

§ 200-51.1 **Historic structures protection requirements.**

The purpose of this Section is to protect the historic structures of the Township by promoting preservation and, in the cases where preservation is not possible or practicable, providing provisions for the demolition, removal, or relocation of such structures. These regulations apply to all zoning districts and all uses in the Township.

A. Historical record. The owner of a historic structure, when applying for any permit or approval, shall prepare and provide the Township with a historical record meeting the requirements of this Section for any site or property that is proposed to be subdivided or developed. Any historical features (e.g., buildings, cemeteries, etc.) or existing conditions that were built before 1939 or are 100 years old or older and are proposed to be removed or altered shall be documented by the historical record. The historical record shall include photographs of the feature(s), a record of the current and previous ownership of the property, and other means as necessary to document historical and cultural value. Any proposed action involving a historic cemetery shall comply with all relevant Pennsylvania laws and/or regulations, including but not limited to Act 22 of 1994, also known as the "Historic Burial Places Preservation Act," 9 P.S. § 211 et seq. Prior to any proposed demolition, consideration should be given to the potential for adaptive reuse of the historical feature. Applicants are encouraged to meet jointly with Township staff and any relevant Township Boards or Commissions (including but not limited to the Historical Commission and the Historical Architecture Review Board ("HARB")) to discuss available opportunities. If demolition is deemed necessary, consideration should be given to the salvage of reusable building materials.

B. Demolition, removal or relocation of historic structures.

- (1) Purposes. This Section implements Sections 603(b), 603(g), 604(1) and 605 of the Pennsylvania Municipalities Planning Code, which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value. It is the further purpose of this Section to encourage the continued use of historic properties and to facilitate their appropriate rehabilitation and adaptive reuse.
- (2) Demolition, removal or relocation. The following shall apply to all historic structures.
 - (a) General requirement. All historic structures shall not be demolished in part or in whole or be removed or relocated without first obtaining conditional use approval for the demolition and, if conditional use approval is granted, obtaining a Township demolition permit. A

partial demolition shall include, but not be limited to, removal of an attached porch roof, removal of porch columns, and removal of architectural features.

[1] If Township conditional use approval is granted, the demolition permit application shall be submitted to the Township and reviewed by the Township Building Code Official (“BCO”). The BCO shall, within but not later than 30 days upon receipt of application, review the permit applications and plans, as required, to determine if the permit can be issued, or whether any other or additional zoning relief is required for the proposed demolition or any other reconstruction or repair. If zoning relief is required as determined by the BCO, the owner shall submit and apply for zoning relief, by submission of the required application and other necessary documents, within 30 days of notice from the BCO of the need for zoning relief. In the interim, during the pendency of the zoning application, the property owner shall secure a demolition permit, if required, at the time of said application. Demolition shall be commenced on issuance of the demolition permit and the site shall be cleared of all debris within 30 days.

[2] Upon receipt of the demolition permit application, the BCO shall immediately notify the Historical Commission and provide it with all demolition permit application materials. Within fourteen (14) days of notification, the Historical Commission shall provide the BCO with an assessment of the effect of the demolition on the historic value of the surrounding neighboring structures, the surrounding neighborhood, and the remaining historical structures of the township. To the extent practicable, the BCO will take the Historical Commission’s assessment into consideration when reviewing the demolition permit application materials and making his/her determination.

(b) Exceptions. Conditional use approval shall not be needed for the following:

[1] Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the historic structure and that are not visible from a public street (not including an alley).

- [2] Removal of features that were added less than 50 years previously, such as a modern porch or aluminum siding or carport.
- (c) Application procedures. In addition to meeting the conditional use application requirements in Article XXII (“Conditional Uses”) of Zoning Ordinance, a conditional use application under this Section shall include the following:
- [1] A site plan drawn to scale, showing the specific location of the historic structure proposed to be demolished, removed or relocated and its relationship to adjacent property lines and all other buildings, structures and improvements (such as sidewalks, driveways, parking areas, landscape beds, mature trees) and the general topography of the property. In addition to the location of the historic structure(s) to be demolished, removed or relocated, the site plan shall include a separate sheet showing the proposed future use of the lot, including any proposed buildings and a scaled elevation/facade drawing of the proposed use/structure.
 - [2] An explanation of why the historic structure is being considered for demolition, removal or relocation.
 - [3] Proposed use for the property or portion thereof from which the historic structure will be demolished, removed or relocated and a timeline for the implementation of the proposed use (including other local, county, state and federal approvals).
 - [4] Documentation including but not limited to (images and architectural plans must be provided in JPEG and PDF file format):
 - [a] Architectural drawings consisting of floor plans and elevations.
 - [b] Photographs of the building exterior depicting all elevations from a straight-on view, and up-close images of character-defining exterior features such as windows, doors, trim work, masonry, vernacular carpentry details, etc.
 - [c] Drone views of the property clearly depicting the relationship of the building to the site or property and other outbuildings, if there are any on the site or property.
 - [d] Photographs of all building interiors clearly depicting every room, and up-close images of

character-defining interior architectural features such as mantles and fireplaces, paymaster drawers and built-in casework, winding and box stairs, railings and banisters, floorboards and floor tiles, plaster ornament, light fixtures, baseboards, paneling, crown molding, doors and door trim, windows and window trim, wallpaper and/or historic paint details, etc.

