

# **Historic Overlay District Ordinance**

## **Chadds Ford Township, Delaware County, PA**

### **ARTICLE XVI: Historic District**

#### **§ 135-123. District boundaries.**

The boundaries of the historic overlay districts shall be as shown on the Chadds Ford Township Zoning Map, which is attached to and shall be a part of this chapter.<sup>17</sup> The district overlays the R-1 Residential and B Business districts north and south of Baltimore Pike (U.S. Route 1) from the Brandywine Creek to Harvey and Heyburn Roads; the floodplain districts in this area; and the R-1 Residential and PBC Planned Business Center districts in the Dilworthtown area along the northern part of Chadds Ford Township.

#### **§ 135-124. Legislative intent.**

The historic districts are intended to implement a program for historic site and historic resource protection which relates directly to:

- A. The Brandywine Battlefield Park certified and included in the National Register on January 20, 1964, and the Brandywine Battlefield Park National Historic Landmark certified and included in the National Register on November 24, 1978, by the U.S. Department of the Interior, National Park Service.
- B. The Chadds Ford Village Historic District certified and included in the National Register on November 23, 1971, by the U.S. Department of the Interior, National Park Service.
- C. The Dilworthtown Historic District certified and included in the National Register on January 18, 1973, by the U.S. Department of the Interior, National Park Service.
- D. Those buildings which are individually listed, or to be listed, in the National Register, which lie within the historic overlay district.

#### **§ 135-125. Applicability.**

This article applies to all exterior architectural features (buildings and structures) which can be seen from a public street or way within the boundaries of the historic overlay districts to the extent set forth herein.

#### **§ 135-126. Purpose.**

The Chadds Ford Township historic districts are created for the following purposes:

- A. To protect those certified historic structures and other historic resources in those portions of Chadds Ford Township which have a distinctive character which attest to its rich cultural, historical and architectural heritage, in particular in the Chadds Ford

National Register District, the Brandywine Battlefield Park National Historic Landmark, the Dilworthtown National Register District and in adjoining areas.

- B. To awaken, or reinforce, in our people an interest in our historic past.
- C. To promote the general welfare, education and culture of the Township.
- D. To advocate an interest in civic beauty through the encouragement of appropriate settings and continued construction of buildings in the historic styles and in general harmony with respect to style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.
- E. To promote educational, recreational and cultural activities within our municipality and to advance the principles, goals for community development and the recommendations embodied in the Comprehensive Plan.

**§ 135-127. General provisions.**

- A. The Chadds Ford Township historic districts shall be considered as an overlay to various districts as shown on the Chadds Ford Township Zoning Map.
- B. If any proposal for construction, alteration or other change in a historic district involves subdivision and/or land development approval by the Chadds Ford Township Board of Supervisors, all approvals therefore shall be obtained prior to application for building permits and HARB review and approval.
- C. No structure shall hereafter be used and no structure shall hereafter be erected, reconstructed, altered, restored, demolished or razed, in whole or in part, without full compliance with the terms of this chapter and other applicable regulations.
- D. The exterior architectural character of any structure shall not be altered until after an application for a building permit has been submitted to the HARB and recommended for a certificate of appropriateness by it.
- E. Evidence of the approval required above shall be a certificate of appropriateness issued by the Board of Supervisors. Such certificate shall be a statement signed by the Chairman of the Board of Supervisors, stating that the construction, demolition or changes in the exterior architectural appearance for which application has been made are approved.
- F. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described herein; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration, rehabilitation or demolition of any such elements which the Board of Supervisors shall certify as required for public safety.
- G. Any person requesting a permit under this article shall be entitled to a hearing on such request before the HARB according to the provisions of § 135-131.

- H. The HARB may determine that certain building changes which are minor in nature need not undergo the same levels of scrutiny as major building changes. Examples of minor changes might include such items as replacement of shutters; repainting; repointing of stone; reconstruction of a porch or steps or a roof; and like incidental work.

