

# Chapter 3: Historic Resources Plan

## INTRODUCTION

In the words of James Marston Fitch, a prominent figure in the U.S. historic preservation movement, *"Preservation is...often accomplishing what the urban-renewal programs of twenty and thirty years ago so dismally failed to do. It has grown from the activity of a few upper-class antiquarians... to a broad mass movement engaged in battles to preserve "Main Street," urban districts, and indeed whole towns<sup>1</sup>."*



The Federation of Northern Chester County Communities have deemed it imperative to the quality of life and regional character to preserve historically and architecturally significant and viable properties in the Region, carefully considering the most appropriate methods to accomplish those goals and objectives of this Plan. In Chapter 8, an inventory of known and documented historic and architectural resources within each municipality, as well as an overview of federal, state, and local preservation programs, activities, and techniques have been developed. This chapter builds

on that inventory by making recommendations about continuing to work together as a Region through creating consistent policies and standards, setting priorities, and outlining strategies and programs to protect historic resources for future generations to enjoy. Municipalities may individually or ideally in a coordinated effort undertake strategies discussed. Some municipalities in the Region have already used one or more of these strategies to preserve their historic resources. However, employing consistent strategies for coordinated resource protection on a regional basis would be most effective for achieving resource protection for all municipalities in the Region.

A plan for historic resource protection is required as a comprehensive plan element under Act 68 of 2000, which amends PA Act 247, the Pennsylvania Municipalities Planning Code(MPC). Plan recommendations here have been carefully constructed to provide a regionally-oriented plan to effectively continue to preserve historic resources and character that the Region deems significant.

### ORGANIZATION OF CHAPTER

Plan recommendations in this Chapter generally follow the format for Historic Resource Protection Plans outlined in Chester County Planning Commission's *Preserving Our Places: Historic Preservation Planning Manual for Chester County Communities*, so the format for this Chapter differs somewhat from other chapters in this document.

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<sup>1</sup> J.M. Fitch, quoted in S. Brand, *How Buildings Learn*, p. 89 (1994)

## GOALS AND OBJECTIVES

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The following goal for the protection of historic resources guides planning in the Region:

**HISTORIC RESOURCES GOAL - Identify and conserve the historic resources that contribute to the Region's heritage and protect these features from encroachment of incompatible development**

The Historic Resources Protection Plan focuses on how best to achieve this goal and implement its related objectives. To help the reader understand how the recommendations in this Plan relate to the goal and objectives each recommendation is followed by one or more of the following objectives (the assigned number/letter) that corresponds to the recommendation.

### OBJECTIVES

- 3-A. Encourage the continued integrity of historic resources and villages within their historic landscapes.
- 3-B. Champion the use of tax relief programs, open space covenants, and federal, state, county, and private programs and grants for historic preservation.
- 3-C. Enact, enforce, and promote laws and ordinances which protect historic resources and districts, and which mitigate the impact of development on these resources.
- 3-D. Provide materials to landowners of historic properties outlining options available to preserve and/or rehabilitate onsite historic structures or uses.
- 3-E. Promote effective review processes and encourage developer, owner, and Historical Commission participation during the development review process.
- 3-F. Recognize the importance of historic and archaeological resources, and work to identify and protect them.

## HISTORIC RESOURCE PROTECTION RECOMMENDATIONS

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This plan outlines the following diverse strategies to help protect known regional historic resources and identify other potential resources, maintain their integrity, and preserve overall rural regional character. Strategies that emphasize the importance of protecting the physical evidence of local and regional history are key to preserving the actual resources and sense of place of the Region. It should also be noted that a number of useful publications and other information to assist with historic resources protection efforts are available online through the National Park Service at <http://www.cr.nps.gov/NR/publications/> and through the Pennsylvania Historic and Museum Commission at <http://www.phmc.state.pa.us/bhp/>.

While this is a regional resource protection plan focusing recommendations on the Region as a whole and not on individual municipalities, it would be beneficial for individual municipal planning efforts to review recommendations in individual municipal comprehensive and open space plans which are included under the Historic Resources Inventory (Chapter 8) and to continue to implement those individualized municipal recommendations. (See Action 3-24)

## RESOURCE IDENTIFICATION

### UPDATES TO HISTORIC RESOURCE SURVEYS AND COMPREHENSIVE REGIONAL SURVEY

To undertake a coordinated regional historic preservation planning effort, the Region should identify and evaluate the existing historic resources throughout the Region in a comprehensive and consistent manner. A comprehensive historic resource survey ideally should be undertaken on a regional level, but could also be completed on an individual municipal basis and then analyzed on a regional basis. All of the municipalities in the Region, to varying levels, have undertaken municipal historic resource inventories (see Chapter 8) and should continue to update these inventories. These listings of resources, however, have varying levels/types of information without a consistent and agreed upon data collection system for information between municipalities. Also, all of the municipalities in the Region are participating in the Chester County Historic GIS Atlas, the purpose of which is to further identify and map historic resources in order to provide an update to the Chester County Historic Sites Survey (CCHSS) of 1979-1982 and a broad-base listing of potential resources. The Historic Atlas and municipal inventories provide the baseline inventory for a comprehensive survey. Specifically, a comprehensive historic resource survey should include:

- Historic Resource Inventory information available from each municipality;
- Identification of any additional resources and mapping of resources using the Chester County GIS Atlas project data;
- PHMC Survey Form for each resource (including historical and architectural information, photographs, tax parcel numbers and other important information about each resource);
- Level of significance for potential resources and criteria used; and
- Actions for resources (either for specific resources or resource types/levels), such as National Historic Register nominations for specific sites or establishment of certified historic districts, including priority of actions and identification of entities responsible for implementation.

The more detailed historic resource inventory in Warwick's comprehensive plan addendum, which includes mapping of archeological resources, is a baseline example of a more inclusive approach.

Such a comprehensive survey would provide the specific and directive basis for future historic resource protection activities on a regional and municipal level. For example, such activity could aid the implementation of regional heritage tourism strategies by providing the initial step of compiling comprehensive, collaborative, and coordinated historic information on a regional level. Such a region-wide comprehensive survey would entail appointing a task force of persons with an interest and knowledge specifically in historic resources and preservation, likely a subcommittee of the Region, to design and implement a survey with the assistance of a qualified consultant. The lead group for this effort would likely be a coalition of municipal Historical Commission representatives. Formation of a regional Historical Commission (see Action 3-9) is also another possibility whose first major task would be the undertaking of this comprehensive survey.

Resource data from municipal comprehensive and open space plans, municipal historic sites surveys, the 1979/82 CCHSS and municipal updates thereto, the GIS Atlas project, municipal Historical Commissions, and French and Pickering Creeks Conservation Trust could serve as initial information for a regional comprehensive survey. This survey should include individual historic resources as well as potential historic districts, and could include other cultural landscape features such as scenic vistas, scenic routes, and hedgerows. Information about what constitutes an historic resource is included in Chapter 8.

The comprehensive survey should be undertaken under the general guidance of the Pennsylvania Historical and Museum Commission (PHMC). A Pennsylvania Historic Resource Survey Form should be used to document each property in the survey. This Form is the first step of the National

Register nomination process, called 'Determination of Eligibility', and therefore should be used to achieve consistency and uniformity 1) within the comprehensive survey and 2) on a broader basis with the guidelines that the Bureau for Historic Preservation, part of the PHMC, has established. This Form is available at [http://www.phmc.state.pa.us/bhp/Inventories/Survey\\_Card.pdf](http://www.phmc.state.pa.us/bhp/Inventories/Survey_Card.pdf) and related information at: [http://www.phmc.state.pa.us/bhp/Inventories/Survey\\_Instructions.pdf](http://www.phmc.state.pa.us/bhp/Inventories/Survey_Instructions.pdf), and [http://www.phmc.state.pa.us/bhp/Inventories/historic\\_survey.pdf](http://www.phmc.state.pa.us/bhp/Inventories/historic_survey.pdf).

The National Park Service publishes several bulletins ([www.cr.nps.gov/nr/publications/bulletins](http://www.cr.nps.gov/nr/publications/bulletins)) that would be helpful in a survey process. They include *Researching a Historic Property* (bulletin #39), *Guidelines for Local Surveys: A Basis for Preservation Planning* (bulletin #24), and since the Region is partly a rural environment, *Guidelines for Evaluating and Documenting Rural Historic Landscapes* (bulletin #30). *How to Complete the National Register Registration Form* (bulletin #16A) and *How to Apply the National Register Criteria for Evaluation* (bulletin #15) provide guidance in determining whether a property may qualify for National Register listing. Guidelines in these publications are key for the Region and should be used in determining 1) properties which may be of more local or regional significance and 2) properties that should be given additional consideration and submitted to the PHMC for determination of potential National Register eligibility. This will take place at the end of the survey process when evaluating historic resources and determining implementation strategies.

Funding opportunities from the PHMC for surveys should be investigated in advance of a survey effort. The PHMC eligibility requirements and application forms can be found in their annual publication, Pennsylvania History and Museum Grants or at [www.phmc.state.pa.us/bhp/funding](http://www.phmc.state.pa.us/bhp/funding).

