

ARTICLE XX Historic Resource Protection Standards (§ 115-120 — § 115-131.3)

[Added 2-14-1989 by Ord. No. 108-1989]

§ 115-120 Purpose; Commission and Board established.

[Amended 9-8-1998 by Ord. No. 2-1998; 7-9-2009 by Ord. No. 3-2009]

A.

Declaration. It is hereby declared as a matter of public policy that the preservation and protection of Class I, Class I DOE and Class II historic resources are public necessities and are in the interest of the health, prosperity and welfare of the citizens of East Bradford Township. It is the intent of this article to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures and districts in East Bradford Township.

B.

Purpose. The purposes of this article are:

(1)

To authorize the East Bradford Historical Commission to continue to serve as an advisory body to the Board of Supervisors.

(2)

To authorize the Board of Historical Architectural Review to continue to help administer certified historic districts established under Act 167 of 1961, 53 P.S. §§ 8001 et seq., as amended.

(3)

To promote the general welfare by protecting the integrity of the Class I, Class I DOE and Class II historic resources of East Bradford Township.

(4)

To establish a clear process by which proposed changes affecting Class I, Class I DOE and Class II historic resources are reviewed by the East Bradford Historical Commission, the Historical Architectural Review Board and the Board of Supervisors.

(5)

To mitigate the negative effects of proposed changes on Class I, Class I DOE and Class II historic resources.

(6)

To encourage the continued use of Class I, Class I DOE and Class II historic resources and facilitate their appropriate reuse.

(7)

To tailor protective measures to Class I, Class I DOE and Class II historic resources in East Bradford worthy of preservation.

(8)

To encourage the preservation of historic settings and landscapes.

(9)

To discourage the unnecessary demolition of Class I, Class I DOE and Class II historic resources.

(10)

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.

§ 115-121 General provisions.**A.**

Compliance. Any alterations to or change in use of any historic resource or any land disturbance, located upon a property indicated on the Historic Resources Map,

Editor's Note: The Historic Resources Map is included at the end of this chapter.
shall occur only in full compliance with the terms of this article and other applicable regulations.

[Amended 7-9-2009 by Ord. No. 3-2009]

B.

Historic Overlay District. The Historic Resources Map shall be an overlay on any zoning district now or hereafter enacted to regulate the use of land in East Bradford Township.

(1)

For any property shown on the Historic Resources Map, the provisions of this article shall apply, in addition to those of the underlying zoning district, and supersede the otherwise applicable requirements of the underlying zoning district to the extent those provisions are inconsistent with the provisions of this article.

(2)

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 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, the provisions of this article shall prevail.

§ 115-122 Historic Resources Map.

Editor's Note: The Historic Resources Map is included at the end of this chapter.

A.

Classifications. The Historic Resources Map delineates three classifications of historic resources in East Bradford, which are defined as follows:

[Amended 9-8-1998 by Ord. No. 2-1998]

(1)

Class I historic resources.

(a)

Class I historic resources include the following and other resources of similar historical significance except those which have been designated Class I DOE historic resources as provided herein:

[Amended 7-9-2009 by Ord. No. 3-2009]

[1]

All buildings, sites, structures and objects listed individually in the National Register of Historic Places.

[2]

All buildings and structures classified as certified historic structures by the Secretary of the Interior.

[3]

All buildings, sites, structures and objects documented as contributing resources in a National Register Historic District.

[Amended 8-10-2010 by Ord. No. 2-2010]

[4]

Any resources which have received a Determination of Eligibility (DOE) by the Pennsylvania Historical and Museum Commission (PHMC).

[5]

Any resources which are deemed by the Chester County Historic Preservation Office (CCHPO) to meet substantially the National Register criteria under the Chester County Certification Program.

(b)

Other resources of similar historical significance may be added to Class I by the Board of Supervisors.

(2)

Class I DOE historic resources: buildings, sites, structures, objects and districts included in the historic resources inventory of the East Bradford Historical Commission meeting Class I historic resource criteria, but where the Board of Supervisors has agreed to a Class I DOE designation at the request of the owner(s) of the affected property or properties. Regulations applicable solely to Class I historic resources shall not apply to Class I DOE historic resources.

[Amended 7-9-2009 by Ord. No. 3-2009]

(3)

Class II historic resources: buildings, sites, structures, objects and districts included in the historic resources inventory of the East Bradford Historical Commission not meeting Class I historic resource criteria, but determined to be of historical or architectural significance to East Bradford and appropriately documented to that effect by the East Bradford Historical Commission.

[Amended 7-9-2009 by Ord. No. 3-2009]

B.

Revisions. The Historic Resources Map may be revised from time to time by legislative action of the Board of Supervisors.

(1)

In considering any revision, including additions, deletions or changes of classification to the Historic Resources Map, the Board shall receive a written recommendation from the East Bradford Historical Commission.

(2)

In making a revision to the Historic Resources Map,

Editor's Note: Said map is included at the end of this chapter.

the Board may rely on the evaluation criteria used for the National Register of Historic Places, currently described in 36 Code of Federal Regulations § 60.4.

[Added 3-13-2003 by Ord. No. 2B-2003

Editor's Note: This ordinance also renumbered former Subsection B(2) as Subsection B(3).

]

(3)

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 30 days prior to the public hearing.

[Amended 8-10-2010 by Ord. No. 2-2010]

C.

Official list. The Historical Commission shall maintain an updated list of properties shown on the Historic Resources Map, including their respective classifications. The Commission may further specify the resources located upon each property to which regulation herein applies. Regulation herein applicable to structures shall not apply to structures designated as noncontributing resources. Where not otherwise specified, the entire property shall be regulated as an historic resource.