**§ 135-128. Duties of Code Enforcement Officer.**

- A. The Code Enforcement Officer (CEO) shall issue a permit for the erection, reconstruction, alteration, restoration, rehabilitation, demolition or removal of a building in the historic district only after the Board of Supervisors has issued a certificate of appropriateness. Upon receipt of a written disapproval by the Board of Supervisors, the CEO shall disapprove the application for a permit and so advise the applicant.
- B. Upon receipt of an application for a permit for work to be done in the historic districts, the CEO shall act in accordance with the procedures presently being followed in acting upon an application for a building permit, except as those procedures are necessarily modified by the following requirements:
  - (1) The CEO shall forward to the Chairman of the HARB a copy of the application for a permit, together with a copy of the plot plan, building plans and specifications, photographs and/or other documents and materials filed by the applicant.
  - (2) The CEO shall maintain in his/her office a record of all such applications, and of his/her handling and final disposition of the same, which shall be in addition to and appropriately cross-referenced to his/her other records.
  - (3) The CEO shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a permit to allow compliance with the foregoing.
- C. The CEO shall have the power to institute any proceedings at law, or in equity, necessary for the enforcement of this article in the same manner as in his/her enforcement of the other articles contained in this chapter, as enacted, and as may be amended from time to time.

**§ 135-129. Board of Historical and Architectural Review.**

- A. Establishment, composition, appointment and terms of members.
  - (1) The Board of Historical and Architectural Review, hereinafter also referred to as the "HARB," is hereby established to be composed of not less than five members, appointed by the Board of Supervisors, one of whom shall be a registered architect, one shall be a licensed real estate broker, one shall be a building inspector, one a member of the Planning Commission and the remaining member or members shall have a knowledge of and an interest in

the preservation of the historic district. A minimum of three members shall be Chadds Ford Township residents.

- (2) The position of any member of the HARB appointed in his/her capacity as a registered architect, a licensed real estate broker, a building inspector, or as a member of the Planning Commission who ceases to be so engaged shall be automatically considered vacant.
- (3) The initial terms of the members of the HARB shall be as follows: one member shall be appointed to serve until the first day of January following the effective date of this article; one member shall be appointed to serve until the first day of the second January thereafter; one member shall be appointed to serve until the first day of the third January thereafter; one member shall be appointed to serve until the first day of the fourth January thereafter; and one member shall be appointed to serve until the first day of the fifth January thereafter, and the Board of Supervisors shall appoint their successors on the expiration of their respective terms to serve for a period of five years. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Any member may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days' advance notice of the intent to take such a vote. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.
- (4) The HARB shall elect its own Chairman and Vice Chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The HARB may make and alter bylaws and rules and regulations to govern its procedures consistent with the ordinances of Chadds Ford Township and the laws of the Commonwealth of Pennsylvania.

**B. Duties and powers of the HARB.**

- (1) The HARB shall give counsel to the Board of Supervisors, to be executed at a public meeting of the latter, regarding the advisability of issuing a certificate of appropriateness pursuant to said act of June 13, 1961, as amended. For this purpose the HARB may make and alter rules and regulations for its own organization and procedures consistent with this chapter and the laws of the commonwealth.
- (2) A majority of the HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the HARB.
- (3) The members of the HARB shall serve without compensation but may be reimbursed for direct expenses. However, pursuant to appropriations authorized by the Board of Supervisors, it may employ secretarial assistance

and incur other expenses as may be necessary to the enforcement of this article.

- (4) The HARB shall make an annual report to the Board of Supervisors which should include but not be limited to an accounting of expenditures, justification for the appropriation of monies for the upcoming year, a record of actions taken by the HARB in the preceding year and any recommendations for any changes to this article.
- (5) The HARB shall hold a regularly scheduled monthly public meeting, provided that there is business to conduct, and shall record minutes and transmit them to the Board of Supervisors.
- (6) The HARB shall hold any additional public meetings and hearings as provided in § 135-131 necessary to execute its powers and duties as required by this article.

C. In addition to the above, upon specific authorization by the Board of Supervisors, the HARB may be empowered to have the following duties:

- (1) To conduct a survey of buildings for the purpose of determining those of historic and/or architectural significance, pertinent facts about them and any action to be undertaken in coordination with the Planning Commission and/or other appropriate groups; and to maintain and periodically revise the detailed listings of historic sites and buildings and data about them, appropriately classified with respect to national, state or local significance, to period or field of interest.
- (2) To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- (3) To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings, including proposals for the installation and care of such historic markers.
- (4) To formulate recommendations concerning the preparation and publication of maps, brochures, and descriptive material about the Township's historic and/or architectural sites and buildings.
- (5) To cooperate with and advise the Board of Supervisors, the Planning Commission or other Township agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).