Recommendation for Updates to Historic Surveys

ACTION 3-1 Identify and evaluate historic resources in the Region in a comprehensive and consistent manner, ideally through a comprehensive regional historic resource survey, or on an individual municipal basis by updating existing municipal historic resource inventories using consistent standards and type/level of information and then analyzing on a regional basis.

Objective(s) addressed by Action 3-1: 3-F.

ADDITIONAL NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES

Nomination of properties to the National Register of Historic Places provides recognition and limited protection for historic resources. All nine municipalities in the Region have properties both listed and eligible for listing on the National Register (see Chapter 8). The Region should continue to identify and prioritize properties which should pursue National Register eligibility (a Determination of Eligibility) and/or National Register listing. The Region might also consider a thematic approach to National Register listing, whereby a collection of resources establishes a unique pattern or theme within the Region; for example, a farmhouse or iron furnace theme. This approach recognizes and works to protect similar types or like-periods of resources on a regional basis. The Region could also consider a National Historic Landmark thematic nomination for: the Iron Furnaces, some of which are already on the National Register, such as the Reading Furnace, Warwick Furnace, Cupola Furnace, Hopewell Furnace, Rock Run Furnace (aka Kristeen Furnace); their charcoal lands; and a unique form of black granite found at St. Peters in Warwick Township which was used historically for industrial surface plates.

Benefits of the National Register

National Register listing provides an important and honorary level of recognition to the property, generates pride in the community, and heightens interest in historic resources. It is a distinction

that holds the prestige of formal recognition that a structure or district is of historic significance. This has the potential to help attract historic tourism to the area, and small businesses within a district can benefit from the increased tourism and clientele. A registered district can be a helpful marketing tool for a property owner, neighborhood, or community; recognizing and linking districts on a regional basis can serve to promote the Region as a whole. In addition, listing provides a certain measure of protection and consideration in federal, federally funded, licensed, or permitted projects through the Section 106 Review Process, discussed in detail in Chapter 8, (required for all federal and federally assisted programs that have any impact on historic resources). Property owners can benefit from being listed on the National Register as they are eligible for certain types of funding designed to encourage specific preservation activities associated with rehabilitation or adaptive reuse. Federal investment tax credits for rehabilitation and other provisions may apply. Listing on the National Register is mainly honorary and does not interfere with a property owners' ability to alter or change a historic property or building, provided that no Federal license, permit, or funding is involved under which a Section 106 review would be required. Also, property owners are not obligated to open their properties to the public, nor to restore or even to maintain the property.

#### Educational Information about the National Register

It is important for residents and property owners of potential historic structures to understand what the National Register is and what listing or eligibility do and do not provide. Educating property owners in understanding National Register status is an important action for the Region to undertake. The following are some National Park Service brochures and publications that are useful in this endeavor:

- *How to Apply the National Register Criteria for Evaluation* (bulletin #15)
- *How to Complete the National Register Registration Form* (bulletin #16A)
- *How to Complete the National Register Multiple Property Documentation Form* (bulletin #16B)
- *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places*, and *Guidelines for Evaluating and Documenting Rural Historic Landscapes* (bulletin #30)
- *Guidelines for Evaluating and Registering Cemeteries and Burial Places* (bulletin #41)
- *Guidelines for Evaluating and Nominating Properties That Have Achieved Significance Within the Past Fifty Years* (bulletin #22)
- *Guidelines for Evaluating and Documenting Properties Associated with Significant Persons* (bulletin #32)
- *How to Evaluate and Nominate Designed Historic Landscapes* (bulletin#18)
- *Guidelines for Evaluating and Registering Archeological Properties* (bulletin #36), and
- *Researching a Historic Property* (bulletin #39)

These bulletins are available at [www.cr.nps.gov/nr/publications/bulletins](http://www.cr.nps.gov/nr/publications/bulletins). The following National Park Service website link provides information on the National Register process in general: <http://www.cr.nps.gov/nr/listing.htm>. PHMC's website also offers a wealth of information about the National Register nomination process: <http://www.phmc.state.pa.us/bhp/nr/>.

The National Register nomination involves a 2-step process:

1. Determination of Eligibility:

- First, a determination of eligibility (DOE) for listing on the National Register must be obtained. A Pennsylvania Historic Resource Survey form, preferably completed as part of a comprehensive historic resources survey, the importance of undertaking such a survey has been discussed above, is submitted to PHMC for review and evaluation of National Register criteria. If a property is determined to be 'National Register eligible' in this first step of review, the next step in the nomination process is the completion of the National Register form. It should be noted that there

are many properties which do not pursue National Register listing and are included in a list published by PHMC entitled *National Register Eligible Properties in Pennsylvania*.

- A DOE affords some of the same level of protection as National Register listing. As is the case with formal listing, DOEs do not restrict the rights of private property owners to do what they wish with their property, provided no federal license, permit, or funding is involved for which a Section 106 review would be required. However, federal investment tax credits for rehabilitation and other provisions may be available for certified state or local districts, but not for other properties unless they are formally National Register listed.

## 2. National Register Nomination:

- Next is the completion of the National Register nomination form. The applicant completes a first draft of the nomination that is then submitted to and reviewed by PHMC staff. PHMC returns the draft nomination with comments for any revisions that may be required before final submission. For historic district submissions, a public meeting is required during this review time to inform property owners within the district about the proposed nomination and what it means for their properties. A majority vote of contributing property owners in the district is necessary to allow the nomination to progress. If this occurs, then the final draft of the nomination can be submitted to PHMC.
- Once the applicant submits the final nomination to PHMC, it is scheduled for formal review by a review board appointed by PHMC consisting of professional architects, scholars, and preservationists from around Pennsylvania; this board meets quarterly. If the nomination is accepted, PHMC forwards it with a letter of determination to the Keeper of the National Register at the National Park Service for listing on the National Register.

National Register listed and eligible properties are included on a listing that is updated frequently and can be found on PHMC's website:

[http://www.phmc.state.pa.us/bhp/Inventories/NR\\_Listed\\_and\\_Eligible\\_Report.pdf](http://www.phmc.state.pa.us/bhp/Inventories/NR_Listed_and_Eligible_Report.pdf).

Pursuing National Register status is an important strategy for the Region because listing on or eligibility for the National Register suggests to the community at large that the Region is concerned with the acknowledgement and preservation of its historic resources.

### Recommendation for Additional Nominations to the National Register of Historic Places

ACTION 3-2 Continue to identify and prioritize properties that should pursue DOEs and/or National Register listing, and educate property owners about the National Register.

ACTION 3-3 Consider undertaking thematic approaches to National Register nominations, for example a farmhouse theme or iron furnace theme.

ACTION 3-4 Consider applying for a National Historic Landmark thematic nomination for:

- Iron Furnaces (some of which are already on the National Register) including Reading Furnace, Warwick Furnace, Cupola Furnace, Hopewell Furnace, Rock Run Furnace (aka Kristeen Furnace);
- Their charcoal lands; and
- A unique form of black granite found at St. Peters in Warwick Township.

Objective(s) addressed by Actions 3- 2 thru 3-4: 3-F.

### INVESTIGATION OF ADDITIONAL HISTORICAL MARKERS

The state historical marker program is one of PHMC's oldest and most recognized state programs. The blue and gold markers located throughout Pennsylvania highlight people, places, and events significant in state and national history. Any person or organization may submit nominations to PHMC for approval for historical markers annually. The deadline for the receipt of nominations is usually in December or January. Nominations are reviewed by a panel of independent experts from across the state and then approved by PHMC commissioners in April. Once a marker site is approved, PHMC staff work with applicants to prepare marker text, select dedication dates, and arrange appropriate dedication ceremonies, generally within a year of approval. Limited matching grants are available for the manufacture of markers, but nominators should be prepared to assume the costs of their marker's fabrication. The PHMC's website includes guidelines, information, directions on how to nominate a marker and a Historical Marker Nomination Form can be downloaded or submitted online.

There are three markers (as of October 2004) in the Region (see Figure 8-1). The Region should continue to pursue additional markers. Given the great number of National Register eligible and listed properties in the Region and thus the amount of historically significant resources the Region contains, the Region should actively plan, perhaps through the coordinated regional comprehensive survey process, for which sites additional markers should be nominated. For example, the Region would like a state marker on the site of the Reading Furnace, as it was the largest iron furnace of its time and other furnaces have a marker to depict their historical significance. Also, Wallace Township is looking into displaying a marker for the future Village of Glenmoore National Register Historic District and could consider the state marker program for this potential marker. Other potential state historical marker locations for the Region include: replacing the Warwick Furnace marker, installing markers at Coventryville, and Pottstown Landing.

Recommendation for the Investigation of Additional Historical Markers

Action 3-5      Actively plan, through the coordinated regional comprehensive historic resource survey process, for which sites additional historic markers should be nominated, and continue to pursue those additional historic markers.

Action 3-6      Investigate applying for historic markers at certain identified sites in the Region:

- Consider the state marker program for the potential marker at the future Village of Glenmoore National Register Historic District in Wallace Township.
- Apply for a state marker on the site of the Reading Furnace.
- Consider other potential state historical marker locations in the Region including: replacing the Warwick Furnace marker, installing markers at Coventryville, and Pottstown Landing.