[Amended 7-9-2009 by Ord. No. 3-2009]

§ 115-123 Historical Commission.

Editor's Note: See Ch. 11, Historical Commission.

A.

Establishment and membership. There shall be an Historical Commission which shall consist of a minimum of five members, who shall be appointed by the Board of Supervisors. The membership of the Commission shall include individuals who have professional expertise or an interest in history, archaeology, historic preservation or related fields. Each Commission member shall serve for a term of five years, which shall be so fixed that no more than two terms shall expire each year. The Commission shall notify the Board of Supervisors of any vacancies in the Commission, and the Board shall act within 90 days to fill those vacancies. Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term. Members shall serve without pay, but shall be reimbursed for any personal expenditures in the conduct of Commission business when authorized by the Board of Supervisors.

B.

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 this business. A quorum shall not be less than a majority of the current membership. The Commission may make, alter and rescind rules and forms for its procedures consistent with the ordinances of the Township and laws and regulations of the commonwealth. The Commission shall conduct business at regular public meetings. An agenda of each public meeting shall be available for

inspection prior to the meeting. 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 1 of each year.

C.

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.

D.

Functions and duties. In accordance with the purposes of this article, the Commission shall have the following functions and duties:

(1)

Maintain a system for the survey and inventory of historic resources in East Bradford Township.

(2)

Conduct research on and propose the nomination of significant resources to the National Register of Historic Places and other appropriate lists or programs.

(3)

Advise the Board of Supervisors on the issuance of demolition permits for historic resources.

(4)

Review and comment on subdivision or land development applications which affect historic resources, in accordance with the requirements and procedures of the Township Subdivision and Land Development Ordinance

Editor's Note: See Ch. [95](#), Subdivision and Land Development. and this article.

(5)

Make recommendations to the Board of Supervisors concerning revisions, updates or corrections to the Historic Resources Map.

(6)

Maintain an updated list which clearly identifies historic resources and their respective classifications on the Historic Resources Map.

(7)

Advise the Zoning Hearing Board and Board of Supervisors on all requests for special exceptions, conditional uses or variances affecting historic resources.

(8)

Review applications for the rehabilitation, enlargement or alteration of historic resources as required by § [115-127](#) below.

(9)

Perform any other lawful activities which shall be deemed necessary to further the purposes of this article.

§ 115-124 Board of Historical Architectural Review.

A.

For purposes of administering the provisions of § [115-130](#) of this article concerning certified historic districts, in accordance with the provisions of Act 167 of 1961, 53 P.S. § 8001 et seq., as amended, the Board of Supervisors shall establish a Board of Historical Architectural Review (HARB). The HARB shall consist of not fewer than five members, one of whom shall be a registered architect, one a licensed realtor and one the Township Building Inspector. All other members shall be members of the East Bradford Historical Commission.

B.

Duties of the HARB shall be as described in § [115-130](#), Certified historic districts standards, of this article.

C.

The realtor, architect and building inspector members of the HARB shall not be considered members of the East Bradford Historical Commission but shall serve in an advisory capacity to that Commission as it conducts its duties and functions.

§ 115-125 Demolition of historic resources.

[Amended 9-8-1998 by Ord. No. 2-1998; 3-13-2003 by Ord. No. 2B-2003; 8-10-2004 by Ord. No. 4-2004; 7-9-2009 by Ord. No. 3-2009]

A.

General rule. No Class I, Class I DOE or Class II historic resource identified on the East Bradford Historic Resources Map or accompanying official list may be demolished, in whole or in part, except as provided herein.

B.

Demolition by neglect No Class I, Class I DOE or Class II historic resource shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements. Vacant structures should be tightly sealed and fenced off and the utilities turned off for safety. Any owner of an historic resource who has allowed that historic resource to be demolished as the result of neglect shall be subject to the same enforcement remedies as an owner who knowingly violates this chapter by demolishing an historic resource without a permit for demolition.

[Amended 8-10-2010 by Ord. No. 2-2010]

C.

Demolition permit requirements for historic resources.

(1)

Permit required. No part of a structure of a Class I, Class I DOE or Class II historic resource shall be demolished, including the indiscriminate removal, stripping or destruction of any significant feature, in whole or in part, unless and until the applicant obtains a building permit as required by § [115-106](#) of this chapter and complies with the additional procedures and requirements of this § [115-125](#). The provisions of § [115-125](#) shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site or object where such work does not require a permit and where the purpose and effect of such work is to correct any deterioration or decay of or damage to a building, structure, site or object and to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

(2)

Procedure for obtaining demolition permit. The applicant shall submit to the Township an application for a demolition permit in a form and amount acceptable to the Township. The Zoning Officer shall utilize the Historic Resources Map and the Official Map

Editor's Note: The Historic Resources Map is included at the end of this chapter; the Official Map is included at the end of Ch. [19](#).

in evaluating an application for a demolition permit, and if the application requests the demolition of a Class I, Class I DOE or Class II historic resource, the Zoning Officer shall not issue the zoning compliance permit until approval is first obtained from the Board of Supervisors under this § [115-125](#) and the applicant complies with all applicable procedures and requirements of § [115-125](#). The Zoning Officer shall forward the application to the Historical Commission for review within five days of the Township's receipt of a properly completed application.

