

ARTICLE VI Historic Preservation (§ 240-38.1 — § 240-38.11)

[Added 1-21-2003 by Ord. No. 129-B-03]

§ 240-38.1 Purposes.

This article is intended to advance the following public purposes:

A.

To promote the general welfare by facilitating protection of the historical integrity of the historic resources of East Goshen Township.

B.

To establish a clear process by which proposed land use changes affecting historic resources can be reviewed.

C.

To discourage the unnecessary demolition of historic resources.

D.

To provide incentives for the continued use of historic resources and to facilitate their appropriate reuse.

E.

To encourage the conservation of historic settings and landscapes.

F.

To implement the goals of the Pennsylvania Constitution, Article I, Section 2, which establishes the commonwealth's policy of encouraging the preservation of historic and aesthetic resources.

[Added 10-17-2006 by Ord. No. 129-F-06]

§ 240-38.2 East Goshen Township Historic Resources Inventory.

[Amended 10-17-2006 by Ord. No. 129-F-06]

The Township shall maintain an inventory of historic resources as defined in § [240-6](#).

Editor's Note: The Historic Resources Inventory is on file in the Township offices.

§ 240-38.3 General criteria for classification of historic resources.

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.Class I historic resources: any building, structure, site or object which meets the definition of a Class I historic resource as set forth in § [240-6](#).**B.**Class II historic resources: Any building, structure, site or object which meets the definition of a Class II historic resource as set forth in § [240-6](#).**§ 240-38.4 Procedure for addition or removal from Historic Resources Inventory.**

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.

Any building, structure, site or object ("resource") may be proposed for addition to or removal from the Historic Resources Inventory,

Editor's Note: The Historic Resources Inventory is on file in the Township offices.
or for a change in classification (Class I or Class II) by:**(1)**

The owner of such resource;

(2)

The East Goshen Historical Commission ("Historical Commission");

(3)

The Board of Supervisors; or

(4)

Notice from the designating organization (Pennsylvania Historical and Museum Commission or National Register) that the historic resource has been added to its Historical Resources Inventory or no longer meets the criteria upon which its classification has been based.

B.

All proposals for addition to or removal from the Historic Resources Inventory, or for a change in classification (Class I or Class II), shall be referred to the Historical Commission. The Historical Commission shall hold a public meeting after a written notice has been sent to the owner(s) of the resource affected. The Historical Commission shall consider oral testimony and/or documentary evidence regarding the proposal at the public meeting, which may be continued from time to time. The Historical Commission shall present a written report to the Board of Supervisors within 30 days following the close of testimony from all public meetings on the question, stating its recommendation regarding the subject proposal, together with the grounds therefor. An historic resource shall be recommended for removal from Class I if it does not currently meet the definition as set forth in § [240-6](#) or is determined by the Historical Commission to no longer be of historical significance based on the evidence presented at a public meeting(s). An historic resource removed from the Class I Historic Resource Inventory shall remain on the Historic Resource Inventory as a Class II Historic Resource unless it does not currently meet any of the criteria set forth in § [240-38.3](#), in which case it shall be removed altogether from the Historic Resource Inventory.

C.

After receiving the recommendations of the Historical Commission, the Board of Supervisors may from time to time, by resolution, add or delete resources to or from the Historic Resources Inventory or change the classification of an historic resource. Written notice of the proposed action of the Board of Supervisors shall be given to the resource owner.

§ 240-38.5 Permitted uses in historic resources.

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.

An historic resource may be used for the following purposes:

(1)

Any use permitted in the underlying zoning district in which the property is located.

(2)

Where approved by the Board of Supervisors as a conditional use in accordance with the criteria contained in both §§ [240-31](#) and [240-38.7](#), an historic resource may be used for any one of the following adaptive reuses:

(a)

Artist studio or crafts workshop employing not more than three persons. Such workshops may include model making, rug weaving, lapidary work, furniture making and similar crafts;

(b)

Antique shop;

(c)

Residential conversion of any structure designated as an historic resource into one or more dwelling units, subject to the following specific requirements:

[1]

Except where otherwise provided in the applicable zoning district, where multiple dwellings result from the conversion of a structure designated as an historic resource, no individual dwelling unit shall contain less than 800 square feet of habitable

floor area and the number of such dwelling units shall not exceed the number that can be accommodated within the building utilizing this minimum floor area requirement. No structural addition to the historic resource shall increase the number of dwelling units that can be achieved by application of this formula.

(2)

Each individual dwelling unit created through the residential conversion of an historic resource shall contain its own bathroom and kitchen.