Objective(s) addressed by Actions 3- 5 and 3-6: 3-F.

### POLICY AND REGULATION

#### PROMOTING THE ROLE OF LOCAL HISTORICAL COMMISSIONS

Historical Commissions have broad responsibilities associated with historic resource preservation and serve as general advisors to local elected officials on historic preservation matters in a community. Unlike a Historical Architectural Review Board (HARB) which is formed for a local certified historic district, the membership composition, duties and responsibilities of a local Historical Commission are not required per any enabling legislation. However, municipalities must define the duties and responsibilities in a municipal ordinance authorizing the Historical

Commission, and, in fact, often use the general guidelines and membership of a HARB as an overall model for Historical Commission authorization language.

Currently, almost all the municipalities in the Region have a Historical Commission, and all municipalities have some municipal entity that is involved in historic resource-related matters. These groups are spearheading the various historic resource projects in the Region. Municipalities in the Region that do not have a Historical Commission in place could consider establishing one. Similar duties and standards for Historical Commissions throughout the Region should be established in order to help provide consistency in historic resource protection across municipal boundaries and throughout the Region. Although only advisory in nature, a Historical Commission can oversee the following types of responsibilities:

- Identify local historic resources, and recommend their preservation to the governing body.
- Assist with the National Register nomination process.
- Prepare historic preservation grant applications.
- Monitor the status of historic resources in the community and take initiatives, as possible, in helping to keep resources tenant or owner-occupied.
- Complete a Historic Resource Survey, and maintain and update survey information
- Represent their respective communities at the regional level.

Sample language for Historical Commission authorization regulations is included below. This ordinance is frequently included in the zoning ordinance for ease of use, but can also be adopted as a freestanding ordinance. Municipalities in the Region may consider reviewing their ordinance language to ensure that major elements are included, and could go a step further to encourage consistent duties/regulations between Historical Commissions across the Region.

While Historical Commissions are generally established on an individual municipal basis, the Region could consider the creation of a regional Historical Commission to focus on regional preservation issues, the first of which could be the completion of a regional Comprehensive Historic Resource Survey. This regional Historical Commission would consist of membership from each member municipal Historical Commission, EAC, or other preservation-minded entity, and could be a subset of the Northern Federation Region. A regional Historical Commission or representatives from all the municipal Historical Commissions could represent the Region on preservation matters at the state level.

Minimum standards to consider for a local Historical Commission ordinance:

Purpose:

- The Historical Commission shall assist on historic resource issues in the administration any zoning provision regarding historic resource protection, and perform all duties assigned to it in this ordinance. The Commission shall also assist municipal officials, the Board of Supervisors, Planning Commission, and Zoning Hearing Board, as well as residents.

Establishment and Membership:

- Number of members (i.e. at least five members who shall be appointed by the Board of Supervisors.)
- Membership should include individuals who have an interest in history, architecture, archeology, or historic preservation (and like a HARB, may include a registered architect, building inspector, planning commission member, and licensed realtor.)

Terms of Commission members:

- There should be a minimum term (i.e. five years which shall be so fixed that no more than two terms shall expire each year.)
- Notification of Election/Appointment (the Commission shall notify the Board of Supervisors of any vacancies in the Commission and the Board of Supervisors shall act within a certain time frame (i.e. 90 days) to fill those vacancies.
- Appointments to fill vacancies for unexpired terms.
- Members are on a volunteer basis (i.e. Members shall serve without pay, but may be reimbursed for any personal expenditures in the conduct of Commission business when authorized by the Board of Supervisors.)

Organization:

- Set up bylaws for elections.

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.

Functions and Duties could include:

- Maintain a system for the survey, inventory, and documentation of historic resources including historic buildings, sites, structures, objects, and districts, and oversee surveying.
- Maintain an updated Historic Resource Survey that clearly identifies historic resources and their respective classifications on the Historic Resource Map; and contribute to and maintain files on historic resources in that survey.
- Keep a copy of National Register nominations that have been approved by the National Park Service, and a copy of all DOEs from the PHMC.
- Make recommendations to the Board of Supervisors concerning revisions, updates or corrections to the Historic Resource Survey and Map.
- Advise the Zoning Officer, Planning Commission, and Board of Supervisors on the issuance of demolition permits and other historic resource matters.
- Review and advise the Board of Supervisors or Zoning Hearing Board on requests for conditional uses or variances that affect historic resources.
- Review applications for the rehabilitation, enlargement, or alteration of historic resources using the Secretary of the Interior's Standards for Rehabilitation as a guideline, as part of the conditional use process related to historic resources.
- Establish shared duties with the HARB, if applicable. The Historical Commission may also serve as members of HARB.

Additional Functions and Duties could include:

- Inform owners, neighbors, occupants or tenants in any building or area on the Historic Resource Survey of their inclusion on the survey, and also inform state authorities dealing with historical areas/sites, and federal authorities dealing with such matters in the area. Take steps necessary to gain state and federal recognition for such areas.
- Conduct research on and nominate significant resources to the National Register and any other appropriate lists or programs.
- Review and comment on subdivision or land development applications affecting resources.
- Present recommendations to the Board of Supervisors on proposed ordinances and on proposed steps to preserve, protect, and restore historic resources and the like, and make recommendations for the establishment of historic districts and recommend certain buildings, sites, structures, objects, or areas to be included within such districts.

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

Recommendation for Promoting the Role of Local Historical Commissions

- Action 3-7 Consider establishing a Historical Commission in municipalities in the Region that do not have one in place.
- Action 3-8 Review Historical Commission establishment ordinance language to ensure that major ordinance elements are included, and encourage and adopt consistent duties, regulations, and standards for Historical Commissions across the Region.
- Action 3-9 Consider creating a regional Historical Commission to focus on regional preservation issues, the first of which could be the completion of a regional Comprehensive Historic Resource Survey.

Objective(s) addressed by Actions 3- 7 thru 3-8: All.

#### HISTORIC OVERLAY ZONING AND OTHER HISTORIC RESOURCE PROTECTION ZONING PROVISIONS

Historic Overlay Zoning, as well as other resource protection provisions, can promote historic preservation through zoning regulations. As outlined in Chapter 8, Article VI of the MPC provides for the protection of historic features and resources through zoning. Historic Overlay Zoning or other zoning provisions offers a different approach to preservation than a locally controlled historic district (discussed below); instead of providing for architectural control, zoning standards focus on land use measures including modifying area and bulk regulations and permitting additional uses for historic resources. It is an excellent option for municipalities that 1) do not have a concentration, linkage, or continuity of resources, 2) do not desire the level of regulation of a local historic district, or 3) to employ a more broad-based and land use-oriented method for use alone or in conjunction with local historic district regulations. Similar to other overlays, historic overlay zoning functions as a layer on underlying zoning districts establishing specific regulations to protect historic resources. Other zoning provisions can be used instead of or in conjunction with Historic Overlay Zoning, and can include: reuse incentives through permitting additional uses for historic resources under conservation provisions, Transfer of Development Rights, and compatible infill development. Through zoning regulations, historic resources can be encouraged to be adaptively reused, effectively incorporated into new development, and rehabilitated to enhance an area/site.

- As of October 2004, seven out of nine municipalities in the Region have Historic Overlay Zoning and one municipality (East Nantmeal) is working on developing overlay regulations. This level of regulation indicates a commitment to preservation, and the remaining municipality might also consider this type of regulation. A thorough Historic Resource Survey, discussed above, is a key element to use in conjunction with this strategy; this is in order to identify those resources that should be protected and the extent to which they should be protected, as generally Historic Overlay Zoning classify historic resources as to their level of significance.
- As of October 2004, several municipalities in the Region also include other zoning provisions related to historic resource protection. These include: transfer of development rights and special provisions for historic structures in certain zoning districts. Other municipalities in the Region could also consider these other types of zoning provisions.

On a regional basis, municipalities can foster consistent implementation of preservation policies and recommendations through ordinance revisions which are consistent. Zoning revisions should support regional policy for ease of administration and for consistency throughout the Region. This approach is also useful when historic resources cross municipal boundaries, however, for this to be successful, neighboring municipalities need to each adopt compatible historic resource regulations.

It is important to ensure that historic resources regulations are compatible with other zoning provisions in order to reduce conflict and potential negative impacts on resources or historic preservation efforts.

Minimum standards to consider when creating Historic Overlay Zoning regulations:

General Applicability

Legal Statement to indicate that the Overlay is in accordance with the MPC

Purpose

General Provisions:

- Boundaries of the Overlay.
- Effective Date (i.e. the provisions of this Overlay shall not go into effect until the date of adoption of the municipal Historic Resource Survey and Map).
- Compliance.
- Historic Overlay Concept.
- Preservation of Other Restrictions.

Historic Resource Inventory and Map:

- Identification (i.e. historic resources can include any prehistoric or historic district, site, building, structure, or object, and shall meet the provisions of the Overlay including boundaries of National Register Historic Districts, Certified (Act 167) Historic Districts, and areas of Archeological sensitivity - archeology areas could be broken into primary and secondary areas of sensitivity, such as in Warwick Township Comprehensive Plan). The Historic Resource Inventory/Map shall identify historic resources to which the provisions of these regulations apply.
- Classifications (i.e. Class I, II, III, etc.) based on specified criteria.