(3)

Information to be provided. In addition to applicable requirements under the Township Building and Fire Codes,

Editor's Note: See Chapter [45](#), Building Construction.

an applicant seeking a permit to demolish a Class I, Class I DOE or Class II historic resource shall provide the following information with the application in writing:

(a)

Owner of record;

(b)

Classification of the historic resource on the Historic Resources Map;

(c)

Site plan showing all buildings and structures on the property;

(d)

Recent photographs of the resource proposed for demolition;

(e)

Reasons for demolition;

(f)

Method of demolition;

(g)

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

(h)

In any instance where there is a claim that a Class I, a Class I DOE or a Class II historic resource cannot be used or 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, facts reasonably sufficient to support those assertions. 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 Historical Commission, to determine whether the Class I, Class I DOE or Class II historic resource has or may have alternate uses consistent with preservation.

(4)

Review by Historical Commission. Within 45 days of receipt of a complete application from the Zoning Officer, the Historical Commission, at a regular or special meeting, shall review the application for demolition. The applicant will be notified of the meeting and shall have the opportunity to present his or her reasons for filing the 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, neighboring identified historic resources, and the integrity of their respective historical landscape settings;

(b)

Whether the applicant has demonstrated that he or she has considered and/or pursued all alternatives to demolition;

(c)

Economic feasibility of adaptive reuse of the 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)

Whether the required retention of the resource would represent an unreasonable economic hardship.

(5)

Historical Commission recommendation. Unless the Historical Commission elects to use the time periods described below in Subsection C(5)(d), within 30 days following conclusion of the above-described regular or special meeting to review the application for demolition, the Historical Commission shall set forth specific findings and one of the following recommendations in a written report to the Board of Supervisors:

(a)

Immediate approval. After reviewing the demolition permit application with attachments, the Commission may recommend approval of the demolition permit as provided under § 115-125D below.

(b)

Delay of demolition. The Commission may recommend delay of demolition in accordance with § 115-125E below.

(c)

Denial of demolition. The Commission may recommend denial of demolition.

(d)

Following the Commission's regular or special meeting to review the application for demolition, the Commission may elect to use the following time periods in order to provide an adequate opportunity for the Commission to evaluate the demolition permit application, explore alternatives to demolition with the applicant and/or set forth the findings and the recommendation described above:

[1]

For Class II historic resources: 60 days.

[2]

For Class I DOE historic resources: 60 days.

[3]

For Class I historic resources: 90 days.

D.

Approval, denial or delay of demolition permit or delay of demolition by the Board of Supervisors.

(1)

Board consideration. Within 30 days of receiving the recommendation from the Historical Commission, the Board of Supervisors shall consider the application, together with the recommendations of the Historical Commission, and vote either to approve the application, approve the application with changes, deny the application or defer its decision, affording a delay of demolition for up to 90 days as set forth in § 115-125E below. The applicant shall be notified of the meeting of the Board to vote on the application at least 10 days prior to its date and shall have the opportunity to present the applicant's reasons for filing the application. Within five days of making its decision, the Board shall provide written communication of its decision to the applicant, Historical Commission and Zoning Officer. The Board of Supervisors shall consider each of the factors set forth in § 115-125C(4) and shall either adopt the findings of the Historical Commission or make new findings of its own and those findings shall be included as part of the written decision of the Board.

(2)

The Board shall not approve an application to demolish a Class I historic resource unless the Board finds that the Class I historic resource sought to be demolished cannot be used or reasonably adapted. In order to show that the Class I historic resource cannot be used or reasonably adapted, the applicant must demonstrate that the sale of the historic resource property is impracticable, that rental of the historic resource cannot provide a reasonable rate of return and that other potential uses of the historic resource are foreclosed.

(3)

Denial of application. Where the Board acts to deny the application, a notice of denial and the Board's findings and conditions shall be sent to the applicant indicating what changes to the plans and specifications, if any, would be sufficient to meet the standards of this section.

(4)

Issuance of zoning compliance permit. Where the Board acts to approve the application, it shall authorize the Zoning Officer to issue the zoning compliance permit. Where the approval is granted with conditions attached, the Zoning Officer shall be authorized to issue the zoning compliance permit upon receipt from the applicant of written acceptance of those conditions. Upon issuing the zoning compliance permit, the Zoning Officer shall forward the documents to the Codes Enforcement Officer to issue the demolition permit.

E.

Delay of demolition.

(1)

Purpose of delay. The specified period of delay up to 90 days from the date of the Board of Supervisors' written decision shall be used to provide an opportunity to engage in a dialogue with the applicant about alternatives to demolition (Class I, Class I DOE and II); to allow for complete historical documentation of the resource (as set forth below, Class I, Class I DOE and Class II); and/or for preparation of a financial analysis (as set forth below, Class I, Class I DOE and Class II). The Historical Commission shall make every effort to open a dialogue with the applicant to inform him of the historical importance of the resource, its significance to the Township and alternatives to demolition (additional uses, etc.).

(2)

Special provisions for Class I, Class I DOE and Class II historic resources.

(a)

Documentation of Class I, Class I DOE and Class II historic resources. When prescribing the delay of demolition for a Class I, Class I DOE or Class II resource, the Board of Supervisors may require the applicant to provide documentation of the resource proposed for demolition. Such documentation may include historical data, surveys and other data provided by local, state and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys (if appropriate); and any other comparable form of documentation recommended by the Historical Commission. Where necessary, the delay shall continue past the stipulated 90 days until the applicant has sufficiently satisfied the documentation requirements.

