

CHADDS FORD TOWNSHIP
Delaware County, PA
ORDINANCE NO. 124

AN ORDINANCE OF THE TOWNSHIP OF CHADDS FORD
TOWNSHIP TO AMEND THE ZONING CODE, CHAPTER 135, AS
HERETOFORE AMENDED, TO AMEND ARTICLE XVI, HISTORIC
DISTRICT, TO PROVIDE FOR CHANGES IN THE APPROVAL
PROCESS:

Section One: The Chadds Ford Township Code, Chapter 135, Zoning, Article XVI, Historic District, as heretofore amended is hereby amended as follows:

- A) The Code of Chadds Ford Township, Chapter 135, Zoning, as heretofore amended, Section 135-127 B is hereby amended to delete the current 135-127 B in its entirety and replace it with the following:
 - B. If any proposal for construction, alteration or other change to a structure in a historic district also requires subdivision and/or land development approval by the Chadds Ford Township Board of Supervisors, all approvals therefor shall be obtained prior to application for review and approval required under this Article.

- B) The Code of Chadds Ford Township, Chapter 135, Zoning, as heretofore amended, Section 135-127 D is hereby amended to delete the current 135-127 D in its entirety and replace it with the following:
 - D. The exterior architectural character of any structure subject to the provisions of this Article shall not be altered until after an application for work in a historic district has been submitted to the HARB and approval for the work has been granted.

- C) The Code of Chadds Ford Township, Chapter 135, Zoning as heretofore amended, Section 135-127 E is hereby amended to delete the current section 135-127 E in its entirety and replace it with the following:
 - E. Evidence of the approval required above shall be a Certificate of Appropriateness issued by the Board of Supervisors, pursuant to 53 P.S. § 8004, or in the case of minor projects, approval for work in a historic district issued by the HARB. Such certificate or approval document shall be a statement signed by the Chairman of the Board granting such approval, stating that the construction, demolition or changes for which application has been made are approved.

- D) The Code of Chadds Ford Township, Chapter 135, Zoning as hereto amended, Section 135-127 G is hereby amended to delete the current Section 135-127 G in its entirety and replace it with the following:
 - G. Any person requesting approval for work in a historic district under this article shall be entitled to a meeting on such request before the HARB and to a meeting before the Board of Supervisors, according to the provisions of § 135-131.

E) The Code of Chadds Ford Township, Chapter 135, Zoning, as heretofore amended, Section 135-127 H is hereby amended to delete the current Section 135-127 H in its entirety and replace it with the following:

H. The HARB may determine that certain building changes which are minor in nature need not undergo the same level of scrutiny as major building changes. Standards for minor changes in a historic district shall be recommended by the HARB, and revised from time to time, and shall be approved by Resolution of the Board of Supervisors and shall be published by the HARB and posted on the Township Website.

F) The Code of Chadds Ford Township, Chapter 135, Zoning, as hereto amended, Section 135-127 is hereby amended by adding thereto a new subsection I to read as follows:

I. In order to provide guidance and insight into desirable goals and objectives for the historic district or for the desirable types of development in historic districts, 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 buildings and structures that in the HARB's 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 and shall be open for public review.

G) The Code of Chadds Ford Township, Chapter 135, Zoning, as heretofore amended, Section 135-127 is hereby amended by adding thereto a new subsection J to read as follows:

J. The HARB may create, and revise from time to time, architectural guidelines for work in a historic district to further the description of exterior architectural design criteria. Such guidelines shall be approved by Resolution of the Board of Supervisors, published by the HARB and posted on the Township Website.

H) The Chadds Ford Township Code, Chapter 135, Zoning, as heretofore amended, Section 135-128 is hereby amended to delete the current Section 135-128 in its entirety and replace it with the following:

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. Upon receipt of an application for a permit for work to be done in the historic districts, the CEO shall follow the procedures for acting upon an application for a

building permit set forth in Chapter 59 of the Chadds Ford Township Code, except as those procedures are necessarily modified by the following requirements:

- (1) The CEO shall review the application and other documents and materials submitted by the applicant. If the application is incomplete or if required documents and materials are not submitted, the CEO shall notify the applicant and return the application to the applicant.
 - (2) Upon receipt of a completed application, the CEO shall forward to the Chairman of the HARB a copy of the application for work in a historic district, together with copies of all other documents and materials filed by the applicant.
 - (3) 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.
 - (4) The CEO shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for work in a historic district to allow compliance with the foregoing.
- B. 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.
- I) The Chadds Ford Township Code, Chapter 135, Zoning, as heretofore amended, Section 135-130 is hereby amended to delete the current Section 135-130 in its entirety and replace it with the following:

§ 135-130. Pre-application meeting.

