

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", CHAPTER 182, ZONING, ARTICLE XIII, BY REVISING STANDARDS FOR THE PRESERVATION OF HISTORIC RESOURCES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is enacted and ordained by the authority of the same:

**SECTION 1. Text Amendments**

Chapter 182, Articles 1301 through 1308 of the General Laws of the Township of Haverford (hereafter "the General Laws") are hereby repealed in its entirety and the following inserted in lieu thereof:

**1301. PURPOSES**

It is the purpose of the Article:

- A. To protect those historic resources within Haverford Township that have a distinctive character recalling the architectural, residential, commercial, aesthetic and historical heritage of the Township, of Delaware County and of the Commonwealth of Pennsylvania. The preservation and protection of historic resources are public necessities and promote the health, safety and welfare of the citizens of the Township of Haverford.
- B. To promote the general welfare by protecting the integrity of the historic resources of Haverford Township.
- C. To establish a clear process by which proposed changes affecting historic resources are reviewed by the Haverford Township Historical Commission (the Historical Commission), the Haverford Township Board of Commissioners (the Board of Commissioners) and the Haverford Township Zoning Officer (the Zoning Officer).
- D. To mitigate the impact of development or change on historic resources.
- E. To encourage the continued use of historic resources and facilitate their appropriate reuse.
- F. To discourage the unnecessary demolition of historical resources.
- G. To encourage the preservation of historic settings, landscapes and other similar features.

H. To tailor protective measures to preserve historic resources of the Township of Haverford.

I. To implement the goals of the Pennsylvania Constitution at Article I, Section 27, which establishes the Commonwealth's policy of encouraging the protection of historic and aesthetic resources.

**1302. DEFINITIONS**

A. Addition – An extension or increase in the footprint, floor area, or height or other dimension of a Historic Resource on a lot.

B. Construction – The erection or installation of a new building, structure, or object, modification or improvement.

C. Demolition or Demolish – The removal or destruction of all or significant part of a Historic Resource, such that the historic or structural integrity of the Historic Resource is threatened, reduced or lost. Demolition includes, but is not limited to, removal or relocation of the Historic Resource from its current location, destruction of a façade or exterior wall surface, removal or replacement or alteration of a significant element of the Historic Resource or its setting, or loss of historic material due to fire, flood, or other disaster. Examples of Demolition include, but are not limited to:

1) Moving the Historic Resource to another location.

2) Removal of any portion of any structural element such as a roof or exterior wall, or of any significant building elements such as cornices, doors, windows, doorways, porches, or chimneys.

3) Covering of any portion of any roof or exterior wall, or of any significant exterior building elements.

4) Removing all or part of a Historic Resource that has been damaged by a fire.

5) Modifying or otherwise altering the character or appearance of a historical setting or landscape.

D. Demolition by Neglect – The absence of routine maintenance and repair that can lead to a Historic Resource's structural weakness, decay, and deterioration resulting in its Demolition.

E. Historical Commission – The Haverford Township Historical Commission established under Section 1305.

F. Historic Resource – Any buildings, sites, structures, fixtures, monuments, landscapes or objects qualifying as a Historic Resource under Section 1304.

**G. Historic Resource Impact Study – A study prepared by a qualified professional in historic preservation, historical architecture or related disciplines, providing the following information:**

- 1) General site description with topography, watercourses, landscaping and vegetation, and all improvements;**
- 2) description of historic resources located on the subject property and on all tracts within 100 feet of the subject property;**
- 3) photographic depiction of each historic resource sufficient for the Historical Commission;**
- 4) description of the historical development and a statement of the historic significance of the historic resource; and**
- 5) description of the proposed project, including phased sequence, and the impact of such project on the identified historic resource(s), including vibration, noise, light, dust and related impacts.**

**H. Historic Resource Map – The official map, maintained by the Historical Commission, which identifies the location of Historic Resources within Haverford Township, included and a part of the Historic Resource Survey.**

**I. Historic Resource Survey – The official Township listing, maintained by the Historical Commission, which Historic Resources are identified by location and description. The Historic Resources Survey shall include the 1994 Township Survey, the Historic Resources Map, and with all amendments, additions, deletions and updates made from time to time by the Board of Commissioners upon recommendation by the Historical Commission.**

**J. 1994 Township Survey – the Delaware County Historic Resources Survey for Haverford Township as prepared by the Delaware County Planning Department in 1994 and incorporated in the Comprehensive Plan of Haverford Township, Delaware County, Pennsylvania.**

**K. Property Maintenance Code - "International Property Maintenance Code."**

**1303. GENERAL PROVISIONS**

**A. Compliance. Any change to a Historic Resource shall occur only in full compliance with the terms of this article and other applicable regulations.**

**B. Historic Resources Overlay. The Historic Resource Survey shall be deemed an overlay on any zoning districts now or hereafter enacted to regulate the use of land in Haverford Township. The Township Engineer shall revise the official zoning map to indicate the properties shown on the Historic Resource**

Survey that are included within the overlay district following adoption of this amendment.