(b)

Additional information. Where the applicant alleges that demolition is necessary due to undue economic hardship or the lack of a reasonable alternative, the Board of Supervisors may, to the extent such information is not provided under § [115-125C\(3\)\(g\)](#), request that the applicant prepare and submit an affidavit which sets forth facts, including a financial analysis, sufficient to support this assertion. Such an affidavit shall include the following information, as applicable:

[1]

Amount paid for the property;

[2]

Date of purchase and party from whom purchased, including a description of the relationship, if any, whether business or familial, between the owner and the person from whom the property was purchased;

[3]

Assessed value of the land and improvements thereon according to the most recent assessment;

[4]

A pro forma financial statement prepared by an accountant or broker of record;

[5]

All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property;

[6]

Bona fide offers to sell or rent the property, the price asked and offers received, if any;

[7]

Any consideration by the owner as to reasonable, adaptive uses for the property and any other practical uses; incentives which could be offered by the Township to preserve the resource; and any input from local, state or federal historic preservation and architectural organizations or agencies; and

[8]

Where relevant, written estimates of the cost(s) of restoration and/or renovation from at least two professional restoration contractors.

(c)

Historical Commission recommendation. Once the delay of demolition has expired, the Historical Commission shall review the application again and any further documentation requested by the Board of Supervisors at its next regular meeting. The applicant shall be notified of the meeting and shall have an opportunity to present its reasons for continuing with the application. The Commission may recommend to the Board of Supervisors approval of the demolition permit or, where the Commission does not believe that the applicant has proven undue economic hardship or that there is no reasonable alternative to demolition, denial of the demolition permit.

(d)

Approval or denial of demolition permit for Class I, Class I DOE and Class II resources after delay of demolition.

[1]

Board consideration. At its next regular meeting after receiving the recommendation from the Historical Commission, the Board of Supervisors shall again consider the application, the recommendations of the Historical Commission, any further documentation which had been requested and the factors set forth in § [115-125C\(4\)](#). Then the Board shall vote either to approve the application or to approve the application with changes as set forth in § [115-125D](#) above or to deny the application as set forth below. The applicant shall be notified of the meeting at least 10 days prior to its date and shall

have the opportunity to present his or her reasons for continuing to pursue this application. The Board of Supervisors shall either adopt the findings of Historical Commission or it may make new written findings of its own and those findings shall be included as part of the written decision.

(2)

Denial of application. Where the Board acts to deny the application, a notice of denial and the Board's findings and conditions shall be sent to the applicant indicating what changes in the plans and specification, if any, would be sufficient to meet the standards of this section.

F.

Enforcement procedures and remedies.

(1)

Violations and penalties. Any person who violates the terms of Article XX of this chapter shall be subject to the fines and penalties imposed under this chapter, as well as applicable fines and penalties imposed under the Township Building Code. In addition:

(a)

Any person who alters 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 § 115-125 shall be required to restore the building, structure, site or object involved to its appearance prior to the violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under the ordinance or any other applicable law.

(b)

The Township shall withhold issuing any building permit for any property which was occupied by an historic resource that subsequently was demolished in violation of this article.

(c)

Any conditional use application or subdivision or land development application involving any property which was occupied by an historic resource that subsequently was demolished in violation of this article shall not be approved except upon the condition of satisfactory restoration of any such resources or upon the granting of appropriate demolition permit(s) in accordance with this section.

(2)

Enforcement.

(a)

The Township, through such person or agency charged by the Board of Supervisors with enforcement of the provisions of this chapter, shall review the progress and status of any change being made to an historic resource and shall render such reports thereon to the Board and to the Historical Commission as may be necessary to assure compliance with the provisions of § 115-125 being attached to any building permit, demolition permit, special exception or conditional use approval for any historic resource.

(b)

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.

§ 115-126 Modification to area and bulk regulations.

A.

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 or yard requirements for plans affecting Class I historic resources, in accordance with the criteria set forth under § 115-86D of this chapter, and provided that the following additional criteria are met:

(1)

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

(2)

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

(3)

Any plans for the rehabilitation, alteration or enlargement of a Class I historic resource shown on the application for special exception must be in substantial compliance with the standards contained in § [115-128](#) of this article.

B.

A recommendation is received from the East Bradford Historical Commission. The Commission shall review the request for special exception and evaluate whether the proposed modifications are necessary to the preservation of the Class I resource. The Commission also shall review any construction plans for their compliance with the standards in § [115-128](#) of this article. 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 shall be admissible before the Zoning Hearing Board without further testimony or authentication.

Editor's Note: Former Subsection C, Standards for historic resources, where bonus units or uses(s) are provided, added 4-9-1996 by Ord. No. 2-96, which immediately followed this subsection, was repealed 11-8-2005 by Ord. No. 9-2005.

§ 115-127 Review of application.A.

Building and zoning permits. No building permit for the rehabilitation, enlargement or alteration of a Class I historic resource shall be issued by the Zoning Officer or Codes Enforcement Officer prior to review and comment on the application by the East Bradford Historical Commission, in accordance with the terms of this section. Building and zoning permits for Class I historic resources in certified historic districts shall be issued in accordance with § [115-130D](#).

[Amended 8-10-2004 by Ord. No. 4-2004]

B.

Zoning Officer. The Zoning Officer shall provide the Commission with a copy of the application, together with any plans or diagrams required by this article, within five days of receipt of a complete application.

C.

East Bradford Historical Commission. The Commission shall, within 20 days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in § [115-128](#) below and prepare a written report to the Zoning Officer, 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.

D.

Issuance of a zoning compliance permit. Upon receiving a report of substantial compliance from the Commission, and provided that the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the zoning compliance permit and forward the application documents to the Codes Enforcement Officer.

[Amended 8-10-2004 by Ord. No. 4-2004]

E.

If the Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the zoning compliance permit until:

[Amended 8-10-2004 by Ord. No. 4-2004]

(1)

The plans have been revised by the applicant in accordance with the Commission's recommendations; or

(2)

Thirty days have elapsed from the date of application and all other requirements of the Township have been satisfied.

