

**WEST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE ____ - ____

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD, CHESTER COUNTY, PENNSYLVANIA AMENDING THE WEST BRADFORD TOWNSHIP ZONING ORDINANCE OF 1977, AS AMENDED AND CODIFIED AT CHAPTER 450 OF THE WEST BRADFORD TOWNSHIP CODE, TO PROVIDE FOR ADDITIONAL PROVISIONS TO PRESERVE AND PROTECT HISTORIC RESOURCES AND STRUCTURES LOCATED THROUGHOUT THE TOWNSHIP, FURTHER PROVIDING FOR PROCEDURES AND PROCESSES RELATED TO THE SAME, INCLUDING POTENTIAL DEMOLITION, CONSERVATION INCENTIVES AND PROVIDING FOR SEVERABILITY, CODIFICATION AND EFFECTIVE DATE PROVISIONS.

WHEREAS, the Board of Supervisors of West Bradford Township (the “Board”) desires to protect historic buildings and areas within the Township which reflect the architectural and historical heritage of the Township, and to promote the general welfare, education and culture of the Township by encouraging an interest in its historical heritage;

WHEREAS, the Board adopted Resolution No. 05-22 on August 9, 2005 which established the West Bradford Township Historical Commission, its organizational structure and its various responsibilities and duties;

WHEREAS, based upon the criteria provided in Resolution No. 05-22, the West Bradford Township Historical Commission (“Historical Commission”) compiled an inventory of historic resources in the Township that are deemed worthy of protection which are set forth in *West Bradford Township Inventory of Historic Resources*;

WHEREAS, the Board has determined that certain additional protections and safeguards should be adopted as part of the Zoning Ordinance in order to protect the historic resources which are included on the *West Bradford Township Inventory of Historic Resources* as compiled by the Historical Commission; and

WHEREAS, Sections 603 and 604 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10603 and 10604, authorize the Township to adopt zoning regulations to protect such historic resources and to promote and preserve areas of historical significance.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of West Bradford Township, that the West Bradford Township Zoning Ordinance of 1977, as amended, (the “Zoning Ordinance”) shall hereby be further amended as follows:

SECTION 1. Article II. Definitions shall be hereby amended at Section 450-8. to include a new definition as follows:

“**HISTORIC RESOURCE(S)** – all buildings, structures, sites, objects or landmarks identified on the *West Bradford Township Inventory of Historic Resources*.”

SECTION 2. Article II. Definitions shall be hereby amended at Section 450-8. to delete the existing definition of Historic Structure(s) and replace it with the following definition::

“**HISTORIC STRUCTURE(S)** – a building or other structure included on the *West Bradford Township Inventory of Historic Resources*.”

SECTION 3. Section 450-62.O shall be deleted in its entirety and replaced to read as “(RESERVED)”.

SECTION 4. Article XII. Supplemental Regulations shall be hereby amended to add a new Section 450-72.1, titled, “Historic Resource Regulations, Demolition Processes and Conservation Incentives” which shall now read as follows:

“§450-72.1 Historic Resource Regulations, Demolition Processes and Conservation Incentives.

“A. Purposes, Policies and Establishment of Historic Resources.

1. It is hereby declared as a matter of public policy that the preservation and protection of historic resources in West Bradford Township is a public necessity and is in the interest of the health, prosperity and welfare of the citizens of West Bradford Township.
2. The purposes of this section are as follows:
 - (a) To protect historic resources within West Bradford Township as authorized under Sections 603 and 604 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10603 and 10604;
 - (b) To promote the general welfare by protecting the integrity of historic resources of the Township;
 - (c) To mitigate the negative effects of proposed changes on historic resources, to encourage the continued use of historic resources and to facilitate their appropriate reuse and to tailor protective measures to those historic resources in the Township worthy of preservation; and
 - (d) To discourage the unnecessary demolition of historic resources.