Map Revisions (i.e. based on the criteria for classification set forth, the Historic Resource Inventory/Map may be revised from time to time by legislative action of the Board of Supervisors following a public hearing, at which time the proposed changes shall be presented.) The Historical Commission is the advisory body to review and recommend such revisions:

- Revise as necessary to keep an updated Historic Resource Inventory/Map
- Discuss in detail the process on how to revise map/inventory
- Criteria to determine whether a resource should be included or not

Modification to Area and Bulk requirements – incentive for reuse of historic structures by conditional use or special exception (case-by-case basis); additional conditional use or special exception requirements may apply.

Special Provisions/Additional Use Opportunities – an incentive for reuse of historic structures, and for infill in existing historic villages as a conditional use or special exception (case-by-case basis); additional conditional use or special exception requirements may apply.

Application Procedures – Procedures for conditional use or special exception approval for historic resources, as applies.

Signage – can set provisions per classification of historic resources in addition to those required in the general Sign Regulations:

- Permit Process/Application requirements.

- Zoning Officer Roles and duties (i.e. the Zoning Officer should provide the Historical Commission with a copy of the application, together with any plans or diagrams within a set time of the application).
- Historical Commission Role in Sign Permit application (i.e. set a time to complete application review, prepare a written report for the Zoning Officer and applicant indicating whether the sign will have any detrimental effect on the historic or architectural integrity of the resource, and if so, what specific changes can be made to mitigate the effect with encouragement to the applicant to erect a sign complementing the historical significance.)
- Issuance of Permit.

Additional Landscaping and Buffering Requirements:

- Landscape Plan
- Buffering Plan
- Review by Historical Commission

Demolition of Historic Resources:

- Demolition by Neglect Standards.
- Permit Process/Application Requirements.
- Review Process for Demolition Permits (including criteria for review, Historical Commission Recommendation, documentation of the resource and additional informational requirements such as a financial analysis of reuse alternatives to demolition, as necessary, Costs incurred by the Historical Commission, and Board of Supervisors decision)
- Issuance of Permit.
- Enforcement (Fines and penalties; Zoning Officer role; Board of Supervisors role).

Appeals to the Zoning Hearing Board

Other Historic Resource Protection zoning provision examples to consider:

The following are examples of zoning language some municipalities in the Region have adopted to assist in historic resource protection. Some of these provisions are contained in municipality's historic zoning overlay. However, where they are not, they could be used in conjunction with historic overlay language or could be carefully constructed to be used independently of historic overlay zoning.

Incentives for the Protection of Historic Resources:

- **North Coventry Township**– flexible standards to help promote infill and preservation of historic resources (Z.O. Section 905).
- **East Pikeland Township** – incentives for protection of historic resources. Historic features and other points of interest shall be identified and preserved and may be credited towards open space requirements under certain conditions described in SLDO Section 425.F.1-7.
- **South Coventry Township** – allows additional uses where permitted as a conditional use on properties containing Class I or II Historic Resources (Z.O. Article X).

Transfer of Development Rights to Preserve Historic Resources:

- **East Pikeland Township** – allows for TDR to be used to preserve historic resources, designating the AP Zoning District as the sending area.

Open Space/Conservation Design approach for the Protection of Historic Resources:

- **Warwick Township** - (Z.O. Section 606.B – amended 4-21-2003) - requires the applicant to demonstrate that a Conventional Lot Development will have less environmental impact

than a single-family Open Space Development, in terms of less impact on historic resources. If the applicant cannot demonstrate that the Conventional Lot Development will have less impact, then a plan for Open Space Development in accordance with Section 604 and Article 20 shall be submitted, or a plan for a Conservation Development Option may be submitted in accordance with Section 607, or a plan for Village/Hamlet Development may be submitted, where eligible, in accordance with Article 8.

Delay of Demolition Provisions (ZO):

- **Warwick Township** (Z.O. Article 24 – Historical, Architectural, and Archeological Resources Protection) - encourages infill development in the Historic Village Clusters. It requires that all historic structures have to be used or adaptively reused so they are not just demolished.
- **East Pikeland Township** (Z.O. Article XVI).
- **South Coventry Township** (Z.O. Article XIV; Section 1403).
- **Wallace Township** (Z.O. Article X; Section 2404 and Section 2405)

Recommendations for Historic Overlay Zoning and other Historic Resource Protection Zoning Provisions

- ACTION 3-10 Foster consistent implementation of historic resource protection policy and recommendations through consistent zoning revisions on a region-wide basis.
- ACTION 3-11 Ensure that historic resources regulations are compatible with other zoning provisions in order to reduce conflict and potential negative impacts on resources or historic preservation efforts.
- ACTION 3-12 Endorse continued commitment to historic resource protection through historic overlay zoning:
- Continue to maintain the historic zoning overlay in the seven out of nine municipalities in the Region which currently have these regulations in place.
  - Encourage East Nantmeal to continue working to complete the development of historic overlay regulations.
  - Encourage East Coventry to also consider historic overlay zoning.
- ACTION 3-13 Consider enacting other types of zoning standards to further the protection of historic resources; Several municipalities in the Region include other historic resource protection zoning provisions (see Figure 8-2) and the other municipalities in the Region could also consider this measure.

Objective(s) addressed by Actions 3- 10 thru 3-13: 3-C.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SLDO) REGULATIONS REVISIONS**

Through the presence of an actively involved, strong, and municipally supported historic advisory body (such as a Historical Commission), a comprehensive Historic Resource Survey, and enforced SLDO regulations, historic resources will be readily identified. This is important particularly at the time for review of new development proposals when a community needs to realize the potential significance of historic resources that could otherwise be lost or impacted with a proposed development. Municipalities in the Region should consider requiring historic resources, and archeological resources, be delineated on subdivision and land development plans. This requirement should be included in the SLDO under the Plan Requirements section. Also through

SLDO requirements, municipalities should formally allow Historical Commissions to advise and work with applicants in the plan review process.

Minimum standards to consider in SLDO language:

Requirement of a Historic Impact Study (in the SLDO or ZO)

- **East Pikeland** (SLDO Section 306.D.4.e)
  - Requires a historic resource impact study, or any applicable portions thereof, may be required, unless waived or modified by the Board of Supervisors, when any of the following are proposed:
    - All subdivisions or land development plans which will lead to the new construction located within 100 feet of the exterior walls of a historic resource.
    - All subdivisions or land development plans which propose adaptive reuse or demolition of a historic resource.
    - General bridge or road construction or substantial repair passing within 100 feet of the exterior walls of a historic resource.
  - Can be submitted as a subsequent part of another impact study or as a stand-alone study.
  - Requires preparation by a qualified professional in historic preservation, historic architecture, planning, or related disciplines and presented to the Historic Commission.
  - Includes minimum background information to be included in the impact study, description of the proposed project change, and mitigation measures taken including design alternatives, screening, and landscaping
  - Historic Commission reviews and submits a written report to the Planning Commission and Board of Supervisors.
- **West Vincent Township** (ZO Article XXIV) – regulations relating to a historic resource impact study.
- **East Vincent Township** (SLDO Section 306.E.4.d) – historic impact study is required under specified circumstances.
- **Warwick Township** (Z.O. Section 2406G, H. & 2407F, G, H.) – Review of Proposed Rehabilitation, Enlargement or Alteration of Class I, Class 2, and Class 3 buildings, structures or sites.
- **South Coventry Township** (ZO, Article XIV; Section 1404)

Landscaping and Screening of Historic Resources (SLDO or ZO):

- **West Vincent Township** (ZO Article XXIV)
- **East Pikeland Township** (SLDO 306.D.4.e; in accordance with Section 1407 and 1406)

Encouraging New Development to Blend with the Historical Character of Existing Villages (SLDO or ZO):

- **Wallace Township** - *Hamlet Overlay District* is a floating overlay within the Flexible Rural Residential District and the Flexible Rural Residential District-1. *Village Overlay District* is an overlay only with the Flexible Rural Residential District.
  - These overlay districts do not redesignate existing villages such as Cornog, Fairview Church and Wallace as “historic districts”, but provide design standards for new development in the Flexible Rural Residential District and/or the Flexible Rural Residential District-1.
  - Encourages new housing subdivisions and land developments to be designed to provide for a mixture of compatible land uses, to be developed at densities that are

typically associated with historic villages and hamlets in Chester County, in a manner consistent with the County's historic building tradition.

- Encourages new villages and hamlets to be built to promote pedestrian movement by locating new village housing, services, jobs, and public places within convenient walking distance of each other, wherever practicable (generally a distance of 1,500 feet: a five-minute walk).

➤ **Warwick Township** - Village/Hamlet Development design option.

Historic Rural Road and View Corridors (SLDO):

- **Wallace Township** – (SLDO, Section 401) - corridors that have been identified in the OSRER Plan are to be included in the Greenway area or preserved through other means.
- **West Vincent Township** – (SLDO, Section 702.H, K, J) – Describes protection of scenic and historic resources and trail preservation.