§ 115-128 Rehabilitation standards.A.

Standards for rehabilitation. Any proposed rehabilitation, alteration or enlargement of the exterior of a Class I historic resource under §§ [115-127](#) and [115-130](#) should be in substantial compliance with the Secretary of the Interior's adopted Standards for Rehabilitation, as revised. At the time of enactment of this article, those standards were as follows:

[Amended 12-13-2006 by Ord. No. 8-2006; 8-10-2010 by Ord. No. 2-2010]

(1)

Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.

(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 which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(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 that 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 duplication 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 archaeological 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.

(11)

Internally illuminated signs are prohibited.

B.

Compliance. Determination of compliance with these standards shall be made by written report of the East Bradford Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings, as revised, to apply the standards to each project.

§ 115-129 Landscaping and buffering.

[Amended 7-9-2009 by Ord. No. 3-2009]

A.

Landscaping. When a Class I, or Class I DOE historic resource is located within a proposed subdivision or land development or proposed for bed-and-breakfast use in accordance with the terms of § [115-48.1](#) of this chapter, a landscape plan for the grounds surrounding the Class I or Class DOE historic resource may be required by the Board of

Supervisors or the Zoning Officer. The plan must be prepared by a landscape architect or by a nurseryman or other individual deemed qualified by the Board of Supervisors or the Zoning Officer. 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 plan on the Class I or Class I DOE historic resource and protect the integrity of its historical landscape setting and any significant vegetation. The East Bradford Historical Commission shall be given the opportunity to evaluate the landscape plan and suggest any modifications prior to final approval.

B.

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 I DOE historic resource, the applicant shall be required to submit a plan for buffering the Class I or Class I DOE historic resource from the impact of the proposed use. Buffering may include, but is not limited to, vegetative screening and fencing, the appropriateness and effectiveness of which shall be evaluated by the East Bradford Historical Commission prior to plan approval.

§ 115-130 Certified historic districts standards.

A.

Certified historic districts. The provisions of this section apply only to historic districts in East Bradford Township which become certified by the Pennsylvania Historical and Museum Commission in accordance with the Act of June 13, 1961, P.L. 282, as amended, 53 P.S. § 8001 et seq.

(1)

The boundaries of certified historic districts are shown on the Historic Resources Map.

(2)

The provisions of this section apply to all land, buildings and structures within the boundaries of certified historic districts.

(3)

No structure or building shall hereafter be used and no structure or building shall hereafter be erected, reconstructed, altered or restored, in whole or in part, within any certified historic district without full compliance with the provisions of this section and other applicable regulations.

[Amended 8-10-2004 by Ord. No. 4-2004]

(4)

Class I, II or III historic resources that are located within a certified historic district shall comply with the regulations in this section. The regulations in § [115-127](#) shall not apply.

[Added 11-8-2005 by Ord. No. 9-2005]

B.

Board of Historical Architectural Review.

(1)

Establishment. Upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission referred to in Subsection [A](#) hereof, the Board of Supervisors shall designate the Board of Historical Architectural Review (HARB) to carry out the functions described in this section and shall appoint its members in accordance with the terms of § [115-124A](#) above.

(2)

Duties. HARB shall give counsel to the Board of Supervisors regarding the advisability of issuing any certificates which the Board of Supervisors is required to issue pursuant to this article and the Act of June 13, 1961, P.L. 282, and shall hold hearings and render such reports as are required by this section. In determining the counsel to be given to the Board of Supervisors relative to the issuance of a certificate of appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historic aspect and nature of the buildings and structures located within the certified historic district, including:

(a)

The effect which the proposed change will have upon the general historical and architectural character and appearance of the district; and

(b)

The appropriateness of exterior architectural features and the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to the traditional architectural character of the district.

(3)

Disqualification. HARB members are required to disqualify themselves from voting on any project in which their own financial interests or those of their immediate family are directly or indirectly involved.

C.

Certificate of appropriateness. No person shall commence any work for the erection, reconstruction, demolition, alteration and restoration of any building or structure located in whole or in part within the certified historic district without first obtaining a certificate of appropriateness with respect thereto from the Board of Supervisors as provided hereinafter.

[Amended 8-10-2004 by Ord. No. 4-2004; 11-8-2005 by Ord. No. 9-2005]

(1)

Duties of Zoning Officer. The Zoning Officer of East Bradford Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition or alteration of buildings or structures subject to the provisions of this article, shall issue no permit for any such building changes until a certificate of appropriateness with respect thereto has been received from the Board of Supervisors.

(2)

Application for permit. The application for a building permit for any building or structures subject to the provisions of this article shall be filed with the Zoning Officer, together with the filing fee required under the schedule of fees then in effect. The applications shall include a site plan at a scale of one inch to 40 feet, schematic architectural drawings of the proposed construction or changes at a scale of one foot to 1/4 inch and such other material and such number of copies thereof as may from time to time be required in accordance with the rules and regulations of HARB. Within three days after receiving such application for a building permit, the Zoning Officer shall forward the application, together with all plans and other documentation submitted therewith, to the office of HARB.

(3)

Standards for determining appropriateness. In determining whether or not any proposed work for the erection, reconstruction, alteration or restoration of any building or structure within the certified historic district is appropriate to the district, HARB and the Board of Supervisors shall limit their review of such proposal to those matters pertinent to the preservation of the historic aspect and nature of the district. Their review shall be further guided by any design guidelines which may be adopted by the Township and by the Secretary of the Interior's Standards for Rehabilitation, as revised (as reproduced in § [115-128](#) above) and Guidelines for Rehabilitating Historic Buildings. HARB and the Board of Supervisors also shall consider the following criteria, where relevant:

(a)

Mass (height, bulk, nature of roofline).