3. This section is not intended to supersede or repeal any of the provisions in this Zoning Ordinance which govern historic resources within the TND-2 District. The Village of Marshallton is a named National Register Historic District located within the TND-2 District, and provisions related to historic structures or historic resources set forth in the TND-2 Zoning District shall remain applicable. The regulations contained herein shall only regulate historic resources in the other zoning districts in the Township. However, if the TND-2 District provisions which regulate historic resources are determined to be unlawful, the provisions herein shall be held applicable to historic resources located in the TND-2 District.
4. *West Bradford Township's Inventory of Historic Resources*, which is attached hereto as an appendix, is hereby adopted (referred to as the "*Inventory of Historic Resources*"). The *Inventory of Historic Resources* was initially compiled by the Historical Commission based upon criteria set forth in Resolution No. 05-22. Such criteria are set forth below and shall continue to be utilized to evaluate and, if warranted, re-evaluate the historical significance of buildings, structures, sites, objects and landmarks in the Township.
 - (a) Criteria for Designation as a Historic Resource: A property shall be designated a historic resource by the Township of West Bradford if it contains a building, site, structure, object, or grouping thereof determined by the Township to be of historical, cultural, or architectural significance or association and because it or they meet four (4) or more of the following criteria:
 - (1) Is 80 years or older and is able to bespeak its role in the history of the Township, region, state, or nation;
 - (2) Is on, or has received a Determination of Eligibility for inclusion on, the National Register of Historic Places, either as an individual resource or as a contributing resource to a National Register-listed historic district; or is a contributing resource to a Certified Local Historic District; or is a contributing resource to a Locally Significant Historic District;
 - (3) Is relevant to or associated with events that have made a significant contribution to the broad patterns of the history of the Township of West Bradford, region, state, or nation, including the development, history, or culture of the Township, such as (but not limited to) the development of agriculture, industry, transportation, or important social or cultural centers;
 - (4) Is associated with the lives of persons significant in the history of the Township of West Bradford, region, state, or nation;
 - (5) Reflects the cultural, social, political, economic, or ethnic heritage of the Township of West Bradford, including (but not limited to) ruins, complexes of associated buildings that are no longer all part of one property, individual worker or tenant housing, or free-

standing educational, religious, commercial, or industrial resources;

- (6) Embodies the distinctive characteristics of a style, type, period, or method of construction;
- (7) Represents the work of a master designer, architect, landscape architect, engineer, contractor, or builder, or that possesses high artistic values, or possesses construction materials or embodies design characteristics or architectural elements that are distinctive to the Township of West Bradford;
- (8) Represents a significant and distinguishable entity whose components may lack individual distinction;
- (9) Is considered to be a local “landmark”; that is, is an established and visual feature that helps to define the character of the neighborhood, community, or Township of West Bradford due to its notable location or physical characteristics;
- (10) Is part of the viewshed into or out of an existing historic district or grouping of historic resources and contributes to the integrity, understanding, and appreciation of the cultural landscape of the existing historic district or grouping of historic resources;
- (11) Has yielded, or may be likely to yield, information important in history.

5. The *Inventory of Historic Resources* may be updated and amended by resolution of the Board of Supervisors in the following manner:

- (a) All proposals for additions to or removal from the Inventory of Historic Resources shall originate from the Board of Supervisors, Planning Commission, Historical Commission, or the owner of the historical resource in question and shall be referred to the Historical Commission. The Historical Commission shall hold a public meeting following written notice sent to the owner(s) of the resource affected. The Historical Commission shall consider oral testimony and/or documentary evidence regarding the proposal at the public meeting, which may be continued from time to time. The Historical Commission shall present a written report to the Board of Supervisors within 30 days following the close of testimony at the public meetings on the proposal, which report shall state the Commission's recommendation regarding the subject proposal, together with the grounds therefor.
- (b) After receiving the recommendations of the Historical Commission, the Board of Supervisors may from time to time, by resolution, add or delete resources to or from the Inventory of Historic Resources. The owner of the affected historic resource shall be given at least 10 days' prior written notice

of the meeting of the Board of Supervisors where the Board will consider such action.

B. Demolition of Historic Resource.

1. No historic resource shall be demolished, in whole or in part, whether deliberately or by neglect, including removal or stripping of any historically or architecturally significant exterior features, unless a permit is obtained from the Zoning Officer in accordance with the requirements of this section and other applicable standards and procedures of the Township Building and Fire Codes.

2. Demolition by Neglect of Historic Resource.

(a) No historic resource shall be demolished by neglect. "Demolition by neglect" shall be defined as the leaving open or vulnerable to vandalism or the improper maintenance of a historic resource resulting in a detrimental effect on the character, stability, or structural integrity of the resource, whether by ordinary negligence or willful neglect, by the owner or any party in possession thereof, which results in deterioration of exterior features as to create a hazardous or unsafe condition, deterioration of exterior walls, roofs, chimneys, or windows, the lack of adequate waterproofing, or deterioration of foundations which is considered demolition by neglect.

(b) Demolition by neglect shall not be used as an automatic excuse by the applicant as justification for an active demolition application.

(c) Demolition by neglect does not apply to ruins, such as partial roof structures, wall remains, remaining foundations, or other structures which are clearly in ruins and missing a substantial portion of the structural mass, existing at the time of adoption of this section or ruins already located on a property at the time of property purchase.