(3)

Where approved by the Board of Supervisors as a conditional use in accordance with the criteria contained in both §§ [240-31](#) and [240-38.7](#), an historic resource may be used for only one of the following adaptive reuses where the subject property has frontage on one or more of the following roads: West Chester Pike, North Chester Road, Boot Road, Paoli Pike, East Strasburg Road and/or Airport Road.

(a)

Office or business office;

(b)

Cultural studio, subject to the condition that if access is provided from a minor street, the use shall be limited to one class at a time with not more than 10 students in the class, and not more than two instructors;

(c)

Child day-care center as a principal or accessory use;

(d)

Adult day-care center;

(e)

Bed-and-breakfast use;

(f)

Food preparation or catering facility not involving food consumption, employing not more than three persons on the premises;

(g)

Personal service shop, including tailor, barber, beauty salon, dressmaking, or similar shop, but not including dry cleaning or laundromat, with a limit of one employee per 500 square feet of gross habitable floor area devoted to the service shop use;

(h)

Repair services, including small appliances, small business machines, watches, household furnishings, shoes, bicycles and locks, but shall not include any motorized vehicle, including but not limited to automobile, snowmobile, truck, motorcycle or lawnmower repair, with a limit of one employee per 500 square feet of gross habitable floor area devoted to the repair service use;

(i)

Any use of the same character demonstrably proven by the applicant to have no greater impact upon the neighborhood than any of the foregoing uses.

B.

Uses which are not otherwise permitted in the underlying zoning district, but are granted as a result of the conditional use process outlined above shall be contained within the historic resource. All adaptive reuses shall comply with the parking regulations applicable to the proposed use.

C.

Where approved by the Board of Supervisors as a conditional use, a property on which an historic resource is located

may be proposed for additional development consistent with the regulations of the zoning district in which the property is located, provided that the historic resource shall be adaptively reused in conjunction with the proposed development.

D.

Where approved by the Board of Supervisors as a conditional use, a property on which an historic resource is located may be subdivided for additional development consistent with the regulations of the zoning district in which the property is located, provided that the historic resource shall be located on a single subdivided lot meeting the minimum lot area and bulk regulations and design standards of the zoning district in which the historic resource is located.

E.

Where approved by the Board of Supervisors as a conditional use, a property on which an historic resource is located and adaptively reused shall be permitted one freestanding sign with a maximum area of 32 square feet for the entire property, regardless of the number of uses conducted on the property.

[Added 1-19-2010 by Ord. No. 129-A-10]

§ 240-38.6 Lot area, width, building coverage, height and yard requirements for historic resources.

[Amended 10-17-2006 by Ord. No. 129-F-06]

All lot area, width, building coverage, height and yard requirements ("area and bulk regulations") and design standards otherwise applicable in the underlying zoning district shall apply to the use or reuse of an historic resource. However, in order to facilitate the use of the historic resource permitted § [240-38.5](#), the Board of Supervisors, as part of the conditional use approval, may grant modifications to the otherwise applicable area and bulk regulations applicable to the use or adaptive reuse of the historic resource. In no event shall the Board of Supervisors grant modifications to the height requirement and design standards applicable to the historic resource.

§ 240-38.7 Specific requirements for conditional use approval.

[Amended 10-17-2006 by Ord. No. 129-F-06]

The Board of Supervisors, when determining whether to grant a conditional use to permit the use of an historic resource pursuant to § [240-38.5](#) or to modify the area and bulk or design standards applicable to an historic resource as permitted by § [240-38.6](#), shall make specific findings of fact that:

A.

All applicable standards and criteria set forth in § [240-31](#) for conditional use approval shall be complied with to the satisfaction of the Township.

B.

The granting of conditional use approval shall be deemed to be necessary to the preservation of the historic resource(s), for reasons other than purely economic grounds.

C.

Except where clearly detrimental to the historical integrity of the historic resource and where public health, safety, and welfare are otherwise adequately provided for, all other applicable standards contained in this chapter shall be complied with, including but not limited to requirements for buffering, lighting, storage, access and traffic management, interior circulation, loading, parking, and signs.

D.

The Board of Supervisors may deny the request for additional use or for modification of area and bulk regulations where, upon the review of the Historical Commission, it deems the proposal to be destructive to the integrity of the historic resource and/or where the Board finds the proposed modification(s) to be out of character with the existing uses located in the immediate neighborhood.

§ 240-38.8 Application procedures for conditional use approval.

[Amended 9-19-2006 by Ord. No. 129-D-06; 10-17-2006 by Ord. No. 129-F-06]

A.