1) For any property shown on the Historic Resource Survey, the requirements and opportunities contained in this Article shall supersede requirements of the underlying zoning districts that may be in conflict with this Article.

2) Should the Historic Resources Overlay be determined not to be applicable as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this article.

C. Preservation of other restrictions. It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.

**1304. HISTORIC RESOURCE SURVEY**

A. Qualifications. The Historic Resource Survey shall include:

1) those Historic Resources identified in the 1994 Township Survey;

2) Historic Resources individually listed on the National Register of Historic Places;

3) contributing Historic Resources in a National Register district, *i.e.*, buildings, sites, structures, fixtures, monuments, and objects filed as such with the National Register of Historic Places;

4) buildings, sites, structures, fixtures, monuments, objects and districts which have received a Determination of Eligibility (DOE) for the National Register of Historic Places from the Pennsylvania Historical and Museum Commission; and

5) Historic Resources determined by the Board of Commissioners, upon recommendation and documentation of the Historical Commission, to be of historical, cultural, aesthetic or architectural significance to Haverford Township and included on the Historic Resource Survey.

B. Nominations for Revisions to Historic Resource Survey. A potential Historic Resource may be nominated for inclusion in the Historic Resource Survey, and revisions to the Historic Resource Survey may be proposed to the Historical Commission for review, in either case, by any person or entity that has

a legal or equitable interest in the property, any resident of the Township, any governmental body or commission or any community or civic association.

C. **Criteria For Evaluating Nominations.** In determining its recommendation to the Board of Commissioners in respect of nominations to the Historic Resource Survey, the Historical Commission shall consider one or more of the following published sources of criteria:

- 1) the "*National Register Criteria for Evaluation*" adopted from time to time by the National Register for Historical Places;
- 2) the "*National Historic Landmarks Criteria for Evaluation*" adopted from time to time by the National Register for Historical Places; and
- 3) the "*Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*" adopted from time to time by the Secretary of the Interior.

The Historical Commission shall provide a written recommendation to the Board of Commissioners which shall include the source(s) and criteria specified in clauses 1), 2) and/or 3) (whichever are applicable) the Historical Commission found to exist in respect to the nominated Historic Resource.

D. **Revisions.** The Historic Resource Survey may be revised from time to time by a duly approved ordinance of the Board of Commissioners in order to effect additions, modifications, deletions or Historic Resources, or the creation of or changes to classification(s) of Historic Resources.

- 1) In considering any such revision to the Historic Resource Survey, the Board of Commissioners shall receive a written recommendation from the Historical Commission.
- 2) The owner of any property subject to a proposed revision of the Historic Resource Survey, the owners of all tracts within 100 feet of the subject Historic Resource, and any other resident of the Township, governmental entity and community or civic organization who has requested such notice shall be given written notice at least ten (10) days prior to both (a) the time and place at which the Historical Commission will consider such proposed revision to the Historic Resource Survey, (b) and the time and place of the public hearing at which the Board of Commissioners will consider the approval of such proposed revision and the amendment of the Historic Resource Survey.

HAVERFORD TOWNSHIP HISTORICAL COMMISSION

A. **Establishment and Membership.** There shall be a Historical Commission which shall consist of seven (7) members who shall be appointed by the Board of Commissioners. The membership of the Historical Commission shall include individuals who are residents of the Township and have documented knowledge and/or expertise in history, archeology, architecture, or historic preservation. Whenever practicable, the Board of Commissioners shall seek to have at least one licensed architect on the Historical Commission. At least one member shall be a member of the Planning Commission. Each Historical Commission member shall serve for a term of four (4) years which shall be so fixed that no more than two (2) terms shall expire each year. Initially, two members shall be appointed for four years, two members shall be appointed for three years, two members shall be appointed for two years and one member shall be appointed to a one-year term. The Historical Commission shall notify the Board of Commissioners of any vacancies in the Historical Commission and the Board of Commissioners shall act within 90 days to fill those vacancies. Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term. Members shall serve without pay, but shall be reimbursed for any personal expenditure in the conduct of Historical Commission business when authorized by the Board of Commissioners.