(d) These regulations are meant to protect historic resources from parties who, by ordinary negligence or willful neglect, allow those resources, which are in usable condition on a property at the time of adoption of this section or at the time a new owner purchases a property, to deteriorate or become unusable and a liability to the point of needing to be demolished for safety reasons. An example of this would be a party purchasing a property containing a historic resource in usable condition and/or previously being used prior to the sale of the property, and, in order to avoid having to undergo the historic review process, as outlined in this section, said party allows that historic resource to become so deteriorated that the resource would qualify immediately for a demolition permit due to the unsafe or hazardous condition of the resource.

3. Unoccupied historic resources should be properly sealed, fenced off, and the utilities turned off for safety at the owner's expense.

4. The structural integrity of both occupied and unoccupied historic resources should be achieved through proper maintenance of all structural, architectural and other critical elements to ensure against damage by the elements.

C. Application Requirements for Demolition of Historic Resources.

1. The applicant shall submit to the Township an application for a demolition permit. All applications for demolition shall be reviewed against the Inventory of Historic Resources. If the application concerns the demolition of a historic resource, the Zoning Officer is directed not to issue the permit and shall inform the applicant to comply with the following procedures and requirements of this section, as applicable.

2. In addition to the applicable requirements under the Township Building and Fire Codes, any applicant seeking a permit to demolish a historic resource shall submit the following information regarding that resource:

- (a) Owner of record.
- (b) Recent photographs of the resource proposed for demolition.
- (c) A site plan showing all buildings and structures on the property.
- (d) Reasons for demolition.
- (e) Method of demolition.
- (f) Proposed use for the site, time line for implementation of proposed use for the site, and proposed disposition of materials from the demolished site.
- (g) Alternatives which the applicant has considered prior to demolition.

3. Review Process for Demolition Permits.

(a) The Zoning Officer shall notify the Historical Commission of the application for demolition upon acceptance of a properly completed application, including the necessary filing fee.

(b) At a regularly scheduled meeting, the Historical Commission shall review the application for demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application, the Historical Commission shall take into account the following:

- (1) The effect of demolition on the historical significance and architectural integrity of the historic resource in question and neighboring historic resources, and on the historic character of the neighborhood, district or vicinity in which the resource is located.
- (2) Economic feasibility of continuing the existing use or of adaptively reusing the resource proposed for demolition.
- (3) Alternatives to demolition of the resource.

- (4) Whether the applicant has demonstrated that he has considered alternatives to demolition.
- (5) Whether the retention of the resource would represent an unreasonable economic hardship.
- (6) Whether the resource has been intentionally neglected.

(c) Recommendation of the Historical Commission. The Historical Commission shall make its written recommendation, based upon consideration of Items No. 1 through 6 set forth immediately above, to the Board of Supervisors either recommending approval of the demolition application as submitted, recommending approval of the application with conditions, or alternatively, the Historical Commission may recommend to use an additional ninety (90) day time period to provide adequate opportunity for documentation of the resources as set forth below, for the applicant to prepare a financial analysis as set forth below, and/or to engage in discussion about alternatives to demolition with the applicant. Subject to Board concurrence and coordination through the Township Manager's Office, The Historic Commission reserves the right to garner a second opinion from an engineer or architect as to the structural integrity of the historic structure if one of the reasons for the proposed demolition is based upon the poor condition of the structure. The Board of Supervisors must approve the expenditure of any funds needed to secure an opinion as to the structural integrity of the historic structure. The Historical Commission shall make every effort to communicate to the applicant the historical significance of the historic resource, its significance to the Township, and alternatives to its demolition.

(d) Recommendation of the Board of Supervisors. The Board of Supervisors shall consider the application at a public meeting, together with the recommendations from the Historical Commission, and vote either to approve the application as submitted, approve the application with changes, or defer their decision affording a delay of demolition for the ninety (90) day period specified above. The applicant shall be notified at least 10 days prior to the date of the public meeting and shall have the opportunity to present reasons for filing the application. The Board of Supervisors shall provide written communication of its decision to the applicant.

(e) Issuance of a demolition permit. Where the Board of Supervisors acts to approve the application, it shall authorize the Zoning Officer to issue the permit. Where the approval is authorized to be granted with conditions, the Zoning Officer shall be authorized to issue a permit upon receipt from the applicant of written acceptance of those conditions.

(f) Documentation. Prior to the issuance of a demolition permit, the applicant may be required at the discretion of the Board of Supervisors to provide documentation of the historic resource proposed for demolition. The Historic Commission or their designee may request the owner to allow it to photograph and document the structure's interior and exterior as much as is safely possible prior to the issuance of the demolition permit. Such documentation shall be conducted under the supervision of the owner of the property. Such documentation may include:

- (1) Historical data, survey information, and other data provided by local, state, and federal historic preservation organizations and other agencies.
- (2) Photographs.
- (3) Floor plans.
- (4) Measured drawings.
- (5) Archeological survey, if appropriate.
- (6) Other available comparable forms of documentation.

