

ORDINANCE NO. 501
EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

**AN ORDINANCE OF EAST NORRITON TOWNSHIP AMENDING THE
CODE OF THE TOWNSHIP OF EAST NORRITON, BY ADDING
CHAPTER 11-7 "HISTORIC RESOURCES" WHICH REGULATES
DEMOLITION OF HISTORIC RESOURCES.**

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make and adopt ordinances that are consistent with the constitution and the laws of the Commonwealth that it deems necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens; and,

WHEREAS, the Board of Supervisors have met the procedural requirements of the Second Class Township Code for the adoption of the proposed ordinance, including holding a public hearing; and,

WHEREAS, the Board of Supervisors after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of East Norriton Township will be served by adding the standards pertaining to the Demolition of Historical Resources.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION ONE. Chapter Eleven (11) is hereby amended to add a new section to be known as Section Seven (7) which provides as follows:

A. DEMOLITION OF HISTORIC STRUCTURES.

No structure listed as a Historic Resource in accordance with this Ordinance shall be demolished except upon grant of special exception by the Zoning Hearing Board. The Zoning Hearing Board shall consider, in making its decision, the recommendation of the East Norriton Township Historical Advisory Commission. The Applicant shall demonstrate that there is no reasonable possibility of saving the structure. The Zoning Hearing Board may impose reasonable conditions upon the grant of the special exception.

B. PURPOSES:

It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures, and sites of historic, architectural, cultural, archeological, educational, and aesthetic merit are public necessities and are in the interest of the health, prosperity and welfare of the people of East Norriton Township. It is therefore the intent of this Article to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures and districts within the Township, in order to promote the following public purposes:

1. To promote the general welfare by facilitating protection of the historical integrity of the historic resources of East Norriton Township.
2. To establish a clear process by which proposed land use changes affecting historic resources can be reviewed.
3. To discourage the unnecessary demolition of historic resources.
4. To provide incentives for the continued use of historic resources and to facilitate their appropriate reuse.
5. To encourage the conservation of historic settings and landscapes.

C. DEFINITIONS:

1. **HISTORIC RESOURCE:** Any property which meets one or more of the following categories of criteria:
 - a. All sites designated by the Secretary of the Interior as National Historic Landmarks;
 - b. All buildings, sites, structures, and objects listed individually in the National Register of Historic Places;
 - c. All buildings and structures classified as "certified historic structures" by the Secretary of the Interior;
 - d. All buildings, sites, structures, and objects documented as "contributing resources" in a National Register Historic District;
 - e. Any resources, which have received a Determination of Eligibility (DOE) by the Pennsylvania Historical and Museum Commission (PHMC);
 - f. All historic resources identified by the East Norriton Township Board of Supervisors as Historic Resources.

2. **DEMOLITION OR DEMOLISH:** The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the façade or any significant exterior architectural features, which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.
3. **HISTORIC RESOURCE IMPACT STUDY:** A study of the potential impacts of proposed land development and/or land disturbance on nearby historic resources, including study of potential means to mitigate negative impacts, required to be submitted to the Township in certain land development scenarios, in accordance with this Ordinance.
4. **HISTORIC RESOURCE INVENTORY:** East Norriton Township Board of Supervisors shall, by Resolution, establish a list of historic resources. Said Resolution shall be available for inspection at the Township Offices. The East Norriton Township Historic Resource inventory may include a list and corresponding map indicating the locations of all Historic Resources, including both principal and contributing resources, to which the provisions of this Ordinance apply.

D. PROCEDURE FOR ADDITION OR REMOVAL OF HISTORIC RESOURCES FROM THE EAST NORRITON TOWNSHIP HISTORIC RESOURCES INVENTORY.

1. Any property may be proposed for addition to the East Norriton Township Historic Resource Inventory as a Historic Resource by the owner of such property or by the Historical Advisory Commission.
2. The Historical Advisory Commission shall periodically, but no less frequently than once in every seven (7) years, review the Inventory of Historic Resources and make recommendations to the Board of Supervisors for the addition or removal of resources from the Inventory.
3. Any proposal for addition to the East Norriton Township Historic Resources Inventory shall be considered by the Township Board of Supervisors in accordance with the following:
 - a. Upon receipt, any proposal regarding resource classification shall be referred to the Historical Advisory Commission, which shall hold a public meeting thereon.