Recommendations for SLDO Regulation Revisions

ACTION 3-14 Consider requiring historic resources and archeological resources be delineated on subdivision and land development plans. This requirement should be included in the SLDO under the Plan Requirements section.

ACTION 3-15 Formally allow Historical Commissions to advise and work with an applicant in the plan review process through SLDO requirements and through Stormwater Management requirements.

ACTION 3-16 Consider adopting other types of SLDO historic protection standards such as the examples listed under *SLDO Regulation Revisions*.

Objective(s) addressed by Actions 3- 14 thru 3-16: 3-C, E, F.

**IMPLEMENTING AND UPDATING ACT 167 CERTIFIED LOCAL HISTORIC DISTRICTS AND HARB REGULATIONS**

Historic districts are areas possessing a concentration, linkage, or continuity of sites, buildings, or structures united historically or architecturally. There are two types of historic districts: 1) National Register districts and 2) locally certified districts. Locally designated historic districts are those regulated by ordinance and protected from major changes through the adoption and enforcement of that ordinance. Act 167 of 1961, the Historic District Act, enables the creation of these districts and requires the adoption of an ordinance, the appointment of a Historical Architectural Review Board (HARB), and the review and approval of the ordinance by PHMC. As of October 2004, there were six historic districts in three municipalities in the Region with Act 167 local historic district regulations, and one other municipality was currently working on a local historic district. A few municipalities indicated that in the future they might be interested in investigating pursuing this type of regulation. There are nearly 20 National Register listed or eligible Historic Districts in the Region, and while some of these are certified local historic districts or incorporated into local regulations through a historic zoning overlay, the remaining ones carry only the status and recognition of being National Register listed or eligible without protection 'teeth' through local land use regulations; municipalities in the Region may consider whether protection regulations should be sought for these districts also.

A local historic district ordinance promotes preservation of the integrity and significance of historic resources through regulating exterior alterations and modifications (specifically for building facades, exterior materials, architectural detailing, and building mass). New construction in historic districts can be encouraged to complement existing character through design that is sensitive in terms of

size, style and placement. As part of this ordinance, the development of design guidelines that provide guidance about architectural style and design features unique to the Region is necessary to encourage changes that complement the existing historic character.

Historic district ordinances also provide for the appointment of a HARB to assist in administration of the ordinance and advise the local governing body on the appropriateness of building activity in historic districts. HARBs have well-defined membership criteria and responsibilities associated with specific districts, while local Historical Commissions usually serve in a broader capacity.

While certified local historic district ordinances are enabled under Act 167 and not under the MPC (Act 247), for ease of use in conjunction with other resource protection regulations many municipalities place the local certified historic district regulations in their zoning ordinance with a clear indication of such.

Minimum standards for Act 167 regulations:

General model historic district ordinance language as well as further information and technical assistance is available through PHMC. Included here is a brief listing of basic components for minimum standards for certified historic district regulations (Act 167) including the role of a HARB:

Legal Authorization

Purpose

General Provisions and Applicability:

- Description and Delineation of Historic District boundaries on an Historical Resource Map
- Applicability
- Compliance
- Interpretation of Boundaries

Historical Architectural Review Board (HARB):

- Creation and Membership – establishing a set number of members, which must include one registered architect, one licensed real estate broker, one building inspector. The remaining members must have knowledge of and interest in the preservation of historic resources. Members of the Historical Commission can also serve as members on the HARB.
- Terms of Members
- Powers and Duties – Advisory role, Conduct of business, Meetings, Compensation policy, Additional powers and duties

Design Guidelines - a descriptive list of design items the HARB should consider when reviewing a certificate of appropriateness application. Design guides should be tailored to the community and vary depending on the community's historic and architectural character, and desired specificity and flexibility in application.

- Certificate of Appropriateness Permit required – must be obtained before any exterior construction work can occur in an historic district.
- Sign erection in an historic district permit standards.

Application Review Procedure for Building Permit and Certificate of Appropriateness:

- Application Process for Building Permit and Certificate of Appropriateness
- HARB Meeting regarding application (including reference to design guidelines as standard for determining appropriateness)
- Findings after HARB meeting including a written report to the Board of Supervisors:
  - Application Disapproval by HARB

- Recommended Approval with conditions
- Recommended Approval with no conditions
- Board of Supervisors meeting regarding application
- Decision by the Board of Supervisors (using same design guidelines for review):
  - Issue a certificate of appropriateness authorizing the Building/Zoning Officer to issue a permit for the proposed changes as submitted.
  - Issue a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historical character of the building, site or area which is proposed to be changed.
  - Deny a certificate of appropriateness with respect to the proposed changes as submitted. If the Board of Supervisors disapproves the certificate of appropriateness, copies of the written reason shall be given to the Building/Zoning Officer, applicant, and PHMC. The disapproval shall indicate what changes in the plans/specifications would meet the conditions for protecting the historical character of the historic district.

### Provisions for Unreasonable Economic Hardship due to the Ordinance

#### Administration of the Ordinance:

- Notice of Violation
- Enforcement
- Penalties
- Repealer
- Severability Clause
- Amendments
- Effective Date/Certification of Ordinance by PHMC

Warwick Township (ZO Article 24; Section 2409) and Wallace Township (ZO Article X) are examples of this type of adopted ordinance language in the Region.

#### Procedural Steps from PHMC for Establishing an Historic District Ordinance:

- a. Conduct a historical/architectural survey of the area you propose for designation (optional).
- b. Complete a Pennsylvania's Historic Resource Survey Form, available from the PHMC, Bureau for Historic Preservation (BHP).
- c. Submit the completed form to BHP staff to evaluate the district's significance using the National Register criteria.
- d. Schedule a site visit with the BHP staff to establish district boundaries.
- e. Consult with BHP concerning the development of local support for the proposed historic district ordinance.
- f. Request a review by the BHP of the draft ordinance before adoption by the local governing body. Review will note any discrepancies between the ordinance and the enabling legislation.
- g. Schedule a public hearing for public consideration of proposed historic district ordinance.
- h. The local governing body adopts the historic district ordinance.
- i. The chief elected official of the local government requests the PHMC to certify the historical significance of the proposed historic district. The request must be accompanied by a certified (signed and dated) copy of the ordinance, and a map clearly showing the historic district(s) boundary(ies). (Note: Bureau review of documentation on the Historic Resource Survey Form is different than the official resolution by the PHMC of the historical significance of the district)
- j. The Pennsylvania Historical and Museum Commission notifies the local government of its official action. The ordinance takes effect on the date of certification by resolution of the Commission. (The Commission meets throughout the year and will consider the historical

significance of the proposed district at a regular meeting. Completed substantiating documentation must be received at least 60 days before the meeting at which it will be considered).

Recommendations for Act 167 Certified Local Historic Districts and HARB Regulations

ACTION 3-17 Investigate pursuing Act 167 certified local historic district regulations for existing and future National Register listed or eligible historic districts which are not protected through local land use regulations or which wish to have further protective regulations.

Objective(s) addressed by Action 3-17: 3-A, C.

CONSIDERATION OF A VILLAGE PROTECTION PROGRAM

A village protection program is a plan of action that a municipality can implement to preserve its historic villages, which are intended as historic areas, areas for infill development, and for slight growth, and not as areas for targeted significant growth. A village protection program can be adopted as part of the (municipal or regional) comprehensive plan in order to establish a consistent policy for guiding growth. Many municipalities in the Region have taken first steps in village protection. They have undertaken more detailed and comprehensive surveying efforts in villages for purposes of their preservation. For example, North Coventry will be completing a village inventory for the village of Cedarville in 2006.

Many village protection measures are implemented through zoning regulations such as through use, lot size, setback, and where appropriate, through incorporating a village district which can serve to help protect/maintain the integrity of historic resources and their surroundings. Other implementation measures involve: SLDO provisions establishing compatible design standards; an official map to encourage continuation of the street pattern and identification of resources; sewage planning to allow sewage disposal alternatives; and design guides to address physical building and site design issues.

Village planning efforts should involve a task force with representatives from the Historical Commission and Planning Commission. Village residents should be involved (either directly on the task force and/or indirectly through surveys and public meetings). Depending on the expertise of the task force, assistance of a planning consultant may be required. The Chester County Planning Commission's *Community Planning Handbook* and *Village Planning Handbook* should be consulted for further information.

Recommendations for Consideration of a Village Protection Program

ACTION 3-18 Continue initial village protection planning efforts that have occurred to date in the Region and adopt a Village Protection Program as part of municipal (or regional) Comprehensive Plans on a region-wide basis.

ACTION 3-19 Implement strategies resulting from the Village Protection Program through zoning, SLDO, design guides, and through other implementation measures.

Objective(s) addressed by Actions 3-18 and 3-19: 3-A, C, F.

#### TRANSFER OF DEVELOPMENT RIGHTS (TDR)

TDR, discussed in detail in Chapter 2: Natural Resources Plan, can also be used as a strategy to help preserve historic resources. In the case of a rural historic resource on a large parcel, TDR promotes preservation of the existing large lot while making the current use more economically feasible. In the case of a denser environment, such as a village, TDR can help encourage reuse and continued viability of existing older buildings and historic resources through providing development incentive.