B. **Organization.** The Historical Commission shall annually elect from its own membership a Chairperson who will direct the activities of the Historical Commission and such other officers as may be required for the conduct of its business. A quorum shall be not less than a majority of the current membership. The Historical Commission may make, alter, and rescind rules and forms for its procedures consistent with the Ordinances of the Township and laws and regulations of the Commonwealth. The Historical Commission shall conduct business at regular public meetings. The Historical Commission shall keep full public records of its business and shall submit a report of its activities to the Board of Commissioners upon request.

C. **Expenditures for Services.** Within the limits of funds appropriated by the Board of Commissioners, the Historical Commission may employ staff or contract for clerical, consulting, or other technical services including those provided by a registered architect, licensed realtor, or building inspector as may be required to perform its duties.

D. **Functions and Duties.** In accordance with the purposes of this Article, the Historical Commission shall have the following functions and duties.

- 1) Maintain and update the Historic Resource Survey and inventory of Historic Resources, in accordance with the Pennsylvania Historical and Museum Commission's "Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys";

- 2) conduct research on and nominate potential Historic Resources for inclusion in the Historic Resource Survey and, as appropriate, the National Register of Historic Places and any other relevant lists or programs, as appropriate;
- 3) advise the Township Zoning Officer and Board of Commissioners on the issuance of Demolition permits for Historic Resources, as set forth in Section 1306;
- 4) review and comment on subdivision or land development applications which affect Historic Resources, in accordance with the requirements and procedures of the Haverford Township Subdivision and Land Development Ordinance;
- 5) make recommendations to the Board of Commissioners concerning revisions, updates, or corrections to the Historic Resource Survey;
- 6) advise the Zoning Hearing Board, Board of Commissioners, and Planning Commission on all applications for subdivisions, land development, zoning and other approvals affecting Historic Resources;
- 7) review and advise the Township Zoning Officer and Board of Commissioners on permit applications for alterations to, additions to or Construction adjacent to Historic Resources and subdivision and land development applications for properties whose boundaries are within 100 feet of a Historic Resource, which recommendations may be guided by the *"Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings"* and guidance provided by the Pennsylvania Historical and Museum Commission; and
- 8) perform any other lawful activities which shall be deemed necessary to further the purposes of this Article.

1306.

DEMOLITION OF HISTORIC RESOURCES

- A. Demolition by Neglect. No Historic Resources shall be Demolished by neglect. Demolition by neglect includes leaving a Historic Resource open or vulnerable to vandalism or decay by the elements. Unoccupied structures should be tightly sealed and fenced off in as attractive a manner as practicable, and the utilities should be turned off for safety.
- B. Permit for Demolition. No Historic Resources shall be Demolished, in whole or in part, including the indiscriminate removal or stripping of any significant architectural features, unless a permit is obtained from the Board of Commissioners in accordance with the procedures and requirements of this

Section 1306 and other applicable standards and procedures of the Township Building and Fire Codes.

C. **Proposed Demolition of Historic Resources.** All applications for Demolition will be reviewed by the Township Zoning Officer who will determine if the application concerns a Historic Resource. If the application concerns a Historic Resource, the applicant will be advised that he or she must comply with the following procedures and requirements, as applicable.

D. **Application Requirements for Historic Resources.** In addition to applicable requirements under the Township Building and Fire Codes, any applicant seeking a permit to Demolish a Historic Resource shall provide the following with regard to that Historic Resource:

- 1) the owner of record and address of the property;
- 2) a brief history of the Historic Resource;
- 3) a site plan showing all buildings and structures on the property;
- 4) recent exterior 4"x6" color photographs of the Historic Resource proposed for Demolition, removal, or relocation;
- 5) the reason for the Demolition;
- 6) the method of Demolition;
- 7) a report from a registered professional structural engineer describing the structural condition of the Historic Resource proposed to be Demolished, removed, or relocated;
- 8) a report from a code enforcement officer indicating the Historic Resource's compliance with the Property Maintenance Code;
- 9) documentation of all efforts to sell the Historic Resource in the preceding three years;
- 10) the proposed disposition of materials;
- 11) the timeline for implementation of proposed use for the Historic Resource;
- 12) the date of purchase, purchase price and ownership history of the Historic Resource;
- 13) the assessed value of the land and improvements thereon;
- 14) a certified appraisal from a licensed appraiser;

15) for depreciable properties, a pro forma financial statement prepared by a certified public accountant or broker of record;

16) the form of ownership or operation of the Historic Resource, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other;

17) future uses of the site and of the materials from the Demolished Historic Resource; and

18) a Historic Resource Impact Study of the Historic Resource proposed for Demolition.

