

HISTORIC PRESERVATION ORDINANCE

July 2, 1973

ORDINANCE NO. 14

WEST PIKELAND TOWNSHIP

An ordinance to create and define an historic district to be known as the "Chester Springs Historic District," within the geographic limits of West Pikeland Township; providing for notification of the Pennsylvania Historical and Museum Commission of the adoption of this ordinance and for obtaining from said Commission a certificate as to the historical significance of said District; providing for the appointment of a Board of Historical Architectural Review to counsel the Board of Supervisors of West Pikeland Township regarding the issuance of certificates of appropriateness in connection with the granting or refusal of permits for the erection, reconstruction, alteration, restoration, demolition or razing of buildings or structures located within said District as defined herein; providing for appeals from such refusals and for changes in the procedure for the issuance of building permits necessary to carry out the provisions of this ordinance; imposing fines and penalties for violations; and repealing the West Pikeland Township Historic Preservation Ordinance, Ordinance No. 12, adopted by the Board of Supervisors of West Pikeland Township March 21, 1973, and all other ordinances or parts of ordinances inconsistent herewith.

The Board of Supervisors of West Pikeland Township, under and by virtue of the authority granted by the Act of June 13, 1961, P. L. 282, as amended, 53 P. S. §8001 et seq. (hereinafter referred to as the Act of June 13, 1961), entitled:

"An Act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

does hereby enact and ordain:

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Section 1. Statement of Purpose.

It is the purpose of this ordinance to protect those historic buildings and areas within West Pikeland Township, which have a distinctive character recalling the rich architectural and historical heritage of the Township, of Chester County and of the Commonwealth of Pennsylvania, and to promote the general welfare, education and culture of the Township by encouraging an interest in its historical heritage.

Section 2. General Provisions.

a. Short Title. This ordinance shall be known and may be cited as the "West Pikeland Township Historic Preservation Ordinance."

b. Definition of Historic District. The boundaries of the Chester Springs Historic District shall be as shown on the map attached hereto as Exhibit "A" and made a part of this ordinance, which map shall be known as the "Historic Preservation Map of West Pikeland Township." The provisions of this ordinance shall be applied to all land, buildings and structures, within the boundaries of the Chester Springs Historic District.

c. Compliance. No structure shall hereafter be used and no structure shall hereafter be erected, reconstructed, altered, restored, demolished or razed, in whole or in part, without full compliance with the terms of this ordinance and other applicable regulations.

d. Repealer. The West Pikeland Township Historic Preservation Ordinance, Ordinance No. 12, adopted by the Board of Supervisors of West Pikeland Township March 21, 1973 is hereby repealed in its entirety and all other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

e. Severability. The provisions of this ordinance shall be severable, and, if any of the provisions hereof shall be held to be unconstitutional, invalid, or illegal by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

f. Effective Date. This ordinance shall not take effect until the Pennsylvania Historical and Museum Commission has been notified, in writing, of the ordinance and has certified, by resolution, to the historical significance of the Chester Springs Historic District as defined in Section 2(b) hereof.

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Section 3. Board of Historical Architectural Review.

a. Appointment. Upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission referred to in Section 2(f) hereof, the Board of Supervisors of West Pike-land Township shall appoint a Board of Historical Architectural Review.

b. Membership. The Board of Historical Architectural Review shall consist of not less than five (5) members, of whom one shall be a registered architect, one shall be a licensed real estate broker, one shall be a building inspector and one shall be a member of the Planning Commission of West Pikeland Township. The remaining member or members shall have a knowledge of and interest in the preservation of historic buildings and sites. Three members of the Board must be Township residents. The initial terms of the members of the Board of Historical Architectural Review shall be as follows: one member shall be appointed for one year, one member for two years, one member for three years, one member for four years, and one member for five years. Annually thereafter, a member of said Board shall be appointed for a term of five years. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

c. Compensation. The members of the Board of Historical Architectural Review shall serve without compensation, but may be reimbursed for direct expenses. The Board of Historical Architectural Review, may, pursuant to appropriations authorized by the Board of Supervisors, employ secretarial assistance and incur such other expenses as may be necessary to the enforcement of this ordinance.