Recommendations for Transferable Development Rights (TDR)

ACTION 3-20 Consider implementing a region-wide TDR program to help protect historic and other resources discussed in this Plan.

Objective(s) addressed by Action 3- 20: 3-C.

#### EFFECTIVE AGRICULTURAL ZONING

Effective Agricultural Zoning, discussed further in Chapter 6, is a land management tool to encourage the preservation of farmlands, discourage their conversion into non-agricultural uses, and discourage the establishment of land uses that are incompatible with agricultural uses. This technique can help to protect the Region's valuable historic landscape by preserving farming land use in the Region.

Recommendations for Effective Agricultural Zoning

ACTION 3-21 Consider adopting effective agricultural zoning to help protect the historic rural agricultural resources of the Region.

Objective(s) addressed by Action 3- 21: 3-C.

#### ENCOURAGEMENT OF INFILL DEVELOPMENT

Infill development is the improvement of vacant or underused parcels within areas that are otherwise largely developed. In the Region, this would be predominately in developed areas and larger villages and crossroads. An example of infill would be using a vacant parcel in an existing village to construct new housing, rather than using an undeveloped or agricultural parcel for development. By providing a variety of appropriate land uses and dimensional standards, zoning can help encourage infill. In the Region, infill within the established historic districts is being promoted in Warwick Township, which works with developers to strive to maintain the historic and architectural nature of buildings proposed for alteration in the four local certified historic districts.

This technique can support economic development as well as historic preservation. The Region should consider education initiatives to increase awareness of the advantages of infill development, as it reduces sprawling development and utilizes infrastructure that is already in place, thus becoming more economically feasible and helping to preserve the outlying rural and undeveloped character of the Region. Certain infill projects may be partially funded under the Community Development Block Grant (CDBG) program, as specified under the programmatic community development objectives. More information and examples of infill development is available in the Chester County Planning Commission's *Community Planning Handbook*.

Sample Infill Development regulations:

- **Wallace Township** - There are two overlay districts which promote the continuation of constructing hamlets and village-style new development within the appropriate and designated underlying zoning district of Flexible Rural Residential District and/or the Flexible Rural Residential District - 1. Specifically, the Hamlet Overlay is a floating overlay district in the underlying Flexible Rural Residential District and the Flexible Rural Residential District - 1. The Village Overlay is an overlay district only with the underlying Flexible Rural Residential District.
  - These overlay districts do not re-designate existing villages such as Cornog, Fairview Church, and Wallace as "historic districts", but provide design standards for new development in the Flexible Rural Residential District and/or the Flexible Rural Residential District - 1.
  - Overlay standards encourage new developments to be designed to provide for a mixture of compatible land uses, to be developed at densities that are typically associated with historic villages and hamlets in Chester County, in a manner consistent with the County's historic building tradition.
  - Overlay standards also encourage new villages and hamlets to be built to promote pedestrian movement by locating new village housing, services, jobs, and public places within convenient walking distance of each other, wherever practicable (generally a distance of 1,500 feet, a five-minute walk).

Recommendations for Encouragement of Infill Development

ACTION 3-22 Undertake educational initiatives to increase awareness of the advantages of infill development in the Region.

ACTION 3-23 Provide appropriate land uses and dimensional standards in zoning to help encourage infill, particularly in historic districts and villages.

Objective(s) addressed by Actions 3- 22 and 3-23: 3-A, B, C, D.

IMPLEMENTING INDIVIDUAL MUNICIPAL COMPREHENSIVE AND OPEN SPACE PLAN RECOMMENDATIONS

On an individual municipal basis, each municipality in the Region should refer to Chapter 8 of this Plan and continue to implement the detailed individual recommendations outlined in that Chapter (beginning on Page 8-19). The types of recommendations included in each of those individual municipal plans have been applied in this Plan on a regional basis to strive to create consistency in historic resource protection throughout the Region.

Recommendations for Implementing Individual Municipal Comprehensive and Open Space Plan Recommendations

ACTION 3-24 Continue to implement those detailed individual municipal recommendations from municipal Comprehensive and Open Space Plans outlined in Chapter 8.

ACTION 3-25 Implement actions of this Plan which have applied the types of recommendations included in individual municipal plans (outlined in Chapter 8) on a regional basis to strive to create consistency in historic resource protection throughout the Region.

Objective(s) addressed by Actions 3- 24 and 3-25: All.

### BUILDING CODE CONSIDERATIONS

Building codes are adopted to regulate and standardize construction activity to ensure the health, safety, and welfare of building occupants. However, building codes are often designed to focus on new construction and meeting these standards may be problematic physically and/or financially for historic buildings, and prevent their reuse. Generally, if either reuse or significant improvements occur, buildings are required to meet current code; some compliance issues can include requirements for egress, stairways, and fire safety. However, with the implementation of the new Uniform Construction Code(UCC) (Act 45 of 1999) in Pennsylvania, there are regulations which specifically apply to older and historic buildings. These provisions are through the 'Existing Building Code', one of 11 codes recently adopted by many Pennsylvania communities, including all of the municipalities in the Region, as part of utilizing a uniform and comprehensive construction code in the state. These provisions create an equivalency of code standards and certain exemptions for existing buildings which may not be able to meet typical standards for new construction. Since many typical new building code regulations are not applicable to older and historic buildings, the provisions provide greater flexibility and take into account rehabilitation constraints of older and historic buildings, while still providing for public safety. East Nantmeal promotes adaptive reuse of historic resources through flexibility in modification to building code requirements. If a municipality implements appropriate codes related to historic buildings and enforces these codes, this will help maintain historic resources because the resources may not fall into disrepair.

Recommendations for Building Code Considerations

ACTION 3-26 Continue to use the Existing Building Code provisions and promote requirements which encourage the reuse of existing older and historic buildings.

Objective(s) addressed by Action 3-26: 3-A, C.

### PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM (CLG)

The CLG program was established under the National Historic Preservation Act (NHPA) to facilitate greater participation in the national historic preservation program at the local level. It strives to create a local, state, and federal partnership to preserve a community's historic character and address preservation issues. The CLG program encourages historic preservation in local government and as an integral part of local land use policy. CLG status involves implementing a comprehensive local historic preservation program including: 1) Maintaining a Historical Commission; 2) Surveying Historic Resources; 3) Enforcing local historic resources protection regulations; and 4) Providing for public involvement in preservation.

Once certified, a local government is then eligible to participate directly in the federal historic preservation program, thus helping strengthen and expand local preservation efforts. This national initiative provides valuable technical assistance, greater access to the national preservation network, direct participation in the National Register nomination process, and an important benefit to participation in this program are the grant funds for CLGs. Funds can be used for any of the above listed activities. Funds are appropriated annually by the U.S. Congress, and administered by the National Park Service and State Historic Preservation Offices, the PHMC in Pennsylvania. In Pennsylvania, a match is required for projects using CLG funding.

Due to the recommendations of this Plan, S. Coventry Township became a CLG in 2006, and most of the other municipalities expressed interest in pursuing CLG status in the future. The Region's municipalities should investigate the special status as a CLG program member as a strategy to provide an additional access to information, technical assistance, and funding opportunities for historic preservation.

Recommendations for Participation in the Certified Local Government Program (CLG)

ACTION 3-27 Investigate the special status as a CLG program member as a strategy to provide additional access to information, technical assistance, and funding opportunities for historic preservation.

Objective(s) addressed by Action 3- 27: 3-B.

#### ENCOURAGEMENT OF PRESERVATION EASEMENTS

The Region can promote encouraging private historic preservation measures, including the sale or donation of easements, deed restrictions, and restrictive covenants (for agricultural, facade, resource protection or open space purposes for example), as a strategy for individual owners of historic resources. This is particularly important for individual historic resources that otherwise may go unprotected. These preservation measures can concurrently protect agricultural, natural resources, or open space, historic context, and historic resources. The County and various land conservancies purchase agriculture easements, thus also potentially assisting to preserve historic resources on a property if written into the easement as such. If it is not feasible to undertake an easement on an entire property or historic resource, another option is a preservation easement for specific elements of resource that are integral to its significance; for example, a façade easement in order to preserve key exterior elements. More specific information about façade easement contributions can be found on the National Park Service Website, Heritage Preservation Service at <http://www2.cr.nps.gov/tps/tax/IRSFacade.htm>.

A key player in this strategy in the Region is the French and Pickering Creeks Conservation Trust. The Trust is active in preserving lands in perpetuity that may house historic resources and they work diligently with the public as well as serve as an information resource for residents in the Region. They distribute a newsletter with information on donation of façade easements for historic structures, easement purchase, and preservation of land in perpetuity. The Trust is involved in a myriad of preservation projects. More information can be obtained on their website at <http://www.frenchandpickering.org/>.