An applicant seeking conditional use approval for use, reuse, adaptive reuse or for modification of area and bulk

regulations affecting an historic resource shall submit a conditional use application to the Township in accordance with the provisions of § [240-31](#). In addition, the conditional use application shall include the following supporting information:

[\(1\)](#)

A detailed description of the proposed use(s);

[\(2\)](#)

Any exterior physical changes proposed for the affected historic resource(s) and their surrounding landscape;

[\(3\)](#)

Any proposed modifications to otherwise applicable area and bulk regulations;

[\(4\)](#)

Photographs of all sides and interior rooms of the historic resource;

[\(5\)](#)

Twenty copies of an historic resource impact study (HRIS) or a written request for a waiver of the submission of an HRIS with justification therefor.

[B.](#)

The Historical Commission shall review the conditional use application and submit a written recommendation to the Planning Commission within 45 days of receipt by the Township.

[C.](#)

The Board of Supervisors shall act upon the application in accordance with the provisions of § [240-31B](#).

§ 240-38.9 Demolition.

[Amended 10-17-2006 by Ord. No. 129-F-06]

[A.](#)

Demolition permit requirement.

[\(1\)](#)

A demolition permit shall be required prior to the demolition, either in whole or in substantial part, of any historic resource.

[\(2\)](#)

These provisions shall not be construed to prevent:

[\(a\)](#)

The ordinary maintenance or repair of any building, structure, site, or object where such work does not require a building permit and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage; or

[\(b\)](#)

The construction of additions to or alterations of the historic resource, involving less than 50% of the exterior facades as they existed on the historic resource when it was first placed on the Historic Resources Inventory.

[B.](#)

Procedure for approval or denial of demolition permit.

[\(1\)](#)

Filing. The applicant shall submit an original and two copies of the Township's standard form application for demolition permit to the Zoning Officer. If the Zoning Officer determines that the application seeks approval for the demolition of an historic resource, the Zoning Officer shall not issue the demolition permit but shall so notify the applicant that the application is being forwarded to the Historical Commission and to the Board of Supervisors.

(2)

Submission requirements. In addition to submission of any documentation required by the Township's Building Code, an applicant seeking a demolition permit for an historic resource shall provide the following:

(a)

The identity of the owner of record; and equitable owner, if any;

(b)

Site plan showing all buildings and structures on the property and all proposed development of the property on which the resource is located;

(c)

Reasons for the demolition;

(d)

Proposed method of demolition;

(e)

Intended future use of the site and of the materials from the demolished resource;

(f)

List of alternatives to demolition which the applicant has considered;

(g)

An historic resource impact study; and

(h)

Where the applicant specifically alleges that demolition is necessary due to undue economic hardship or the lack of a reasonable economic alternative, a narrative statement, together with supporting documentation, shall be submitted to demonstrate what alternate consideration to demolition, if any, the applicant has given to practical, adaptive uses of the historic resource, particularly considering the incentives potentially available as conditionally permitted by § [240-38.5](#), and written estimates of the cost(s) of restoration and/or renovation from at least two contractors or architects specializing in historic preservation/restoration

(3)

Period for decision. The Board of Supervisors shall have a period of 60 days from the date of the filing of a complete application for demolition permit to schedule a public hearing. The Board of Supervisors shall have 45 days from the close of the public hearing(s), unless extended in writing by the applicant, to issue or deny the demolition permit.

(4)

Review by Historical Commission. The Historical Commission shall have a period of 30 days from the date of the filing of a complete application for a demolition permit to schedule a meeting to review and comment upon the application. The applicant shall receive notice seven days prior to the meeting. The Historical Commission shall review the application, and the applicant shall have the right to appear in support of his/her application. The Historical Commission shall consider the following:

(a)

The effect of demolition on the historical significance and architectural integrity of the resource in question and neighboring historic resources, if any;

(b)

Whether the applicant has demonstrated that he has considered all alternatives to demolition;

(c)

Economic feasibility of adaptive reuse of the historic resource proposed for demolition;

(d)

Alternatives to demolition of the resource;

(e)

Whether the resource in its current condition presents a threat to public safety;

(f)

Whether the resource has been intentionally neglected; and

(g)

The anticipated cost to repair and/or adapt the resource in relation to the appraised value of the property on which the resource is located.

(5)

Historical Commission recommendation. The Historical Commission shall, within 15 days from the conclusion of its meetings, communicate its recommendation(s) in a written report which specifically addresses the items set forth in § [240-38.9B\(4\)\(a\)](#) through [\(g\)](#) to the Board of Supervisors, with copy mailed to the applicant, either recommending approval of the application as submitted, recommending approval of the application with conditions, or recommending denial of the application. Failure of the Commission to act upon the application and/or issue a recommendation shall not result in a deemed approval of the application but shall be grounds for the Board to consider the application without reference to the Commission's review.