- A. Prior to submitting an application for work in a historic district, an applicant may request a meeting with the HARB to discuss the changes under consideration and to review preliminary drawings, specifications, and the like. The purposes of this meeting shall be to acquaint the developer, owner or agent with application requirements and standards of appropriateness of design and to provide the applicant with input from the HARB regarding the project under consideration.
- B. A pre-application review shall not require formal application, but a request for a meeting must be made to the HARB at least seven days before the date of the next regularly scheduled HARB

meeting.

- J) The Chadds Ford Township Code, Chapter 135, Zoning, as heretofore amended, Section 135-131 is hereby amended to delete the current section 135-131 in its entirety and replace it with the following:

§ 135-131. Application and review procedures for work in a historic district.

A. Application for work in a historic district.

- (1) An application for work in a historic district must be submitted for all proposed changes to the exterior features of any building or structure subject to the provisions of this article.
- (2) As provided in § 135-127, application may be made for small projects that involve no change or minor changes to the exterior architectural character of the building or structure. Approved standards for such projects and examples of “minor” changes will be kept on file in the Township offices, will be published by the HARB and posted on the Township website.
- (3) For all projects in a historic district that that are subject to the provisions of this Article and that are not approved for minor changes as provided in this Article, an application must be made for a Certificate of Appropriateness, pursuant to 53 P.S. § 8004.
- (4) Instructions for submitting an Application for Work in a Historic District and the supporting documents required to be submitted with the application are included on the application form and are available in the Township offices and on its website.
- (5) A submitted Application for Work in a Historic District and accompanying materials will be checked for completeness and incomplete submissions will be returned to the applicant.
- (6) A completed application with all required documentation must be received at least ten (10) calendar days prior to a regularly scheduled meeting of the HARB in order to be placed on the agenda for that meeting.
- (7) Copies of the completed application and all required documents submitted by the applicant shall be filed with the CEO and the HARB.

B. Review procedures for an application for minor change.

- (1) Upon receipt of a complete application for a minor project with no or little change to the exterior character of a building or structure, the CEO and the Chairman of the HARB shall review the application. If they mutually agree that the project meets the standards for minor changes, they may waive the requirements for additional consideration and review and issue approval for the proposed work in a historic district. If the Chairman of the HARB and the CEO do not agree, the application is referred to the full HARB at its next regularly scheduled meeting.
- (2) In such case of an application being referred to the HARB, the HARB may determine that the application meets the standards for minor change and may waive additional requirements and issue approval for the proposed work in a historic district. If the HARB does not issue such approval, the applicant will be notified that the proposed work will require a Certificate of Appropriateness and that he/she may be required to submit additional documentation and materials.

C. HARB review for an application for a Certificate of Appropriateness.

- (1) Upon determination that a complete application for a Certificate of Appropriateness has been received, the HARB shall review the application at its regularly scheduled public meeting or at a special meeting, 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 meetings, 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 meeting(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 meetings, as required by law, shall be observed.
- (2) Within 45 days of the occurrence of the final meeting upon an application for a Certificate of Appropriateness, the HARB shall recommend to the Board of Supervisors the approval or denial of a Certificate of Appropriateness.
- (3) In any case involving the demolition or partial demolition of a building or 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 building or structure under consideration.

- (4) In the case of recommendation for 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 meeting concerning a Certificate of Appropriateness application, the application shall be sent without recommendation, except where mutual agreement has been made for an extension of the time limit.
- (5) In the case of recommendation for disapproval for the issuance of a Certificate of Appropriateness, the HARB shall forthwith transmit to the Board of Supervisors a report stating the reasons therefor, 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.

D. If an applicant intends to re-file a complete set of revised plans to remedy the defects which led to the recommendation for disapproval, then a new forty-five-day review period and procedure as described above will apply.

K) The Chadds Ford Township Code, Chapter 135, Zoning, as heretofore amended, Section 135-132, is hereby amended to delete the current Section 135-132 in its entirety and replace it with the following:

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

A. The materials required to be submitted with an application are listed on the application itself and on the Township website.

L) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135-133 C (1), C (2), and C (11) are hereby amended to add thereto the terms “or structure” so that subsections (1), (2), and (11) will read as follows:

- “
- (1) Proportion of the building’s or structure’s facades.
 - (2) Proportion and location of openings within the building or structure.
 - (11) Relationship to the front rear and side yard setbacks of existing buildings or structures.
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M) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135-133 (D) is

hereby amended to delete the word "Board" from the first sentence and to replace it with the work "HARB".

