a style or method of construction.

(d) The effect of the proposed change upon the general historic and architectural nature of the township.

(e) The appropriateness of exterior architectural features which can be seen from a public street or way.

(2) In its review the Board may rely upon, where appropriate, the most recent edition of the Standards for Rehabilitation and the Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings of the United States Department of Interior.

5. An applicant requesting a conditional use shall follow, as applicable, the provisions of this Ordinance for Conditional Uses, and in addition shall comply with the following:

A. The request for a conditional use shall be accompanied by an historic resource study complying with the provisions herein.

B. At the conditional use hearing conducted by the township or its designee, a representative from the Historic Commission or Planning Commission, when requested by the hearing body, may be present and offer testimony and evidence on behalf of the Historic Commission.

C. Applicants shall have the option of submitting the historic resource study to the Historic Commission or Planning Commission prior to filing the application request for a conditional use and meeting with the Historic Commission to discuss the request for a conditional use.

§27-1710. Development Provisions.

1. Residential development.

A. In the preservation and use of a Class I and/or Class II historic resource, there shall be included 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. As a minimum, no lot line shall be closer than 85 feet to a Class I or Class II historic resource.

B. After the lot area of the Class I and/or Class II historic resource is determined in accordance with Subsection 1(A) above, the remaining number of buildable lots that would be allowed on the parcel by the Zoning Ordinance may be reduced in size, if necessary, to accommodate that same number on the parcel, to not smaller than 20,000 square feet.

2. Nonresidential properties. For each additional acre, above the minimum required lot area for the historic resource, remaining with the historic resource, an additional 1% of building coverage may be permitted for nonresidential properties.

§27-1711. Historic Resource Study.

1. Applicability. A historic resource study is required when any of the following are proposed:

A. When a developer or landowner files an application for approval of a subdivision or land development plan which proposes construction of buildings and other structures, streets, ways and parking facilities, common open space and/or public facilities, or any other facility or improvement requiring subdivision and/or land development approval pursuant to the provisions of the London Grove Township Subdivision/Land Development Ordinance located within 300 feet of the exterior walls of any Class I or Class II historic resource.

B. Any application or plan which proposes a conditional use as defined in the Conditional Use provisions in this Chapter

C. General bridge or highway construction or substantial repair passing within 300 feet of the exterior walls of any Class I or Class II historic resource.

2. The historic resource study shall be prepared by the developer and/or land owner and submitted to the Commission. The study may utilize the records contained within the jurisdiction of the Commission.

3. Contents. The study shall contain at least the following information:

A. Background information.

(1) A general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.

(2) General description and classification of all historic resources located on the subject tract, on tracts immediately adjacent to the subject tract or road, or within 300 feet of the subject tract or road.

(3) Physical description of all historic resources identified above.

(4) An assessment of the significance of each historic resource, both relative to the township and region in general.

(5) Sufficient number of black and white or color five-inch by seven-inch or eight-inch by ten-inch photographs to show every historic resource identified above, in its setting.

B. Proposed change.

(1) General description of project, including timetable or phases.

(2) Description of effect on each historic resource identified above, with regard to architectural integrity, historic setting and future use.

(3) General description of effect of noise and traffic and any other consequence generated by the proposed change on each historic resource.

C. Mitigation measures.

(1) Recommendations for mitigating the project's effect on historic resources, including design alternatives, buffering, screening, tree replacement, berming, fencing, landscaping and any other appropriate measures permitted or required under the terms of this article and any township ordinance or any other federal or state regulations.

(2) Measures to control traffic, noise, odor or other emissions which may have an adverse effect on the historic resource.

(3) Other mitigation measures may include, but need not be limited to:

(a) Any new construction cannot be closer than 85 feet to the historic resource.

(b) Any structure to be built within 300 feet of a historic resource must have 10% glass on any wall facing the historic resource and the public way, and the design must include a vertical bay design with a sixteen foot to twenty-four foot dimension for each bay, and the gable end of the roof must face the historic resource.

(c) London Grove Township Historical Commission or Planning Commission will review the Historic Resource Study. The Commission shall set forth its evaluation and recommendations in a written report, said report shall be sent to and be reviewed and approved by the Township Board of Supervisors.