[e] Recording of the dismantling that captures the method of construction.

[5] If the applicant is seeking approval for demolition of the historic structure based upon the condition of the historic structure, a report on the structural integrity prepared by a structural engineer.

[6] Report outlining how the applicant will prioritize the reuse of components from the historic structure, ensuring these materials are preserved and reintegrated into historic preservation projects, with recycling as a secondary consideration if reuse is not feasible.

(d) Requirements for conditional use. In addition to demonstrating compliance with Article XXII, the applicant shall meet all of the following requirements:

[1] A historic structure shall not be demolished, in whole or in part, or removed or relocated unless the applicant proves by credible evidence to the satisfaction of the Board of Supervisors that one or more of the following conditions exists:

[a] The historic structure cannot feasibly and reasonably be reused, for a use allowed by Chapter 200 ("Zoning"), and that such situation is not the result of intentional neglect or demolition by neglect by the owner. The potential for reuse shall consider sale to another party.

[b] The denial of the demolition, removal or relocation would result in unreasonable economic hardship to the owner considering the property on which the historic structure is located as a whole, based upon credible evidence, and the hardship was not self-created.

[c] The demolition, removal or relocation is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly

outweigh the loss of historic structure, and the project needs to occur at this location. For example, a demolition, removal or relocation may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard.

[2] An applicant is only required to meet one of the conditions provided in Section 200-51.1.B.(2)(d)[1]. However, the applicant shall also describe how other conditions in Section 200-51.1.B.(2)(d)[1] apply or do not apply.

[3] The applicant shall present evidence to enable the Board of Supervisors to review all of the following:

[a] The feasibility of other alternatives to demolition, removal or relocation.

[b] The applicant shall provide sufficient credible evidence to justify any claims that the historic structure cannot feasibly be repaired or reused on the property and that any conditions alleged to justify the proposed demolition, removal or relocation have been not self-created by the applicant.(e) Conditions. Applicants whose applications for demolition, removal, or relocation of a historic structure are approved shall be subject to conditions that include, in addition to any other appropriate conditions, the following:

[1] If the application for approval of the demolition, removal or relocation of a historic structure is being requested to facilitate future development of the property, the demolition permit shall not be issued until the applicant has obtained approval of any associated subdivision and/or land development plan and any necessary Zoning Hearing Board approvals for such proposed development and has recorded the subdivision and/or land development plan.

[2] The historic structure shall be dismantled and recycled to the greatest extent possible, and the applicant shall provide proof of such recycling.

(f) Historical Commission and/or HARB input. When considering a conditional use application submitted under this Section, the Board of Supervisors shall request an advisory opinion from the Historical Commission; the Historical Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Board of Supervisors on the application. The Historical Commission and/or HARB will provide the Board of Supervisors with information

regarding the effect of the demolition, removal or relocation on the historical significance, streetscape and architectural integrity of neighboring historic structures and on the historic character of the surrounding neighborhood. (with input including historical narrative, effect of demolition on historic value of surrounding neighborhood, etc.)

- (3) Demolition by neglect. "Demolition by neglect" is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation set forth in Chapter 153 ("Property Maintenance") or produces a detrimental effect on the historic integrity of building or structure.
- (a) Code violations: If the Code Enforcement Officer has notified a property owner of a historic structure of conditions that could lead to structural weakness, decay or deterioration in the historic structure and the property owner fails to correct the condition(s) in the time specified, there is also a violation of Chapter 153.
 - (b) The owner of an unoccupied historic structure that has been sent a notice of violation of Chapter 153 shall develop a written maintenance program for the protection such unoccupied historic structure. Said maintenance program shall be established in accordance with Chapter 153. A copy of the maintenance program shall be filed with the Zoning Officer and the Code Enforcement Officer and implementation begun in accordance with an established timetable. The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the historic structure. Structural features requiring stabilization include, but are not limited to, roofs, chimneys, cornices, soffit, fascia, spouting, columns, beams, posts, and window and door sills, lintels and jambs.

C. Property Maintenance. The owner of a historic structure, whether occupied or unoccupied, shall be held to the property maintenance standards as stated in Chapter 153. Owners who fail to adequately maintain their property as required by Chapter 153 will be cited or held in violation as required by that Chapter.