Preservation Alliance for Greater Philadelphia is another easement program in the Philadelphia area, which has helped preserve historically certified buildings and residences throughout the Philadelphia region – around 170 historic properties since 1978. Donating a historic preservation or conservation easement can serve as a protection tool in various ways: by protecting a historic building, or its facade and/or interior space, a particular site, or open space. The easement serves as a deed restriction or covenant that will permanently prevent demolition, neglect, or inappropriate alterations. Generally, donations of historic easements qualify as charitable contributions that are deductible from federal income tax. For additional information about this program go to <http://www.preservationalliance.com>.

Recommendations for Encouragement of Preservation Easements and Other Measures

ACTION 3-28 Encourage the sale or donation of easements, deed restrictions, and restrictive covenants (for agricultural, facade, resource protection or open space purposes), as a strategy for individual owners of historic resources.

Objective(s) addressed by Action 3- 28: 3-B.

## ACT 537 SEWAGE FACILITIES PLANNING REVIEW RECOMMENDATIONS

Municipalities in the Region, and all of Chester County, must be diligent in the Act 537 review process to ensure that the municipality has received all components of a planning module, including review from PHMC, prior to granting preliminary or final plan approval. PHMC review is the minimum historic resources review that should be conducted. The Historical Commission and/or HARB, if established, should be the entity that monitors all subdivision and land development projects when it comes to potential destruction or alteration of historic resources. Members of the Planning Commission, Historical Commission, HARB, and Board of Supervisors as well as the municipal Secretary, Manager, and Engineer must be diligent in making sure the applicant gets all necessary paperwork to the municipality in time for proper review prior to any approvals and/or conditional approvals. The Act 537 process as it relates to historic resources is outlined in Chapter 8.

### Challenges in the Process:

When it comes to protection of historic/cultural resources, there can be significant gaps in communication and areas where some subdivisions and/or land developments go without needed input from the proper authorities. The following are examples of potential gaps that were discovered through researching this topic for this Plan:

- The legislation does not clarify how to determine the 10-acre benchmark. For instance, if 10 acres of a larger farm is subdivided, but through a municipality's net-out provisions the total buildable land is eight acres, the applicant could find that since only eight acres would be disturbed, the development would not have to be reviewed by PHMC.
- Another example is a property is divided by a road, thus creating two parcels each less than 10 acres, but together being over 10 acres, an applicant could determine that the proposal is for parcels less than 10 acres and not submit information to PHMC.
- If a property is subdivided in phases, and each phase is less than 10 acres and has less than 10 lots, the property does not have to go through a PHMC review, unless it has structures on site that are 50 years or more of age.
- PHMC requires the number of "total acres of earth disturbance" as part of their review process in determining if a proposal meets the 10 acres or more benchmark; however, Act 537 does not specify "disturbed ground" as part of their definition of the 10-acre benchmark.
- The Act 247 Subdivision/Land Development review process does not necessarily have the same timing as the Act 537 planning module review, so there could be information gaps for the historic/cultural resources review. For instance, if the Act 537 planning module is still "in route" to the proper agencies for review, while the applicant is seeking preliminary or final approval under Act 247, the municipality is responsible to ensure all reviews have been completed in time. However, sometimes all review comments have not been received and thus are not considered prior to plan approval, which can lead to complications.
- In the case of emergency undertakings, immediate response to imminent threat to public health and/or safety makes planning modules and thus a cultural/historic resources review exempt.
- The large minimum lot size of 10-acres required for a project to be reviewed by PHMC reduces a municipality's capacity to promote review of projects on smaller lots. The reason for the 10-acre minimum criteria should be reviewed.
- opportunity to comment on historical/cultural resources. The following are DEP qualifiers of an "exemption":
  - The entire subdivision (proposed lots, previous lots and residual land) must consist of no more than 10 lots created since May 1972;
  - The lots must be proposed as sites for construction of detached single family homes;
  - The proposed homes must be intended to be served by individual on-lot sewage disposal systems; and
  - "Exceptions" are not prohibited by local public health or environmental conditions.

If all these conditions are met, the proposed subdivision should qualify as an "exemption" and is considered a "minor subdivision" by the DEP. When this occurs, PHMC does not review the proposal, and protection of the historic resources on site is left to the individual municipalities in which the site is located.

Recommendations for Act 537 Sewage Facilities Planning Review Recommendations

ACTION 3-29 Be diligent in the Act 537 review process to ensure the municipality has received all components of a planning module, including the review from PHMC, prior to granting preliminary or final plan approval.

ACTION 3-30 Ensure the applicant gets all necessary paperwork to the municipality in time for proper review prior to any approvals and/or conditional approvals.

ACTION 3-31 Monitor all subdivision and land development projects for projects which possess potential destruction or alteration of historic resource.

ACTION 3-32 Work with DEP and PHMC officials at the state level to improve the overall Act 537 review process and to rectify any shortfalls in the process.

Objective(s) addressed by Actions 3- 29 thru 3-32: 3-B, E.

## COMMUNITY OUTREACH

### LEGISLATIVE ACTION

Due to the large size of the Region and involvement of nine municipalities, the Region could play an effective role in advocacy for pending legislation and in assisting development and promotion of future legislation. The National Trust for Historic Preservation provides legislative tracking on their website: [http://www.nationaltrust.org/advocate\\_better\\_policies/index.asp](http://www.nationaltrust.org/advocate_better_policies/index.asp).

On the federal level, the following are prospective legislation as of October 2005:

Transportation & 4(f) Protections - H.R. 3 - To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Heritage Areas - S. 243 and H.R. 760 - To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

National Parks - H.R. 1124 - National Park Centennial Act.

Tax Credits - H.R. 3159 - To amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit'; H.R. 2681 - Affordable Housing Tax Credit Enhancement Act of 2005; H.R. 2488 - "Historic Rehabilitation Enhancement Act of 2005".

Transportation Enhancements - S. 95 - "Safe Highways and Infrastructure Protection Act".

Also, though not yet a bill, the Congressional Joint Committee on Taxation issued a January 2005 report recommending changes to the federal tax code that would largely reduce the federal tax incentive for charitable deductions for contributions of conservation and preservation easements, including historic façade easements.

At the State level, the following is current prospective legislation as of October 2005:

HB 27 - A bill to create a 20 percent state income tax credit for people who purchase and restore historic homes.

HB 26 - A bill to create a 20 percent tax credit on eligible redevelopment costs for commercial properties.

Recommendations for Legislative Action

ACTION 3-33 Play a strong role in advocating pending federal and state legislation which promotes historic resource protection, and in assisting development and promotion of future legislation.

Objective(s) addressed by Action 3- 33: 3-B.

#### CREATION OF HISTORIC DESIGN GUIDELINES

Design guidelines can help identify and provide insight and education about the visual and architectural aspects of historic resources in the Region. They can provide information and illustration about architectural styles, design features, and building character in the Region, which could serve to aid restoration or rehabilitation efforts. They can also help guide new development to be compatible with existing character and relate to the larger community and regional context. Guidelines for different areas in the Region could vary; for example, guidelines for villages may differ from more rural or open settings in the Region.

Specifically, design guidelines should take into account characteristics of existing structures and sites, development patterns, and regional context. Design guidelines can be general or specific, but should address topics such as:

- Architectural design, such as massing, proportion, scale, rhythm, and material
- Site design, such as the relationship of buildings to the street
- Streetscape features including walkways, street trees, and lighting
- Landscaping
- Signage

Design guidelines are generally voluntary, providing an educational resource. Guidelines may also be linked to incentives, such as financial assistance. Certain guidelines can be incorporated into regulations, such as setbacks in dimensional standards in zoning, parking in the SLDO design standards, or in a locally controlled historic district where building design is addressed. In the case of a historic district, historic design guidelines would be the general policy on which recommendations concerning the appropriateness of physical changes in historic districts are based, and some level of design guidelines are needed for a local historic district ordinance. *The Chester County Community Planning Handbook* provides more information on Historic Design Guides particularly as they specifically relate to local historic districts.

Recommendation for the Creation of Historic Design Guidelines

ACTION 3-34 Develop historic design guidelines in the Region which are appropriate for different types of areas in the Region (villages to more rural or open settings) and take into account characteristics of existing structures and sites, development patterns, and regional context.

Objective(s) addressed by Action 3- 34: 3-A and 3-D.

INTERNAL REGIONAL COMMUNICATION IMPROVEMENTS

Municipal entities, both within and between municipalities, need to continue to work together to provide increased communication with one another, clarification and further definition of their roles in relation to one another, and use unified methodology to promote historic resource protection within each municipality and throughout the Region. While all communities in the Region have some form of historic-related entity, that role differs between municipalities and needs further definition. As well, there is need for improved communication and implementation of the role of historic entities within the municipalities. These became evident while conducting phone surveys with historic representatives in the Region. The Region should strive to work together so that all municipal historic entities provide reasonably consistent function and similar levels of advice to their Boards of Supervisors, Planning Commissions, and communities.

Recommendation for Internal Regional Communication Improvements

ACTION 3-35 Strive for the various municipal entities both within and between municipalities to 1) provide Increased communication with one another; 2) provide clarification and further definition of their roles in relation to one another; and 3) promote historic resource protection in a unified fashion within each municipality and throughout the Region.

ACTION 3-36 Strive for all municipal historical commissions/entities to provide reasonably consistent function and levels of advice to their Boards of Supervisors, Planning Commissions, and communities, and implement Action 3-10.