- b. Unless a property is proposed by the owner(s), such owner(s) shall be notified upon receipt of a proposal affecting their property, and shall be invited to respond to such proposal at or prior to the public meeting.
- c. The Historical Advisory Commission shall give fourteen (14) days public notice of the public meeting to consider the proposal, and shall send written notice to the owner(s) of the affected property. Such notice shall be published once in a newspaper of general circulation in the Township, and shall indicate the date, time and place of the public meeting at which the Historical Advisory Commission will consider the proposal. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Township Manager and sent to the "Owner" at the street address of the property in question.
- d. Any interested party may present testimony or documentary evidence regarding the proposal at the public meeting, describing how or why the subject property meets the criteria for designation as a historic resource, or does not. Such evidence may be presented at the public meeting held to consider the proposal or may be submitted in writing to the Township prior to said meeting.
- e. The Historical Advisory Commission shall present a written report to the Township Board of Supervisors within thirty (30) days following the public meeting stating its recommendation regarding the subject proposal, basing upon the criteria established herein.
- f. Based upon the criteria set forth herein and after receiving the recommendations of the Historical Commission, the Township shall, within thirty (30) days of receipt of the report of the Historical Advisory Commission, render a decision on whether the subject property shall be classified or reclassified as a Historical Resource. Written notice of the action of the Township Board of Supervisors shall be given to the property owner within fourteen (14) days of Board of Supervisors's decision. The written notice to the owner of a property designated as a Historic Resource shall advise the property owner of the rights and benefits of the status, and shall also advise the owner of his or her right to decline the status.

4. Any proposal by the property owner, the Township Board of Supervisors or the Historic Advisory Commission for removal of a property from the Inventory shall be considered in accordance with the following:
 - a. If the proposal to remove the resource does not initiate from the Historic Advisory Commission, the Township staff shall forward the proposal to the Historic Advisory Commission, which shall hold a public meeting thereon within thirty (30) days of receipt of the proposal.
 - b. The Historical Advisory Commission shall give fourteen (14) days public notice of the public meeting to consider the proposal, and shall send written notice to the owner(s) of the affected property. Such notice shall be published once and shall indicate the date, time and place of the public meeting at which the Historical Advisory Commission will consider the proposal. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Township Manager and sent to the "Owner" at the street address of the property in question
 - c. Any interested party may present testimony or documentary evidence regarding the proposal at the public meeting, describing why the subject property should be removed from the Inventory of Historic Resources, or why the property should remain on the Inventory Such evidence may be presented at the public meeting held to consider the proposal or may be submitted in writing prior to said meeting.
 - d. In accordance with the procedure set forth herein and after receiving the recommendations of the Historical Commission, the Township Board of Supervisors shall from time to time review structures, sites and objects for removal from the Historic Resources Inventory, or to change classification. Written notice of the action of the Township Board of Supervisors shall be given to the property owner within fourteen (14) days of Board of Supervisors's decision.

E. DEMOLITION OF HISTORIC STRUCTURES:

1. Applicability of Demolition Permit Requirement.

- a. Demolition of a historic structure is subject to the provisions of this Chapter.
- b. Within five (5) days of receipt by the Township, the complete application for demolition of any historical structure shall be forwarded to the Historical Advisory Commission, for review and comment. No demolition permit for a Historic Resource shall issue for at least ninety (90) days following receipt of the application.

F. HISTORIC RESOURCE IMPACT STUDY:

1. Applicability. In the following situations, Board of Supervisors may, after receipt of recommendations by the Township Engineer and the Historical Advisory Commission, require the submission of a Historic Resource Impact Study which shall be submitted to the Township, the Planning Commission, and the Historical Advisory Commission:

- a. As part of Preliminary Plan submission for any Subdivision or Land Development application which proposed new construction of buildings, structures, roads, driveways, parking areas, or other land disturbance on the same lot as a historic resource, or on a neighboring property within 300 feet of the exterior walls of any Historic Resource.
- b. Where general bridge or road construction or substantial repair is proposed within 250 feet of the exterior walls of any Historic Resource.
- c. In the event of an application for a special exception or variance to the Zoning Hearing Board by the property owner.

2. Contents. The Historic Resource Impact Study shall contain the following information:

a. Background Information

- (1) If not otherwise provided by the applicant, a general site description of the site subject to application, including topography, watercourses, vegetation, landscaping, existing drives, etc.

- (2) General description and classification of all Historic Resources located within 300 feet of any proposed land development or land disturbance.
- (3) Physical description of all such Historic Resources.
- (4) Narrative description of the historical significance of each Historic Resource, relative to both the Township and to the region in general.
- (5) Sufficient number of black and white 8" x 10" photographs to show each Historic Resource in its setting

3. Assessment of Potential Impacts to Historic Resources

- a. General description of the proposed activity subject to application, including timetable or phases.
- b. Description of potential impact(s) to each Historic Resource identified in paragraph 2.a., above, with regard to architectural integrity, historic setting, and future use.