d. Conduct of Business. The Board of Historical Architectural Review shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Board of Historical Architectural Review may make and alter by-laws and rules and regulations to govern its procedures consistent with the ordinances of West Pikeland Township and the laws of the Commonwealth of Pennsylvania, shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Board of Supervisors. Interim reports may be made as often as may be necessary, or as requested by the Board of Supervisors.

e. Duties. The Board of Historical Architectural Review shall give counsel to the Board of Supervisors regarding the advisability of issuing any certificates which the Board of Supervisors

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is required to issue pursuant to this ordinance and the Act of June 13, 1961, and shall hold such hearings and render such reports as are required by Section 5 hereof. In determining the counsel to be given to the Board of Supervisors relative to the issuance of a certificate of appropriateness, the Board of Historical Architectural Review shall consider only those matters that are pertinent to the preservation of the historic aspect and nature of the buildings and structures located within the Chester Springs Historic District including

1. The effect which the proposed change will have upon the general historic and architectural character and appearance of the District; and

2. The appropriateness of exterior architectural features and the general design, arrangement, texture, material, color of the building or structure and the relation of such factors to the traditional architectural character of the District.

Board members are required to disqualify themselves from voting on any project in which their own financial interests or those of their immediate family are directly or indirectly involved.

Section 4. Certificate of Appropriateness.

a. Permits and Certificate Required. No person shall commence any work for the erection, reconstruction, alteration, restoration, demolition or razing of any building or structure located in whole or in part within the Chester Springs Historic District, without first obtaining a certificate of appropriateness with respect thereto from the Board of Supervisors as provided hereinafter.

b. Duties of Zoning Officer. The zoning officer of West Pikeland Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition or alteration of buildings or structures subject to the provisions of this ordinance, shall issue no permit for any such building changes until a certificate of appropriateness with respect thereto has been received from the Board of Supervisors.

c. Application for Permit. The application for a building permit for any building changes with respect to any buildings

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or structures subject to the provisions of this ordinance shall be filed with the Zoning Officer of West Pikeland Township together with the filing fee required under the schedule of fees then in effect. The application shall include a site plan at a scale of one inch to 40 feet, schematic architectural drawings of the proposed changes at a scale of one foot to one-quarter (1/4) inch, and such other material and such number of copies thereof, as may from time to time be required in accordance with the rules and regulations of the Board of Historical Architectural Review. Within three days after receiving such application for a building permit, the Zoning Officer shall forward the application, together with all plans and other documentation submitted therewith, to the office of the Board of Historical Architectural Review. Upon receipt of the application, the Board of Historical Architectural Review shall notify the Pennsylvania Historical and Museum Commission of the location of the affected site and the nature of the proposed changes.

Section 5. Hearing before Board of Historical Architectural Review.

a. Hearing. Within thirty (30) days from the time said application for a building permit is received by the Board of Historical Architectural Review, a hearing shall be held by said Board to consider the recommendations which it will give to the Board of Supervisors. The person applying for the permit shall be given a minimum of ten (10) days notice of the time and place of the said hearing and shall be invited to appear to explain his reasons for such application.

b. Findings after Hearing. Within thirty (30) days following the conclusion of the hearing or hearings, the Board of Historical Architectural Review shall by official written communication to the applicant recommend either:

1. The issuance of a certificate of appropriateness authorizing a permit for the proposed changes as submitted; or

2. The issuance of a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which, in its opinion, would protect the distinctive historical character of the building, site or area which is proposed to be changed;
or

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3. The denial of a certificate of appropriateness with respect to the proposed changes as submitted.

Failure of the Board of Historical Architectural Review to so act within the said period shall be deemed to constitute a recommendation for the issuance of a certificate of appropriateness with respect to the application as submitted. In the event that the recommendation for the issuance of a certificate of appropriateness is subject to conditions, the applicant may, within 10 days after receiving a copy of the official written communication from the Board of Historical Architectural Review, give notice of his refusal to accept all of the conditions, in which case the Board shall be deemed to have recommended against the issuance of a certificate of appropriateness. In the event that the applicant does not within the said period notify the Board of his refusal to accept all of said conditions, conditional approval of the application, with all conditions, shall stand as granted.

c. Report to Board of Supervisors. Upon or before the expiration of the aforesaid forty (40) day period, the Board of Historical Architectural Review shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a certificate of appropriateness to authorize a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building, site or area for which an application for a building permit has been made in accordance with Section 4(c) hereof. The written report shall set out the following matters:

1. The exact location of the area in which the work is to be done.
2. The exterior changes to be made or the exterior character of the structure to be erected.
3. A list of the surrounding structures certified to have historical significance, with their general exterior characteristics.
4. The effect of the proposed change upon the general historic and architectural nature of the District.
5. The appropriateness of exterior architectural features which can be seen from a

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- public street or way.
6. The general design, arrangement, texture, material and color of the building or site and the relation of such factors to similar features of other buildings or sites in the District, which have been certified to have historical significance.
 7. The opinion of the Board, including any dissent, as to the appropriateness of the work proposed in regard to preserving or destroying the historic aspect and nature of the building, site or area.
 8. The specific counsel of the Board of Historical Architectural Review regarding the issuance of or refusal to issue a certificate of appropriateness.
 9. Any changes in plans and specifications recommended by the Board of Historical Architectural Review.

Section 6. Public Hearing before Board of Supervisors.

a. Hearing. Upon receipt of the written counsel of the Board of Historical Architectural Review, the Board of Supervisors shall consider at the next regular scheduled monthly supervisors' meeting, the question of issuing a certificate of appropriateness authorizing a permit for the work proposed by the applicant. The applicant shall be given ten (10) days notice by the Township Secretary of the time and place of the hearing at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the hearing held by the Board of Supervisors.

b. Decision of Board of Supervisors. Within 15 days following the conclusion of the aforesaid public hearing or hearings, the Board of Supervisors shall by official written communication to the applicant either:

1. Issue a certificate of appropriateness authorizing a permit for the proposed changes as submitted; or
2. Issue a certificate of appropriateness subject to specified changes and condi-

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tions not included in the application as submitted, but which would protect the distinctive historical character of the building, site or area which is proposed to be changed; or

3. Deny a certificate of appropriateness with respect to the proposed changes as submitted.

Failure of the Board of Supervisors to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within 10 days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case the Board shall be deemed to have denied a certificate of appropriateness. In the event the applicant does not within the said period notify the Board of Supervisors of his refusal to accept all of the said conditions, the approval, with all conditions, shall stand as granted.

c. Resolution of Board of Supervisors. The grant or denial of a certificate of appropriateness shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial. A copy of the written resolution shall be forwarded to the Pennsylvania Historical and Museum Commission and a copy of such resolution shall accompany the official written communication to the applicant as provided in this Section.

Section 7. Appeals.

Any decision of the Board of Supervisors under this ordinance granting or denying a certificate of appropriateness or authorizing or refusing to authorize a modification in such certificate of appropriateness shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P. L. 805, as amended, 53 P. S. §10101, et seq.

Section 8. Enforcement.

The building inspector (or such other person or agency charged by the Board of Supervisors with the enforcement of the

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provisions of this ordinance) shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to the Board of Historical Architectural Review as may be necessary to assure compliance with the provisions of this ordinance and the conditions of the certificate of appropriateness.

Section 9. Penalties.

For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor of a building or structure where such violation has been committed or shall exist, and the leasee or tenant of an entire building or entire structure where such violation has been committed or shall exist, and the owner, general agent, contractor, leasee or tenant of any part of a building or structure in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or structure in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding three hundred dollars (\$300.00), for each and every offense. Whenever such person shall have been officially notified by the building inspector (or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this ordinance) or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation of this ordinance, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines and penalties shall be in addition to any other fines, penalties and remedies provided by law for such cases and shall be collected in the same manner as is provided in The Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, 53 P.S. §65101, et seq.

Approved and adopted by the Board of Supervisors of West Pikeland Township this *2nd* day of *July*, 1973.

John T. Est

Thomas Shelton

Audrey D. M. ...

Attest:

Marguerite S. Grady
Secretary


Marguerite S. Grady, Sec.