D. Enforcement. Violations of the provisions of this Section shall be enforced in accordance with Article XXV ("Remedies; Violations and Penalties") of this Ordinance. Failure to provide or implement the maintenance program, if so required by the Code

Enforcement Officer under Section 200-51.1.B.(3), shall also be enforced in accordance with Article XXV of this Ordinance.

E. Conflict with other law. In the event of a conflict between the requirements of this Section and federal requirements applicable to demolition of buildings, structures or land owned by or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.), or successor statute, and the regulations promulgated thereunder, the Federal requirements shall prevail.

ZONING

200 Attachment 5

APPENDIX D Designation Process for the Township Historic Building Inventory

The following process describes how a property is determined historically significant and placed on the Township Historic Building Inventory, and thus subject to the demolition requirements specified in Section 200-51.1 (“Historic structures protection requirements.”) of the Lower Makefield Township Zoning Ordinance:

1. The Lower Makefield Township Historical Commission (“Historical Commission”) prepares a list of structures located in the Lower Makefield Township (“Township”), excluding the Edgewood Village Historic District, with potential historic significance to the Township. Consideration for a structure on this list may come from the Historical Commission, the Historical Architectural Review Board (“HARB”), or an individual property owner.
2. A brief historical narrative of each considered property shall be created by the Historical Commission that justifies a property’s historical significance based on the following:
 - a. Association with significant events - the structure is associated with events that made a significant contribution to broad patterns of history at the local, state or national level.
 - b. Association with significant persons - the structure is associated with the lives of persons significant in the past.
 - c. Architectural or artistic significance - the structure embodies distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values (e.g. structures that are excellent examples of a particular style or era).
 - d. Potential to yield information - The structure has yielded or is likely to yield, information important to prehistory or history.
3. At a regularly scheduled, publicly advertised meeting of the Historical Commission, the Commission will review and verify the historic significance and integrity of the structure through the presence of physical characteristics that allow it to convey its historical significance. The Commission will make a recommendation to the Board of Supervisors for properties to be included on the Township Historic Building Inventory within thirty (30) calendar days of the Commission’s meeting.

4. At a regularly scheduled, publicly advertised meeting of the Board of Supervisors, held within thirty (30) calendar days of receipt of the Historical Commission's recommendations for buildings (or structures) to be included in the Township Historic Building Inventory, the Board of Supervisors will review the Historical Commission's recommendations. The Board of Supervisor will approve any additions to the Township Historic Building Inventory within thirty (30) calendar days of this meeting.
5. All justified and verified structures are compiled in a Township Historic Building Inventory. Additions, deletions and changes to properties on inventory are approved by the Board of Supervisors following the same process outlined for inclusion in the list.
6. If the Board of Supervisors approves a building or structure for inclusion on the Township Historic Building Inventory, the property owner of the building or structure will be notified of the inclusion by mail. The Board of Supervisors will mail notification within seven (7) business days of the date of the approval for addition to the Township Historic Building Inventory. If the notification is not returned by the postal authorities within five (5) days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the property owner on the fifth day following its deposit in the U.S. mail.
 - a. If the individual property owner petitioned the Historical Commission for the building or structure's inclusion, notification will be mailed to the address preferred by the applicant. If the building or structure was selected by the Historical Commission or HARB, notification will be mailed to the property owner and mailing address as identified by the Bucks County Board of Assessment.
 - b. Mailed notification will include, at minimum:
 - i. The address and/or parcel identification number for the location of the building or structure added to the Township Historic Building Inventory;
 - ii. notification that the property is subject to the demolition ordinance;
 - iii. the nominating board, commission, or person who suggested that the building or structure be added to the Township Historic Building Inventory;
 - iv. any historical narrative or description provided to the Board of Supervisors by the Historical Commission;
 - v. notification that the historic designation must be disclosed upon listing the property for sale; and
 - vi. the final determination made by the Board of Supervisors, including the date the determination was made.
7. Any property owner affected by a building or structure's addition to the Township Historic Building Inventory shall have the right to appeal the determination to the Board of Supervisors. A written application for appeal shall be made to the Township within sixty (60) days of the date of the written notification. A written

application for appeal may be made when the property owner disputes the building or structure's addition to the Township Historic Building Inventory.

- a. The property owner appealing shall be entitled to a hearing before the Board of Supervisors within thirty (30) days of receipt of the appeal. The hearing shall be conducted in accordance with the provisions of the Pennsylvania Local Agency Law, 2 Pa. C.S.A §§ 101 *et seq.* The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal. The Township shall thereafter affirm, modify or reverse the aforesaid decision.
- b. A decision shall be rendered in writing by the Township within 45 days of the date of the appeal hearing. If a decision is not rendered within 45 days, the relief sought by the appellant shall be deemed granted.
- c. Any person aggrieved by a decision of the Board of Supervisors may appeal to the Court of Common Pleas of Bucks County within thirty (30) days after such written decision from the Board of Supervisors.