- (6) To maintain a list and map of potential archaeological sites which shall remain confidential, until such time that the information is disclosed to an applicant for use in conjunction with proposed work on an affected site.
- (7) To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, the Pennsylvania Historical and Museum Commission, the Chadds Ford Historical Society and other agencies, public and private, from time to time, concerned with historic sites and buildings.
- (8) To advise owners of historic buildings on matters of preservation.

**§ 135-130. Required preapplication review procedures.**

- A. Prior to the preparation of working drawings and specifications or calling for proposals or bids from contractors, prospective property developers, owners or agents shall prepare preliminary scale drawings and outline specifications, including color samples for outside work, for review and informal discussion with the HARB. The purpose of this review shall be to acquaint the developer, owner or agent with standards of appropriateness of design that are required of his/her proposed development.
- B. The required preapplication review shall not require formal application but does require notice to be given to the CEO and subsequent notification of the Chairman of the HARB at least seven days before the date of the meeting at which the preliminary drawings are to be discussed. Five copies of all documents shall be submitted to the CEO who shall forward one copy to the Chairman of the HARB.
- C. In the case of very minor projects involving repair or alterations to existing buildings, the HARB, if the preliminary drawings and other data are sufficiently clear and explicit, may recommend approval at one review session. Should said data indicate alterations, remodeling, or repairs not changing the exterior appearance, the HARB may exempt the application from provisions of this article and recommend approval of a building permit.

**§ 135-131. Request for certificate of appropriateness.**

Procedures to be followed in acting upon a request for a certificate of appropriateness are as follows:

- A. Upon determination by the HARB that a complete application for a building permit for the erection, reconstruction, alteration, restoration, rehabilitation, demolition or razing of a building, or buildings, in the historic districts has been filed, the HARB shall review the permit application at its regularly scheduled public meeting or at a special hearing, to take place within 45 days of date of the filing of the complete application, to consider the counsel which it will give to the Board of Supervisors. The HARB may schedule additional hearings, as necessary, which shall take place within 30 days of each other, unless mutually agreed otherwise by the HARB and the

- applicant. The person applying for the permit shall be advised of the time and place of said hearing(s) and invited to appear to explain his/her reasons therefor. The HARB may invite such other persons or groups (including any who have formulated an opinion concerning the granting of a certificate of appropriateness), as it desires, to attend the hearing(s). Any requirements for proper advertisement and notification for public hearings, as required by law, shall be observed.
- B. Within 45 days of the occurrence of the final hearing upon an application for a permit for the erection, reconstruction, alteration, restoration, rehabilitation, demolition or razing of a building, or buildings, in the historic districts, the HARB shall recommend to the Board of Supervisors the approval or denial of the certificate of appropriateness.
  - C. In any case involving the demolition or partial demolition of a structure, before granting or denying approval, the HARB may call upon the Township Engineer to provide it with a report on the state of repair and stability of the structure under consideration.
  - D. In the case of approval for the issuance of a certificate of appropriateness, the HARB shall forthwith transmit a report to the Board of Supervisors stating the basis upon which such approval was made. If the HARB shall fail to transmit such report within 45 days after the occurrence of the final hearing concerning an application for permit, the application shall be deemed to be disapproved, except where mutual agreement has been made for an extension of the time limit.
  - E. In the case of disapproval for the issuance of a certificate of appropriateness, the HARB shall forthwith transmit to the Board of Supervisors a report stating the reasons therefore, and may provide verbal advice and illustrative drawing(s) to the applicant and make recommendations with regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved. If the applicant decides to make changes, he/she shall notify the HARB and the Board of Supervisors, in writing, within 30 days following the rendering of a decision by the latter as provided in § 135-135. A landowner or developer may appeal the denial of the issuance of a certificate of appropriateness in accordance with the appeals provisions of the Municipalities Planning Code.
  - F. If an applicant intends to refile a complete set of revised plans to remedy the defects which led to the disapproval, then the same forty-five-day review period and procedure as described above shall apply.