(b)

Proportions (height to width).

(c)

Nature of yard space.

(d)

Extent of landscaped areas versus paved areas.

(e)

The nature of facade openings (doors and windows); their size, locations and proportions.

(f)

The type of roof (flat, gabled, hip, gambrel, mansard, etc.).

(g)

The nature of projections (porches, etc.).

(h)

The nature of the architectural details and style.

(i)

The nature of the materials.

(j)

Color.

(k)

Texture.

(l)

Ornamentation.

(m)

Signs.

(4)

Where the proposed work is to be done on an historic structure within the district, then the primary basis for comparison shall be the structure itself (in its then-existing state as compared to its state after the proposed work), and the secondary basis for comparison shall be the effect of the proposed work on the district as a whole.

D.

Hearing before HARB. Within 30 days from the time a complete application for a building permit is filed with the Township, a hearing shall be held by HARB to consider the recommendations which it will give to the Board of Supervisors. The person applying for the permit shall be given 10 days written notice of the time and place of said hearing and shall be invited to appear to explain his reasons for such application.

(1)

Findings after hearings. Within 30 days following the conclusion of the hearing or hearings, HARB shall, by official written communication to the applicant, recommend either:

(a)

The issuance of a certificate of appropriateness authorizing the application as submitted;

(b)

The issuance of a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted; or

(c)

The denial of a certificate of appropriateness with respect to the proposed changes as submitted.

(2)

Failure of HARB to act within said period shall be deemed to constitute a recommendation for the issuance of a certificate of appropriateness with respect to the application as submitted. In the event that the recommendation for the issuance of a certificate of appropriateness is subject to conditions, the applicant may, within 10 days after receiving a copy of the official written communication from HARB, give notice of his refusal to accept all of the conditions, in which case 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 HARB of his refusal to accept all of said conditions, conditional approval of the application with all conditions shall be deemed accepted and stand as granted.

(3)

Report to Board of Supervisors. Upon or before the expiration of the aforesaid forty-day period, HARB shall submit to the Board of Supervisors, in writing, its recommendations concerning the issuance of a certificate of appropriateness to authorize a permit for the erection, reconstruction, alteration or restoration of all or a part of any building, site or area for which an application for a building permit has been made in accordance with Subsection C(2) above. The written report shall set out the following matters:

[Amended 8-10-2004 by Ord. No. 4-2004]

(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)

A list of the surrounding structures certified to have historical significance, with their general exterior characteristics.

(d)

An analysis of the appropriateness of the proposed work, taking into consideration the criteria specified in this section, where each such factor is deemed relevant.

(e)

The opinion of HARB, including any dissent, as to the appropriateness of the work proposed in regard to preserving or destroying the historic aspect and nature of the building, site or area.

(f)

The specific counsel of HARB regarding the issuance of or refusal to issue a certificate of appropriateness.

(g)

Any changes in plans and specifications recommended by HARB.

E.

Public meeting of the Board of Supervisors. Upon receipt of the written recommendations of HARB, the Board of Supervisors shall consider, at the next regularly scheduled meeting of the Board of Supervisors, the question of issuing a certificate of appropriateness authorizing a permit for the work proposed by the applicant. The applicant shall be given 10 days' written notice of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the meeting held by the Board of Supervisors.

(1)

Decision of Board of Supervisors. Within 15 days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication to the applicant, either:

(a)

Issue a certificate of appropriateness authorizing a permit for the proposed changes as submitted;

(b)

Issue a certificate of appropriateness 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; or

(c)

Deny a certificate of appropriateness with respect to the proposed changes as submitted.

(2)

Failure for the Board of Supervisors to so act within said period shall be deemed to constitute a decision in favor of the applicant, and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within 10 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 certificate of appropriateness. 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 be deemed accepted and stand as granted.

(3)

Resolution of Board of Supervisors. The grant or denial of a certificate of appropriateness 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 of the grant, with or without conditions, or for the denial, referring to such of the criteria set forth in this section 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 granting or denying the certificate shall accompany the official written communication to the applicant as provided in this section.

F.

Appeals. Any decision of the Board of Supervisors under this article granting or denying a certificate of appropriateness or authorizing or refusing to authorize a modification in such certificate of appropriateness shall be subject to review and appeal in the same manner and within the same time limitations 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.

G.

Enforcement. The Zoning Officer or such other persons 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 HARB as may be necessary to assure compliance with the provisions of this article and the conditions of the certificate of appropriateness.

§ 115-131 Historic resource boundaries.

Editor's Note: This section shall not take effect until the Pennsylvania Historical and Museum Commission has been notified in writing, of this section and has certified, by resolution, to the historical significance of the districts created by this section.

[Added 4-11-1989 by Ord. No. 108-A-189]

A.

Strodes Mill Certified Historic District.