(6)

Issuance or denial of demolition permit. Where the Board acts to either approve or deny the permit application, it shall authorize the Zoning Officer to either issue the permit or give written notice of denial, as applicable. Where the approval is authorized to be granted with conditions attached, with written notice of denial and the reasons therefor, as applicable, the Zoning Officer shall be authorized to issue the permit upon his receipt from the applicant of his/her written acceptance of those conditions; otherwise, the permit shall be deemed denied. The Board may deny a demolition permit, if the applicant fails to adequately present evidence to address the criteria listed in Subsection [B\(4\)\(a\)](#) through [\(g\)](#). The decision shall be communicated to the applicant by decision of the Zoning Officer. The applicant, if aggrieved by the decision of the Zoning Officer, shall have the right to appeal the Zoning Officer's decision in accordance with the provisions of § [240-56](#).

§ 240-38.10 Historic resource impact study.

[Amended 10-17-2006 by Ord. No. 129-F-06]

A.

Applicability. An historic resource impact study (HRIS), prepared by a registered architect specializing in historic preservation and adaptive reuse of historic buildings and structures, shall be submitted to the Township, unless waived or modified by the Board of Supervisors, in the following situations:

(1)

As part of a preliminary plan submission for any subdivision or land development application which proposes new construction of buildings, structures, roads, driveways, parking areas, or other land disturbance within 250 feet of the exterior walls of any Class I or II historic resource.

(2)

As part of a tentative plan submission for any application for a planned residential development (prd) which proposes new construction of buildings, structures, roads, driveways, parking areas, or other land disturbance within 250 feet of the exterior walls of any Class I or II historic resource.

(3)

As part of a demolition permit application.

(4)

As part of a conditional use application.

B.

Contents. The HRIS shall contain the following information, unless waived or modified by the Board of Supervisors:

(1)

Background information:

(a)

If not otherwise provided by the applicant, a general description of the site subject to the application, including topography, watercourses, vegetation, landscaping, existing drives, etc.

(b)

A general description and classification of the historic resources located within 250 feet of any proposed land development or land disturbance.

(c)

A physical description of the interior and exterior of the historic resource(s), including an interior floor plan.

(d)

A narrative description of the historical significance of the historic resource, relative to both the Township and to the region in general, including the names of past owners and their significance to the Township, region or nation.

(e)

A sufficient number of four-inch-by-six-inch photographs to show the exterior of the historic resource in its setting and, if the applicant is the owner, then photographs of the interior.

(2)

An assessment of potential impacts to the historic resources.

(a)

A description of potential impact(s) to each historic resource with regard to architectural integrity, historic setting, and future use.

(3)

Mitigation measures: suggested approaches to mitigate potentially negative impacts to historic resources, including design alternatives, buffering, landscaping, conservation of existing vegetation, and any other appropriate measures permitted under the terms of this chapter and other Township ordinances.

§ 240-38.11 Violations and penalties: enforcement.

[Amended 10-17-2006 by Ord. No. 129-F-06]

Any person who violates the terms of this article shall be subject to the enforcement procedures and remedies provided for in § [240-54](#). In addition:

A.

In the event any person demolishes an historic resource in violation of the provisions of this article or in violation of any conditions or requirements specified in a permit issued under the terms of this article, the Board of Supervisors may institute any proceeding, at law or in equity, necessary to enforce the provisions of this article, including, but not limited to, an action to compel the reconstruction and/or restoration of the historic resource to its condition and appearance as existed immediately prior to the violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under this § [240-38.11](#) or any other applicable law.

B.

In the event the Board of Supervisors authorizes the commencement of an action pursuant to Subsection [A](#) of this § [240-38.11](#), the Zoning Officer or Building Code Official shall not issue any building permit for the construction of any building or structure proposed to be located in any location on the property which would preclude reconstruction or restoration of the historic resource demolished in violation of this article or intended to replace such historic resource, unless issued for

the purpose of restoring the historic resource to its condition and appearance as existed immediately prior to the violation.

C.

The Board of Supervisors may, as a condition of approval of any conditional use application or subdivision or land development application involving any property which, at-the date of enactment of this article, was occupied by an historic resource(s) that subsequently was demolished in violation of § [240-38.10](#) of this article, impose a condition requiring the satisfactory reconstruction or restoration of any such historic resource(s).