(g) Financial analysis. In cases where there is claim that demolition of a historic resource is necessary due to financial hardship or the lack of an economically reasonable alternative for reuse, the applicant may be required at the discretion of the Board of Supervisors, during the period of the delay of demolition, to prepare a financial analysis, which may include any or all of the following information:

- (1) Amount paid for the property, date of purchase and party from whom purchased.
- (2) Assessed value of the land and improvements thereon, according to the most recent assessment.
- (3) For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.
- (4) All appraisals obtained by the owner in connection with the purchase or financing of the property, or during the ownership of the property.
- (5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any.
- (6) Any consideration by the owner as to profitable, adaptive uses for the property, and any other practical uses, as well as incentives which could be offered by the Township to preserve the historic resource and any input from preservation organizations.
- (7) Where relevant, written estimates of the cost of rehabilitation from a professional restoration contractor.

(h) Recommendations following extended 90 Day Review Period.

- (1) Final recommendation on demolition by the Historical Commission. Prior to or at the end of the expiration of the ninety (90) day review period, the Historical Commission may recommend approval of the demolition permit or, where the Historical Commission does not believe that the applicant has shown sufficient

basis and documentation in support of the proposed demolition, may recommend denial of the application. In such cases, the Historical Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.

- (2) Final decision on demolition by the Board of Supervisors. The Board of Supervisors shall act upon the application for demolition within or at the ninety (90) day review period, whether or not it receives a recommendation from the Historical Commission, and shall vote either to approve the application, to approve the application with changes, or to deny the application. The Board of Supervisors shall provide written communication to the applicant.
- (3) Any costs incurred by the Historical Commission, as agreed to by the applicant, to review plans or studies submitted by the Historical Commission's consultant specifically retained for this purpose shall be reimbursed to the Township by the applicant.

D. Conservation of Historic Resources and Historic Structures.

1. The purpose of this subsection is to preserve historic resources and to encourage and provide for uses of those historic resources when using a development design option such as the unified development area (UDA Master Plan) or when permitted by specific listing in a zoning district.
2. Preservation of historical resources. Historic resources and historic structures, including historic ruins or sites, historic roads or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable through incorporation into development plans and design. This preservation shall include the maintenance of certain landscaping or viewsheds immediately surrounding historic resources in order to maintain the historic integrity of the site. This shall be accomplished by limiting disturbance of vegetative buffer along the perimeter of properties housing historic resources and maintaining required building setback distances from property lines and from such historic structures.
3. Additional dwelling units in historic structures. In addition to the maximum permissible number of lots or dwelling units otherwise permitted on any tract, the applicant may provide dwelling units and lots therefor through the renovation or adaptive reuse of historic structures, subject to conditional use approval and further subject to compliance with the standards as listed below. Except where physically infeasible due to existing locational and/or structural attributes, all such dwelling units must comply with applicable lot and yard area requirements.
4. Standards for development of additional dwelling units in historic structures. An applicant shall comply with the following standards where renovation or reuse of any historic structure is proposed in order to develop dwelling units in addition to the maximum otherwise permissible:

- (a) Construction plans for the rehabilitation, alteration or enlargement of any such historic structure shall be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as revised.
- (b) Authentic period materials and colors shall be utilized on any portion of any historic structure or enlargement thereof visible from any existing or proposed public right-of-way. Appropriate replication may be substituted.
- (c) Applicant shall demonstrate preservation of sufficient landscaped or buffer area surrounding historic structures to retain the integrity of the historical landscape setting. Applicant may demonstrate mitigation of impacts to historical landscape setting through introduction of vegetation or other screening in harmony with such landscape setting and through retention of view lines which visually link historic structures to their landscape setting.
- (d) Facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view.

SECTION 5. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. Codification. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of Township ordinances and/or codification and to bring the Ordinance into conformity with Township ordinances/codification.

SECTION 8. Effective Date. This Ordinance shall become effective in five days from enactment.

ENACTED AND ADOPTED by the Board of Supervisors this ____ day of _____, 2023.

ATTEST:

**WEST BRADFORD TOWNSHIP
BOARD OF SUPERVISORS**

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Justin V. Yaich, Secretary

By: _____
Laurie W. Abele, Chair

By: _____
Jack M. Hines, Jr., Vice Chairperson

By: _____
Kevin Houghton, Member

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