[Amended 8-10-2010 by Ord. No. 2-2010]

(1)

The following described area, consisting of properties in and around the intersections of Birmingham Road and Lenape Road (Route 52/100) in East Bradford Township, shall be adopted as the Strodes Mill Historic District:

Beginning at a point in East Bradford Township, Chester County, Pennsylvania, in the center of Route 52, beginning a distance of approximately 240 feet northeast of the intersection with the center of Birmingham Road; thence in a northwesterly direction perpendicular to Route 52 and approximately parallel to Birmingham Road a distance of approximately 400 feet to a point; thence in a southwesterly direction parallel to Route 52 and approximately perpendicular to Birmingham Road a distance of approximately 300 feet to a point on the northern edge of Birmingham Road; thence in a southeasterly direction a distance of approximately 200 feet; thence across and approximately perpendicular to Birmingham Road in a southwesterly direction a distance of approximately 150 feet to a point; thence in a southeasterly direction perpendicular to Route 52 and approximately parallel to Birmingham Road a distance of approximately 170 feet to a point on the northwest edge of Route 52; thence along the northwest edge of Route 52 a distance of approximately 380 feet to a point; thence leaving Route 52 in a northwesterly direction approximately perpendicular to Route 52 a distance of approximately 100 feet to a point; thence in a southwesterly direction parallel to Route 52 a distance of 180 feet to a point; thence in a southeasterly direction perpendicular to Route 52 and crossing Route 52 a distance of approximately 380 feet to a point on the northwest side of Plum Run; thence up Plum Run in a northeasterly direction of approximately 700 feet to a point approximately 100 feet from the center line of Birmingham Road; thence in a southeasterly direction approximately parallel to Birmingham Road approximately 720 feet to a point; thence in a northeasterly direction perpendicular to Birmingham Road and crossing Birmingham Road approximately 540 feet to a point; thence in a northwesterly direction parallel to Birmingham Road approximately 200 feet to a point; thence in a southwesterly direction and approximately perpendicular to Birmingham Road a distance of approximately 200 feet to a point; thence in a northwesterly direction and parallel to Birmingham Road a distance of approximately 650 feet to the point of beginning in the center of Route 52.

(2)

A map reflecting the above-described area is attached to this section as Exhibit A and incorporated herein.

Editor's Note: Said map is included at the end of this chapter.

In the event of any discrepancy between the foregoing description and the attached map, the foregoing description shall control.

B.

Taylor Cope Certified Historic District.

[Amended 8-10-2010 by Ord. No. 2-2010]

(1)

The following described area of property, located to the north and south of Route 162, Strasburg Road, for a distance of approximately 3,600 feet to the east of its intersection with Creek Road to a point approximately 400 feet west of its intersection with Telegraph Road, all in East Bradford Township, shall be adopted as Copes Bridge Historic District:

Beginning at a point in the center line of Strasburg Road (LR-0162) 1,800 feet west of its intersection with Highland Road (T-440); then due north on a straight course through the property of Michael Singer 1,300 feet to a point; then proceeding in a westerly direction a line 1,300 feet north of and parallel to the center line of Strasburg Road passing through the properties of Michael Singer and Susan Harney to a point on the east side of Brandywine Creek Road (LR-3061), approximately 1,300 feet north of the center line of Strasburg Road; then proceeding along the east side of Brandywine Creek Road in a southerly direction by the property of Susan Harney to a point 400 feet north of the center line of Strasburg Road; then proceeding in a westerly direction on a line 400 feet north of and parallel to the center line of Strasburg Road crossing Brandywine Creek Road and the Brandywine Creek and passing through the property of R.M. and Katherine Armstrong and crossing Telegraph Road (T-380) to a point on the boundary line between East and West Bradford Townships and in the line of R.M. and Katherine Armstrong; then proceeding in a southeasterly direction along said boundary line and by the property of R.M. and Katherine Armstrong crossing the Strasburg Road and continuing along said boundary line passing through the property of Susan Harney to a point, the corner of the boundary line between East and West Bradford Townships and in the property of Susan Harney; then leaving said boundary corner and proceeding in an easterly direction on a course 1,200 feet south of and parallel to the center line of Strasburg Road passing through the property of Susan Harney crossing the Brandywine Creek and Brandywine Creek Road continuing through the property of Susan Harney and passing into the property of Eugene and Joan Gagliardi to a point 1,200 feet due south from the point of beginning; then proceeding due north on a straight course through the property of Eugene and Joan Gagliardi 1,200 feet to the point of beginning.

(2)

A map reflecting the above-described area is attached to this section as Exhibit B and incorporated herein.

Editor's Note: Said map is included at the end of this chapter.

In the event of any discrepancy between the foregoing description and the attached map, the foregoing description shall control.

C.

The Board of Supervisors of East Bradford Township hereby adopts an amended Historic Resources Map, attached hereto as Exhibit "A,"

Editor's Note: The Historic Resources Map is included at the end of this chapter.

indicating as its sources base data from the Chester County GIS Department (2007), historic bridges and properties from the Chester County Parks and Recreation Department, and historic properties from Wise Preservation Planning. This map supersedes the previous Historic Resources Map.

[Amended 7-9-2009 by Ord. No. 3-2009]

§ 115-131.1 Historic resource impact study.

[Added 3-13-2003 by Ord. No. 2B-2003; amended 7-9-2009 by Ord. No. 3-2009]

A.

Applicability. An historic resource impact study shall be provided to the Township by any subdivision and land development applicant, unless waived or modified by the Board of Supervisors, when any of the following are proposed:

(1)

On site. A subdivision or land development of a tract which includes an on-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(2)

Off site. A land development of a tract used for any existing nonresidential use, or any subdivision of a tract, when the land development or subdivision is located within 300 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(3)

Off site. A land development of a tract used for any existing residential use when the land development is located within 100 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(4)

Off site. Any construction or improvement, including subsurface or grading work, undertaken in conjunction with a land development of a tract used for any nonresidential use, or undertaken in conjunction with a subdivision, when the construction or improvement is located within 300 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

(5)

Off site. Any construction or improvement, including subsurface or grading work, undertaken in conjunction with a land development of a tract used for any existing residential use, when the construction or improvement is located within 100 feet of the exterior walls of an off-site Class I, Class I DOE or Class II historic resource identified on the Historic Resources Map.

B.

The historic resource impact study required by this section shall be prepared by a qualified professional in historic preservation, historical architecture or related discipline and presented by the applicant for discussion at a meeting of the Historical Commission.