Objective(s) addressed by Actions 3-35 and 3-36: All.

COMMUNITY EDUCATION AND PUBLIC INVOLVEMENT RECOMMENDATIONS

Historic preservation efforts should invite community involvement and participation through the Historical Commission, in addition to any historic-related subcommittees, taskforces, or advisory boards. Public involvement in historic preservation is very important because of the need to obtain philosophical, volunteer, and financial support from communities, and various constituencies and interest groups within communities in order to have a successful preservation program. There is often a need to emphasize and rouse civic pride to get citizens involved in preservation. Keeping the public as well as municipal officials informed and involved needs to be a regional priority. Information on preservation activities should be made widely available through newspapers, community newsletters, pamphlets, educational programs, speakers, special events, and in libraries, municipal buildings, and on websites. Public recognition should be given to successful preservation efforts in order to raise awareness, instill pride, and encourage others to be involved. Plaques can be displayed on historic structures and properties listed on the National Register of Historic Places in recognition of their significance. A National Park Service bulletin, *My Property is Important to America's Heritage*, is a good source of general preservation information for residents in the Region, and is available at <http://www.cr.nps.gov/NR/publications/bulletins/myproperty>.

Municipalities in the Region has taken part in a number of public education activities including summer village walking tours, a bus tour of historic resources in Wallace Township, and through providing assistance with National Register nominations, among other activities.

There are a variety of methods to invoke public involvement and community education:

- Continue to encourage and sponsor historic tours that focus on one or more areas, communities, or the entire Region.
- Add historic information on township websites or through township newsletters.
- Provide expertise for residents with reuse, preservation, renovations.
- Provide assistance with historic information and National Register eligibility and nominations.
- Continue to research and provide information to historic property owners about State and federal grants, tax incentives, and other historic resource protection programs and help with the application process, as possible.
- Consider holding workshops for residents to promote knowledge about preserving historic structures. Specifically, an important topic area would be educating property owners about the meaning of National Register status.
- Update school curriculum on local history to include preservation topics.
- Provide recognition to owners of historic properties (commercial and residential) that undertake construction, rehabilitation, or restoration projects sensitive to the historic character of the community or Region.
- Send an informational letter from the HC to new owners of historic properties.

Recommendation for Community Education and Public Involvement Recommendations

ACTION 3-37 Actively invite community involvement and participation in historic preservation efforts through the Historical Commission, in addition to other historic-related entities.

ACTION 3-38 Make information about historic preservation activities widely available to residents and other interested regional parties.

ACTION 3-39 Implement some of the variety of methods (provided in the list above) to invoke public involvement and support for historic preservation.

Objective(s) addressed by Actions 3-37 thru 3-39: 3-A, 3-D, and 3-F.

## BRICKS AND MORTAR

### PROMOTION OF RESOURCE RESTORATION

The most obvious solution for preservation of a historic resource is the physical restoration of the structure. This type of traditional preservation method has typically resulted in a beautifully restored structure that is used for some type of tourism or educational benefit, such as a house museum. Restoration, the pristine return of a property to its original state, or rehabilitation, returning a property to a state of utility which makes possible a contemporary use while preserving those portions of the site which contribute to its historical significance, both present alternatives to protect a building. A recent example of restoration in the Region was undertaken by the French and Pickering Creek Conservation Trust is the Coventry House, a restored historic building located in the historic district of Coventryville Village. One of the most notable preservation projects in the

Region is the protection of Springton Manor farmstead through use as an historic interpretative site as a County park.

The Transportation Enhancements Program under the Surface Transportation Program (part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) enacted August 10, 2005) includes the following (historic preservation related) categories eligible for funding, among others:

- Acquisition of scenic easements and scenic or historic sites (including historic battlefields);
- Scenic or historic highway programs (including the provision of tourist and welcome center facilities);
- Historic preservation (the historic resource must have a direct relationship to the transportation network, and must be National Register listed or eligible);
- Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals – the historic resource must be National Register listed or eligible);
- Archaeological planning and research; and
- Establishment of transportation museums.

There are stipulations with this program, the most critical and elemental ones being that the project must 1) relate to surface transportation, 2) address a transportation need, use, or benefit, and 3) must be a complete identifiable usable facility or activity. Funding is available for complete projects and for a phase of a multi-phase project. The program is intended for projects that provide more than routine construction and maintenance. An example for this funding could be the rehabilitation of a historic train station.

Under the Surface Transportation Program (STP), “Each State must set aside a portion of their STP funds (10 percent or the amount set aside in 2005, whichever is greater) for transportation enhancements activities.”

A new program through SAFETEA-LU is for the preservation of covered bridges under the Environmental Stewardship provisions of the Act. It is specifically entitled “National Historic Covered Bridge Preservation” and states that “Covered bridges eligible for listing on the National Register of Historic Places are eligible for rehabilitation, repair or preservation under this program. A total of \$40 million in discretionary funds is authorized through 2009.” More information on this program is available at <http://www.dot.state.pa.us>.

Recommendation for Promotion of Resource Restoration

ACTION 3-40 Continue to encourage the physical restoration of historic structures in the Region and work with property owners to provide general guidance and direction on where to find appropriate information about restoration and historic preservation.

Objective(s) addressed by Action 3- 40: 3-A, 3-B, and 3-D.

### ENCOURAGEMENT OF ADAPTIVE REUSE AND CONVERSION OF BUILDINGS

Adaptive reuse is the process of converting or altering a building to accommodate a viable new use other than for which the building was originally designed. Regulatory-wise, it can be encouraged through additional or enhanced uses in zoning. This technique supports economic development as well as historic preservation objectives by allowing the reuse of existing buildings and thus the maintenance of the building stock if properly implemented. Reuse can maintain a building's vitality, provides for economically viable new uses, creates tax revenue, and provides broader development opportunities while preserving buildings, maintaining community character, and providing links to the past. More information and examples of reuse in Chester County is available in the Chester County Planning Commission's *Community Planning Handbook*.

Adaptive reuse of historic buildings also contributes to economic health and revitalization in a community by generating a better use for a structure (which might otherwise lie vacant or be underutilized), thus providing infill, potential added tax revenue, and employment opportunities. In the long term, the Region could consider incentive programs to encourage such development, and could include information about and examples of reuse in community education or outreach.

Many municipal Historical Commissions in the Region actively work with applicants during the land development process in promoting reuse of historic buildings. Many reuses have occurred in the Region. One upcoming reuse is in Wallace Township where an historic mill will be redeveloped by a private party. Another example is in North Coventry where the Historical Commission worked with the new property owners/developers resulting in the renovation of an older house on the site in keeping the historic integrity to reuse for residential use. In East Coventry, a Feasibility Study was conducted for the Village of Fricks Locks on how to adaptively reuse the historic village and buildings within the village to bring back to vitality to what is now an abandoned village. This case presents an interesting situation as there are limits on the types of new uses as well as how this village can be reused as it falls within a Federally Regulated Zone due to its proximity to the Limerick Power Plant. West Vincent is working on developing ordinance language for reuse of historic structures on properties proposed for new development. This language will help to formalize the Township's EAC role where it has been successful in encouraging the preservation and reuse of historic resources threatened by new development. Also, the Jacob's barn is now used as a visitor's center and administrative offices at Crow's Nest Preserve which is open space managed by Natural Lands Trust.

Investment tax credits are a financial incentive to encourage such reuse. Specifics about such tax credits are discussed in Chapter 8. Certain adaptive reuse projects may be able to be partially funded through the Community Development Block Grant(CDBG) program. Additionally, the Transportation Enhancements Program, discussed above under Promotion of Resource Restoration, may provide funding for eligible historic preservation related projects. Depending on the project, an adaptive reuse may qualify for these funds, however certain stipulations apply. An example eligible for this funding could be the rehabilitation of an historic train station into a new use, so long as the new use is transportation related.

Recommendation for Encouragement of Adaptive Reuse and Conversion of Buildings

ACTION 3-41 Continue to encourage adaptive reuse of historic buildings through additional or enhanced uses and other provisions in zoning.

Objective(s) addressed by Action 3- 41: 3-A, 3-B, 3-C, and 3-D.

## CONCLUSION

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The Region recommends considering creating a regional Historical Commission or other like entity as discussed in Action 3-9 to serve as the regional representative to promote and undertake consistent historic resource protection measures throughout the Region. Municipalities, under the advise of the regional Historical Commission, could undertake consistent educational, outreach, advocacy and other non-regulatory measures as discussed in this Plan. Municipalities in the Region should develop and adopt consistent historic resource protection regulatory standards. By adopting consistent levels of protection, resources can effectively be protected on a regional basis. Historic resource protection standards have already been adopted by most municipalities in the Region, and these along with the minimum ordinance standards outlined in this Plan can provide the basis for consistent protection standards throughout the Region.

A complete list of historic resource recommended actions is located in *Chapter 1: Coordination and Implementation Plan*, while more detailed recommendations explaining those actions are found in this Plan. Numbers shown next to each Plan action correspond to those in the *Implementation Plan*.

### Photograph Sources

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