E. Information Required to be Submitted. The applicant shall provide credible evidence that:

1) The Demolition, removal, or relocation of the Historic Resource in question will not adversely affect the significance or structural or aesthetic integrity of a Historic Resource.

2) There is no feasibility to continue the current use of the Historic Resource.

3) Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the Historic Resource proposed to be Demolished, removed, or relocated.

4) Adaptive reuse opportunities do not exist due to constraints related to the Historic Resource proposed to be Demolished, removed, or relocated.

5) Permitted uses and adaptive reuse potential of the Historic Resource proposed to be Demolished, removed, or relocated, does not provide a reasonable rate of return based on a reasonable initial investment.

6) The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.

F. Application Review Procedure.

1) Upon receipt by the Township of three (3) copies of a completed application to Demolish a Historic Resource, the Township Manager or Zoning Officer, shall within three (3) working days of receipt of the completed application, forward copies thereof, together with all required supporting documentation submitted by the applicant, to the

Board of Commissioners and to the Historical Commission for its review and comments.

2) The Township Manager or Zoning Officer shall not issue a permit for Demolition of all or part of any Historic Resource shown in the Haverford Historic Resource Map until the Board of Commissioners has rendered a written decision or made its decision by resolution.

3) The Township Manager shall maintain in his or her office a record of all such applications and final dispositions of the same.

G. **Historical Commission Review of Applications.** Within thirty (30) days of the Township's determination that the Demolition permit application is complete, the Historical Commission, or a subcommittee thereof, shall consider the application at a regular or special meeting. The applicant shall be advised as to the time and place of the meeting at which his or her application shall be considered by the Historical Commission, or a subcommittee thereof. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the application.

H. **Criteria for Deliberation.** In determining recommendations to be presented to the Board of Commissioners concerning the issuance of a permit to Demolish all or part of any Historic Resource, the Historical Commission shall consider the contents of the Demolition application and supportive documentation submitted in connection therewith, as well as the sources of guidance identified in Section 1304((C).

I. **Initial Recommendation of the Historical Commission.**

1) The Historical Commission may recommend immediate approval of the permit and may so advise the Board of Commissioners.

2) Alternatively, the Historical Commission may elect to extend the period of review by an additional ninety (90) days to provide itself with an adequate opportunity to review the application for Demolition and to receive and review oral arguments and presentations offered by the applicant.

3) At the end of the 90-day period stipulated in paragraph (2) above, or sooner, the Historical Commission shall recommend to the Board of Commissioners the approval or denial of the permit to Demolish and the grounds for such recommendation in a written report.

J. **Recommendation by the Historical Commission.** Upon or prior to the expiration of the time period imposed for the review of Demolition permits for Historic Resources, the Historical Commission shall recommend issuance or denial of the Demolition permit.

K. **Contents of Written Report.** The Historical Commission shall prepare a written report setting forth the reasons for its recommendations on the issuance or denial of a permit for Demolition including a report on the evidence considered and its findings of fact. Factual findings shall include but need not be limited to the following matters:

- 1) the exact location of the Historic Resource in which the proposed Demolition is to occur;
- 2) a list of any other Historic Resources within 300 feet of the Historic Resource for which the Demolition permit was filed;
- 3) the effect of the proposed Demolition upon the general historic, archaeological, cultural, and architectural character of the Township, based on factual information;
- 4) recommendations by the Historical Commission as to the issuance or denial of the permit for Demolition; and

If the Historical Commission recommends denial of the Demolition permit, the Historical Commission shall also indicate an alternative(s) to the proposed Demolition which would protect (1) the distinctive historical character of the Historic Resource, (2) the architectural or archaeological integrity of the Historic Resource, and/or (3) the cultural significance of the Historic Resource.

L. **Notification of Applicant.** The applicant shall be notified in writing by the Board of Commissioners of their upcoming deliberation upon receipt of the written report from the Historical Commission. The Board of Commissioners shall consider, at a regularly scheduled public meeting within thirty (30) days of the issuance of the Historical Commission's written report, the question of the issuance of a permit for Demolition. The applicant shall be advised as to the time and place of the meeting at which his or her application shall be considered and shall be provided a copy of the Historical Commission's written report. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the application.