**§ 135-132. Materials to be submitted with application.**

- A. Drawings required for submission with an application for a building permit for erection, reconstruction, alteration, rehabilitation or restoration of a building. Every application for building permit for erection, reconstruction, alteration, rehabilitation or restoration of a building shall be accompanied by:

- (1) Five copies of all drawings for the proposed major alterations, additions or changes and for new construction of buildings or property use. Drawings shall include, but need not be limited to, plans and exterior elevations drawn to scale, with sufficient detail to show, as they relate to exterior appearances, the architectural design of the buildings including proposed materials, textures and colors, including samples of materials and colors.
  - (2) A plot or site plan drawn to a scale not smaller than one inch equals 50 feet showing adjoining property lines and adjacent roads from which the proposed activity may be viewed and all improvements affecting appearances such as walls, walks, terraces, landscaping, accessory buildings, parking, signs, lights and other elements.
  - (3) A location map drawn at a scale not smaller than one inch equals 2,000 feet indicating the general location of the site in relation to nearby roads and properties.
  - (4) Elevations of any buildings or other historic resources within 100 feet of any proposed work, drawn to scale.
- B. Photographs required with an application for the demolition of an existing structure. Every application for a permit to demolish an existing structure shall be accompanied by a set of legible black-and-white or color photographs (eight inches by 10 inches are preferred) showing all sides of the building under consideration and any interiors which relate its state of disrepair or substantiate the need for demolition and photographs showing the contiguous properties and the relationship of the building to them.
- C. Photographs required with an application for repair, alterations and/or additions to existing structures. Every application for repair, alterations and/or additions to existing structures shall be accompanied by a set of legible black-and-white or color photographs (eight inches by 10 inches are preferred) showing all sides of the structure, and photographs showing the adjacent properties and the relationship of the building to them.
- D. Photographs required with an application for new construction. Every application for new construction shall be accompanied by a set of legible black-and-white or color photographs (eight inches by 10 inches are preferred) showing the construction site and its relationship to the properties contiguous to it.
- E. All of the above-mentioned materials shall be filed with the CEO, who shall forward them to the Chairman of the HARB. The Chairman of the HARB shall determine if the application is complete and notify the applicant of the date of the HARB review meeting or hearing.
- F. In order to provide guidance and insight into desirable goals and objectives for the historic districts or for desirable types of development, and for the maintenance of consistent policies in guiding the building public toward better standards of design,



the HARB shall maintain a file containing records of all applications brought before the HARB, drawings submitted and amendments of drawings pertaining thereto and drawings and photographs or reproductions thereof showing structures which, in its opinion, may serve as general guides to appropriateness or as expressions of objectives to prospective developers or property owners. Such documents shall remain the property of Chadds Ford Township, but be held in the custody of the HARB.

**§ 135-133. Evaluation criteria for certificate of appropriateness.**

Evaluation criteria to be used in passing upon an application for a certificate of appropriateness are as follows:

- A. The HARB may recommend against the issuance of a certificate of appropriateness for the erection, reconstruction, alteration, rehabilitation, demolition, partial demolition or removal of any structure within the historic districts which, in the HARB's opinion, would be detrimental to the interests of the district and against the public interests of the Township.
- B. In determining the counsel to be presented to the Board of Supervisors concerning the issuing of a certificate of appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, rehabilitation, demolition or razing of all or a part of any building within the historic districts, the HARB shall consider the following matters:
  - (1) The effect of the proposed change upon the general historic and architectural nature of the district and all contributing resources.
  - (2) The appropriateness of exterior architectural features which can be seen from a public street or way only.
  - (3) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings, structures, or contributing resources in the district.
  - (4) Conformance to the provisions of §§ 135-136, 135-137 and 135-138, and other requirements of this chapter pertaining to use regulations, area bulk and height regulations, and structural standards.
- C. In addressing Subsection B(1) through (3), above, the HARB shall consider at least the following criteria in making its decision relative to the appropriateness of the proposed action:
  - (1) Proportion of building's facades.
  - (2) Proportion and location of openings within the building.
  - (3) Location and scale of entrances and/or porch projections.

- (4) Relationship to existing colors, textures and materials.
- (5) Consistency of architectural detailing.
- (6) Consistency in the appearance of roof lines and shapes.
- (7) Appropriateness and consistency of landscaping.
- (8) Overall scale.
- (9) Overall site planning and spatial definition produced by the location and placement of structures.
- (10) Relationship to existing building heights.
- (11) Relationship to the front, rear and side yard setbacks of existing buildings.
- (12) Other building and site criteria which will insure the appropriateness and consistency of the proposed action relative to the existing character within the registered historic districts.

D. The Board shall also consider the degree to which the proposed work complies with the Standards for Rehabilitation of the U.S. Department of the Interior in making a decision relative to the appropriateness of the proposal whenever rehabilitation work is proposed. The following standards shall be used:

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

E. The HARB shall also consider the Guidelines for Rehabilitating Historic Buildings of the U.S. Department of the Interior in making its decision relative to the appropriateness of the proposal.