C.

Contents. The historic resource impact study required by this section shall contain at least the following information:

(1)

Background information.

(a)

If not otherwise provided by the applicant, a general site description and discussion of the historical significance of landscape features, including topography, watercourses, vegetation, landscaping, and existing driveways.

(b)

A general description, physical description and classification of each subject historic resource.

(c)

A statement of the significance of each subject historic resource, both relative to the Township and region in general.

(d)

A sufficient number of eight-by-ten-inch color photographs of each elevation of each subject historic resource in its setting.

(e)

A narrative description of the historic development of the subject tract, road or area.

(2)

Anticipated impact.

(a)

A general description of the applicable land development and subdivision project, including timetable or phases.

(b)

A description of the impact on the subject historic resource, with regard to its architectural integrity, historical landscape setting and potential future use(s).

(c)

A general description of effect of noise, traffic and other impacts generated by the proposed change on each subject historic resource and its historical landscape setting.

(d)

A proposal for mitigating the project's impacts on each subject historic resource and its historical landscape setting, including design alternatives, buffering, landscaping and any other applicable measures.

(3)

East Bradford Historical Commission. The historic resource impact study required by this section shall be reviewed by the Historical Commission. The Commission shall set forth its evaluation and recommendations in a written report to the Board of Supervisors.

(4)

Mitigation measures. When in the judgment of the Board of Supervisors a Class I, Class I DOE or Class II 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 substantially mitigating such adverse impacts.

§ 115-131.2 Special development opportunities for historic resources.

[Added 11-8-2005 by Ord. No. 9-2005; amended 12-13-2006 by Ord. No. 8-2006; 7-9-2009 by Ord. No. 3-2009]

In the case of any Class I, Class I DOE or Class II historic resource available for adaptive reuse otherwise permitted in the underlying zoning district, in addition to the conditional use standards required by § [115-77](#) of this Code, an application for the conditional use of any Class I, Class I DOE or Class II historic resource shall comply with the following additional design standards and, as part of an application for conditional use therefore, the applicant must submit plans in sufficient detail for the Board of Supervisors to determine that the design standards hereinafter set forth will be met:

A.

Historic resources may not be enlarged beyond what is minimally necessary to accommodate the special use. No floor of the historic resource may be enlarged by more than 50% of its area.

B.

Any rehabilitation, alteration or enlargement of an historic resource to utilize the special use opportunities must be in substantial compliance with the Secretary of the Interior's current Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised, and design guidelines which may be adopted by the East Bradford Township Historical Commission, and shall further comply with § [115-128](#).

[Amended 8-10-2010 by Ord. No. 2-2010]

C.

If a tract on which an historic resource is located shall be subdivided, the area of the lot created by such subdivision on which the historic resource is located shall comply with the requirements of the base zoning applicable to the zoning district in which the tract is located, and the lot coverage, including building and paved areas, shall be limited to 50% of the lot. The fifty-percent lot coverage maximum herein is subject to a review and recommendation by the East Bradford Township Planning Commission to the Board of Supervisors, that the subdivision and proposed lot coverage adequately preserves the setting and context of the historic resource.

D.

Through effective screening, buffering and selection of plant material, landscaping must be provided to protect the integrity of the historical landscape setting of the historic resource, preserve significant plant material, including trees inventoried by the Historical Commission, and mitigate the impact of the special use on neighboring properties.

E.

There shall be no parking within the front yard nor within 15 feet of the side or rear property lines.

F.

Internally illuminated signs are prohibited.

§ 115-131.3 Adaptive reuse permitted.

[Added 11-8-2005 by Ord. No. 9-2005; amended 12-13-2006 by Ord. No. 8-2006; 7-9-2009 by Ord. No. 3-2009]

A.

Adaptive reuse in residential districts. Where otherwise permitted in a residential district, each Class I, Class I DOE or

Class II historic resource upon a lot or tract abutting an arterial street, major or minor, may be used for any of the following uses, provided that such resource meets the qualifying conditions and design standards hereinafter set forth:

(1)

Business or professional office.

(2)

Any rehabilitation, alteration or enlargement of an historic resource to utilize the special use opportunities must conform to the requirements of Article XX herein.

(3)

Custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework, baked goods or confectionery.

(4)

Museum, gallery or cultural studio.

(5)

Personal service shop, such as barber, beauty, shoe repair or dressmaking shop.

(6)

Restaurant, provided that all food and drink shall be prepared, served and consumed within the building.

(7)

Small-scale, single-use specialty retail store, limited to a traditional gift shop, antique shop or tack shop.

(8)

Bed-and-breakfast facilities and bed-and-breakfast estates, subject to all other supplemental provisions of the Zoning Chapter.

(9)

Day-care center.

B.

Design standards for adaptive reuse in residential districts. The following design standards for adaptive reuse in residential districts shall be applicable:

(1)

Screening as required by § 115-52.

(2)

Storage as required by § 115-53.

(3)

Landscaping as required by § 115-45.1.

(4)

Access and traffic control as required by § 115-55.

(5)

Interior circulation as required by § 115-57.

(6)

Off-street loading as required by § 115-59.

(7)

Regulation of emissions of smoke, fumes, odors and noise as required by § 115-60.

(8)

Off-street parking as controlled by § 115-58.

C.

Adaptive reuse in commercial and industrial districts. Where otherwise permitted in a commercial or industrial district, each Class I, Class I DOE or Class II historic resource upon a lot in such a district may be used for any of the uses as permitted in the R-4 Residential District, subject to all area and bulk and design standards in the R-4 Residential District.