M. **Approval by the Board of Commissioners.** If the Board of Commissioners approves the permit for Demolition application, it shall authorize the Zoning Officer or other authorized Township person to issue a permit for the proposed Demolition and shall require the applicant to document and record, at the applicant's expense, the Historic Resource including without limitation the documentation and recordation of the following:

- 1) a detailed description of the Historic Resource and its context, including topography, vegetation, landscaping, driveways, structures and features;
- 2) a detailed site plan of the Historic Resource;

- 3) measured floor plans, if applicable, and exterior elevations;
- 4) measured drawings of individual elements of the Historic Resource;
- 5) comprehensive photographic records of the Historic Resource;
- 6) chain of title or other information related to the history of the Historic Resource; and
- 7) a statement of the significance or the Historic Resource and its context to the Township and environs.

Two copies of such documentation, all of which shall be of quality and scale of drawing as shall be acceptable to the Historical Commission, shall be delivered to the Historical Commission for review and approval. Upon approval by the Historical Commission, one copy shall be forwarded to the Township Zoning Officer with evidence of such approval to be added to the property information of file. The second copy shall be retained in the records of the Historical Commission. All approved Demolition permits must be conspicuously posted within public view at the site of the Demolition throughout the Demolition. The Board of Commissioners may require, as a condition for the issuance of the Demolition permit that the applicant fabricate and erect, at the applicant's expense, a historical market designed by the Pennsylvania Historical and Museum Commission.

N. Disapproval by the Board of Commissioners. If the Board of Commissioners disapproves the issuance of a permit for Demolition, a written decision shall be given to the applicant, and the Township Zoning Officer within forty-five 45 days of the Board of Commissioner's hearing. The decision shall indicate what changes to the plans and specifications for Demolition of the Historic Resource would meet the conditions for protecting the architectural integrity of the Historic Resource, including any potential or actual archaeological resources affected by the Demolition. Upon receipt of the written disapproval decision from the Board of Commissioners, the Township Zoning Officer shall disapprove the application for a permit for Demolition and so advise the applicant. The applicant may appeal the decision to disapprove the Demolition of the Historic Resource to the Delaware County Court of Common Pleas within the time specified by law.

O. Reimbursement of Costs. Any costs incurred by the Historical Commission, as agreed to in advance and in writing by the applicant, for the Historical Commission's designated consultant to review the Demolition application and any plans or studies submitted therewith to the Historical Commission, shall be fully reimbursed by the applicant.

P. **Violations.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

**SECTION 2. Notice Of Enactment Of Ordinance.**

The Township Zoning Officer shall provide the owners of record of all Historic Resources identified in the 1994 Township Survey with written notice of enactment of this Ordinance and the inclusion of such Historic Resource in the Historic Resource Survey via certified mail, postage prepaid, within thirty (30) days of the enactment.

**SECTION 3. Hearings On 1994 Township Survey.**

Any owner of record of an Historic Resource identified in the 1994 Township Survey may appeal to the Township Zoning Officer the inclusion of their property in the Historic Resources Survey and shall be granted a hearing on the matter before the Historical Commission, provided that such owner files with the Township Zoning Officer, within thirty (30) days of such owner's receipt of the notice of enactment of this Ordinance required by Section 2 of this Ordinance, a written petition (i) requesting such hearing (ii) providing proof of ownership of the Historic Resource and (iii) setting forth a brief statement of the reasons why such Historic Resource should not be included in the Historic Resource Survey. Upon receipt of such petition, the Township Zoning Officer shall forward the same to the Historical Commission which shall set a time and place for such hearing and shall give the petitioner written notice by first class mail, postage prepaid, of the date and time of such hearing. The Historical Commission shall review said petition in accordance with the procedures set forth in Section 1304(D) of the General Laws for revisions to the Historic Resource Survey.

**SECTION 4. Repealer.**

Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

**SECTION 5. Severability.**

The provisions of this Ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Commissioners that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**ADOPTED** this 14<sup>th</sup> day of December, 2009.

**TOWNSHIP OF HAVERFORD TOWNSHIP**



**BY: WILLIAM F. WECHSLER**  
**President**  
**Board of Commissioners**



**Attest: Lawrence Gentile**  
**Township Manager/Secretary**