N) The Code of Chadds Ford Township, Chapter 135, Zoning, as heretofore amended, Section 135-133 G is hereby amended to delete the current 135-133 G in its entirety and replace it with the following:

G. The HARB shall also consider any architectural guidelines for work in a historic district, which have been approved by the Board of Supervisors and published by the HARB

O) The Code of Chadds Ford Township, Chapter 135, Zoning, as heretofore amended, Section 135-134 is hereby amended to delete the current Section 135-134 in its entirety and replace it with the following:

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

The HARB, according to the provisions of § 135-131 C, shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a Certificate of Appropriateness. This counsel shall be submitted in the form of a written report which shall include but need not be limited to the following:

- A. The application and all documents and materials submitted by the applicant.
- B. A description of the effect of the proposed changes upon the general historic and architectural nature of the district.
- C. The opinion of the HARB (including any dissent) as to the appropriateness of the work proposed, especially as to whether it will preserve or destroy the historic aspect and nature of the district.
- D. The specific counsel of the HARB as to the issuance of a Certificate of Appropriateness, including any conditions the HARB recommends.

P) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135-135 is hereby amended to delete the current Section 135-135(C) in its entirety and to replace Section 135-135 (C) with the following:

C. If the Board of Supervisors approves the application, within 10 days of its public meeting it shall issue a Certificate of Appropriateness approving the work covered and authorizing the CEO to issue a permit, if needed.

Q) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135-136 A (3) (c) is hereby amended to add thereto "and awnings." so that Section 135-136 A (3) (c) will read:

- (c) Signs and awnings in accordance with Article XVIII and § 135-139.
- R) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135-136 B (3) (a) is hereby amended to add thereto “and awnings” so that Section 135-136 B (3) (a) will read:
- (a) Signs and awnings in accordance with Article XVIII and § 135-139.
- S) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135- 136 C (3) (a) is hereby amended to add thereto “and awnings” so that Section 135-136 (C) (3) (a) will read:
- (a) Signs and awnings in accordance with Article XVIII and §135-139.
- T) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135- 138 B is hereby amended to delete the word “Board” and to substitute in its place “HARB.”
- U) The Code of Chadds Ford Township, Chapter 135, Zoning, as amended, Section 135- 139 D is hereby amended to delete Section 135-139 D in its entirety and to replace it with the following:
- D. Signs and Awnings. Application for work in a historic district is required for the erection, construction, reconstruction, repair, rehabilitation, or restoration of any sign or awning to be located in a historic district or within 100 feet of the exterior walls of any building in the historic district and shall follow the procedures set forth in § 135-131. No permit for any such sign or awning shall be issued prior to the review and recommendations of the HARB. Signs shall be crafted to be attractive and of a quality in keeping with the character of the historic district.
- V) The Code of Chadds Ford Township, Chapter 135, Zoning, as heretofore amended, Section 135-139 E (2) is hereby amended to delete the words “and shall be approved by the HARB” and to substitute in their place the following language: “Application for the erection, construction, reconstruction, restoration, rehabilitation, repair or razing of light standards and fixtures in a historic district shall follow the procedures set forth in §135- 131.” Section 135-139 E (2) shall hereafter read in its entirety:
- (2) Light standards and fixtures shall be in keeping with the character of the historic district. Application for the erection, construction, reconstruction, restoration, rehabilitation, repair or razing of light standards and fixtures in a historic district shall follow the procedures set forth in §135-131.

Section Two. Repealer

All ordinances, or parts of ordinances, conflicting with any provision of this Ordinance are hereby repealed insofar as the same conflict with this Ordinance.

Section Three. 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 of this ordinance, it being the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

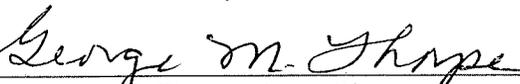
Section Four. Effective Date

This Ordinance shall become effective five days after adoption by the Board of Supervisors of Chadds Ford Township.

ENACTED AND ORDAINED into an Ordinance this 2nd day of July 2013, by the Board of Supervisors of Chadds Ford Township, Delaware County, in lawful session, duly assembled.

CHADDS FORD TOWNSHIP

BY: 
Deborah F. Love, Chair

BY: 
George M. Thorpe, Vice Chairman

BY: 
Keith C. Klaver, Supervisor

Attest: 
Assistant Township Secretary