F. The HARB shall also consider the need for conducting an archaeological investigation or excavation on any site with known or potential archaeological resources, and shall advise the applicant of required procedures.

G. Any architectural guidelines for construction in the historic district which are published by HARB to further the description of exterior architectural design criteria shall be approved by resolution of the Board of Supervisors.

#### **§ 135-134. Findings of the Board of Historical and Architectural Review.**

The HARB, according to the provisions of § 135-131B, or within 45 days of the receipt of any changes in the plans and specifications for the proposed action, according to § 135-131F, shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a certificate of appropriateness authorizing the issuance of a permit for the erection, reconstruction, alteration, restoration, rehabilitation, demolition, partial demolition or razing of all or part of any building within the historic districts. This counsel shall be submitted in the form of a written report which shall include but need not be limited to documentation of the following:

- A. The exact location of the area in which the work is to be done.
- B. The exterior changes to be made or the exterior changes of the structure to be erected.
- C. A list of the surrounding structures with their general exterior characteristics.
- D. The effect of the proposed change upon the general historic and architectural nature of the district.
- E. The appropriateness of exterior architectural features which can be seen from a public street or way only.
- F. The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.
- G. The opinion of the HARB (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district.
- H. The specific counsel of the Board as to the issuance of a certificate of appropriateness.

**§ 135-135. Actions by the Board of Supervisors.**

- A. Upon receipt of the written report from the HARB as provided in § 135-134, the Board of Supervisors shall consider at the next regularly scheduled or special meeting the question of issuing to the CEO a certificate of appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Township Secretary of the time and place of the meeting at which his/her application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the application.
- B. In determining whether or not to certify to the appropriateness of the proposed construction, alteration, reconstruction, repair, restoration, rehabilitation, demolition or razing of all or a part of any building within the historic districts, the Board of Supervisors shall consider the same factors as the HARB set forth in § 135-133 herein and its report (§ 135-134).
- C. If the Board of Supervisors approves the application within 45 days of its public meeting, it shall issue a certificate of appropriateness authorizing the CEO to issue a permit for the work covered.
- D. If the Board of Supervisors disapproves the application within 45 days of its public meeting, it shall do so in writing, and copies shall be given to the CEO, the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall set forth the reasons therefor, and shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical and architectural character of the district.

E. In either case, the Board of Supervisors shall notify the applicant within 10 days of its meeting at which the application was considered, unless mutually agreed otherwise.

F. When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the Code Enforcement Officer, who shall from time to time inspect the alteration or construction approved by such certificate and shall make a monthly report of such inspection to the HARB listing all work inspected and reporting any work not in accordance with such certificate or violating any ordinances of the Township.

### **§ 135-136. Permitted uses.**

A building may be erected, altered or used and a lot or premises may be used or occupied, subject to Article XV pertaining to floodplain regulations, and subject to the foregoing, for any of the following uses and for no others:

A. Historic district overlay to the R-1 Residence District.

(1) Permitted principal uses.

(a) Single-family detached dwellings.

(b) Agricultural uses.

(c) Recreational uses, and parks.

(d) Municipal uses.

(2) Permitted accessory uses.

(a) Accessory uses on the same lot and customarily incidental to any of the above permitted principal uses, except as set forth in Subsection A(3), below; and provided further that the sale of farm products shall not be permitted as an accessory use.

(b) Parking in accordance with Article XIX.

(3) Conditional uses (refer to § 135-164).

(a) Educational and religious uses, and related accessory uses.

(b) Cultural uses, including museums, galleries and related accessory uses.

(c) Signs in accordance with Article XVIII and § 135-139.

B. Historic district overlay to the B Business District.

(1) Permitted principal uses (refer to Article IX).

(a) Single-family detached dwellings.