4. Mitigation Measures

- a. Suggested approaches to mitigate potentially negative impacts to Historic Resources, including design alternatives, buffering, landscaping, conservation of existing vegetation, and any other appropriate measures permitted under the terms of this and other Township Ordinances.

G. VIOLATIONS, PENALTIES AND ENFORCEMENT:

Any person who violates the terms of this Article shall be subject to the enforcement procedures, fines and penalties provided for in the East Norriton Township Zoning Ordinance. In addition:

- 1. In the event any person demolishes or threatens to demolish a Historic Resource in violation of the provisions of this article, or violates any conditions or requirements specified in a special exception or permit issued under the terms of this Article, the Township Board of Supervisors may institute any proceeding, at law or in equity, necessary to enforce the provisions of this Article.

Such proceeding may include, but is not limited to, an action to compel the reconstruction and/or restoration of the Historic Resource

to its condition and appearance as existed immediately prior to the violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under this ordinance or any other applicable law.

2. In the event the Township Board of Supervisors authorizes the commencement of an action pursuant to subsection A of this Section, the Zoning Officer shall withhold issuing any building permit for the construction of any building or structure proposed to be located in any location on the site of the subdivision or land development on which the historical resource is located, which action would preclude reconstruction or restoration of the Historic Resource subject of a violation of this Article, or any building or structure intended to replace such. Unless for the purpose of restoring the Historic Resource to its condition as existed immediately prior to the violation.
3. The Zoning Hearing Board may, as a condition of any special exception granted hereunder, and the Township Board of Supervisors may, as a condition of approval of any subdivision or land development application involving any property which, at the date of enactment of this ordinance, was occupied by an Historic Resource(s) that subsequently was demolished or otherwise altered in violation of this Article, impose a condition requiring the satisfactory reconstruction or restoration of any such Historic Resource(s).
4. The Township, through such person or agency charged by the Township Board of Supervisors with enforcement of the provisions of this Article, shall monitor the progress and status of any change being made to an Historic Resource subject to the provisions of this Article, and shall render such reports thereon to Board of Supervisors the and to the Historical Advisory Commission as may be necessary to assure compliance with the provisions of this Article and/or any compliance with any conditions which may have been attached to any building permit, demolition permit, subdivision/land development approval, special exception or conditional use approval.
5. In addition to the above remedies, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Article.

SECTION TWO. (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 part of this Ordinance. It is hereby declared as the intent of

Board of Supervisors of East Norriton Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION THREE. (EFFECTIVE DATE)

This Ordinance shall be effective five (5) days after enactment.

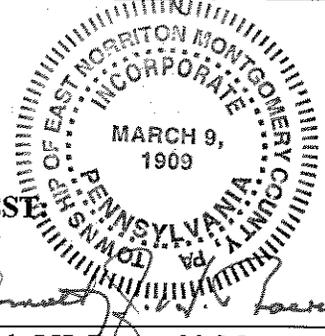
SECTION FOUR. (REPEAL AND RATIFICATION).

In the event that there is any conflict between the provisions of this Ordinance and any other duly enacted Ordinance of the Township, the provisions in this Ordinance shall prevail. Any other tenants and provisions of the Ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION FIVE. (FAILURE TO ENFORCE NOT A WAIVER).

The failure of East Norriton Township to enforce any provision of this ordinance shall not constitute a waiver by East Norriton Township of its rights of future enforcement hereunder.

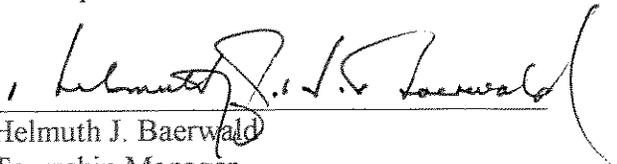
ENACTED AND ORDAINED by the East Norriton Township Board of Supervisors this 23rd day of October, 2007.

ATTEST

Helmuth J.H. Baerwald
Helmuth J.H. Baerwald, Manager

EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS
By: Donald J. Gracia
Donald J. Gracia, Chairman

I attest that this is a true and correct copy of enacted Ordinance 501 that was considered by and enacted by the East Norriton Township Board of Supervisors on October 23, 2007.




Helmuth J. Baerwald
Township Manager
East Norriton Township, Montgomery County