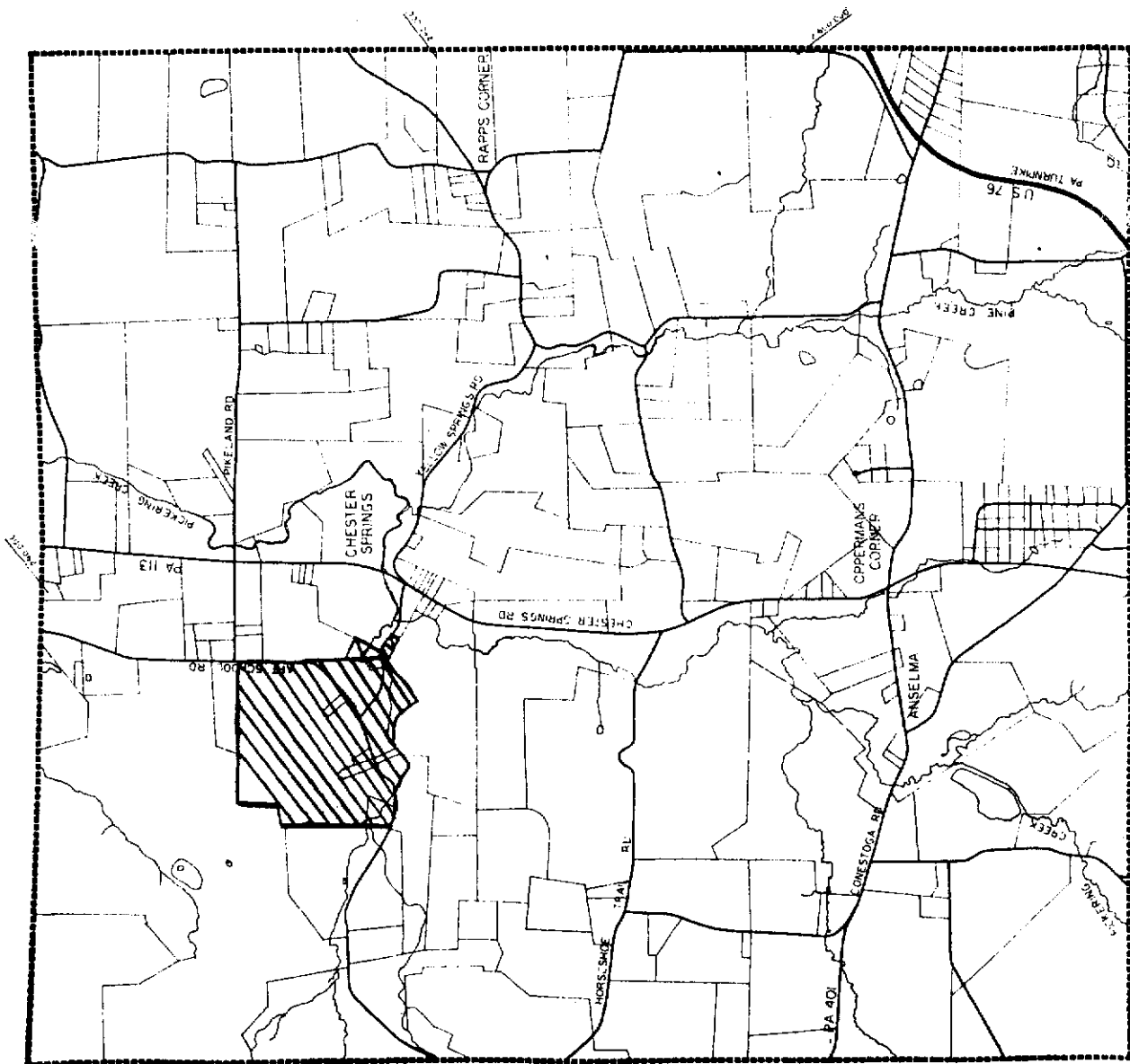


WEST PIKELAND TOWNSHIP COMPREHENSIVE PLAN PROPERTY BOUNDARIES

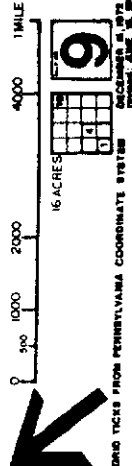
SOURCE: CHESTER COUNTY PA PLANNING COMMISSION, 1966

HISTORIC SITES

 CHESTER SPRINGS HISTORIC DISTRICT



Marguerite S. Grady, Inc.



**NATURAL AND HISTORIC
RESOURCE ASSOCIATES**
313 SOUTH SIXTEENTH ST., PHILADELPHIA, PA.