- (b) Shops and stores for retail sale of goods.
  - (c) Offices.
  - (d) Banks.
  - (e) Personal retail service shops.
  - (f) General retail service or limited repair shops.
  - (g) Bakery, pastry, candy, confectionery or ice cream shops making goods for sale on the premises.
  - (h) Restaurants offering meals or refreshments to be served and consumed on the premises within an enclosed building.
  - (i) Craftsmen shops.
  - (j) Cultural facilities, such as art galleries, auditoriums, libraries and museums.
  - (k) Community centers, adult education centers or other similar nonprofit facilities.
  - (l) Schools of private, commercial or educational institutions offering instruction in dance, music, art, drama and the like.
  - (m) Bed-and-breakfast inns.
  - (n) Municipal uses.
- (2) Permitted accessory uses.
- (a) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, except as set forth in Subsection B(3), below.
  - (b) Parking in accordance with Article XIX, except that no parking shall be located in the front yard.
- (3) Conditional uses (refer to § 135-164).
- (a) Signs in accordance with Article XVIII and § 135-139.
  - (b) Clubs or lodges.
  - (c) Commercial recreation facilities for fitness, racquetball, squash, swimming and like activities.
  - (d) Educational, philanthropic or religious uses.

C. Historic district overlay to the PBC Planned Business Center District.

(1) Permitted principal uses.

- (a) A planned shopping center.
- (b) Offices.
- (c) Business, trade, public or private schools.
- (d) Indoor and outdoor commercial recreation facilities.

(2) Permitted accessory uses.

- (a) Accessory uses on the same lot with and customarily incidental to the above permitted principal uses, except as set forth in Subsection C(3), below.
- (b) Parking in accordance with Article XIX, except that no parking shall be located in the front yard.

(3) Conditional uses (refer to § 135-164).

- (a) Signs in accordance with Article XVIII and § 135-139.

**§ 135-137. Area, bulk and height regulations.**

The applicable area, bulk and height regulations of the underlying R-1, B and PBC districts shall apply.

**§ 135-138. Structural standards.**

A. All buildings and structures shall be preserved against decay and deterioration and maintained free from structural defects by the owner(s), or such other person(s) who may have the legal custody and control thereof. The said owner, or other person having legal custody and control thereof, shall repair and thereafter maintain said building in a manner consistent with the building code, sanitary code and other pertinent regulations of Chadds Ford Township and the County of Delaware. The provisions of this chapter shall not be construed to:

- (1) Require the issuance of a certificate of appropriateness prior to undertaking routine maintenance unless such maintenance includes erection, reconstruction, alteration, restoration, rehabilitation, demolition or razing all or part of a structure.
- (2) Require a level (or degree) of maintenance greater than that required under provisions of other pertinent Township regulations.
- (3) Require any action by the owner (other than preservation against decay, deterioration, repair and routine maintenance as stipulated in this section) to

comply with the intent of this chapter before said owner voluntarily chooses to erect, reconstruct, alter, restore, rehabilitate, demolish or raze all or part of a building. It is, however, anticipated that property owners will be stimulated by this chapter to undertake the desired erection, reconstruction, alteration, restoration, rehabilitation, demolition or razing as promptly as consistent with their abilities to do so.

- B. The Board on its own initiative may file a petition with the Code Enforcement Officer requesting that he/she proceed under the building code of the Township to require correction of defects or repairs to any structure within the district so that such structure shall be preserved and protected in consonance with the purpose of this article and the public safety.

**§ 135-139. Special design and development regulations.**

- A. Landscaping. All landscaping shall be in accordance with § 135-161 of this chapter, and the following:

- (1) A twenty-five-foot landscaped area shall be created along the frontage of all properties in the historic overlay districts.
- (2) A three- to five-foot-high berm may be required by the HARB to be placed along the property line to help conceal any new buildings proposed in an underlying zoning district.
- (3) Internal parking areas shall be screened from historic buildings in accordance with § 135-158.

- B. Environmental controls. All applicable regulations of § 135-162 of this chapter shall apply.

- C. Outdoor storage and display. All regulations of §§ 135-48 and 135-63 of the B and PBC districts shall apply.

- D. Signs. No permit for any sign to be located within 100 feet of the exterior walls of any building in the historic district shall be issued prior to the review and recommendations of the HARB. Signs shall be crafted to be attractive and of the highest graphic quality in keeping with the character of the historic district, and shall be approved by the HARB.

- E. Lighting. All lighting shall be in accordance with §§ 135-48N and 135-63N and the following:

- (1) All lighting shall be arranged to prevent off-site glare; shall not illuminate areas beyond the property line on which it is located; and shall not be visible beyond the boundaries of the property in order to minimize disturbance to motorists, pedestrians and uses.



- (2) Light standards and fixtures shall be in keeping with the character of the historic district, and shall be approved by the HARB.