



Township of Haverford

Ordinance Number P17-2024

An ordinance of Haverford Township, Delaware County, Pennsylvania, amending Chapter 182, Zoning, Section 182-106.b to provide for new definitions related to buildings, structures and lots; section 182-711 related to accessory building and accessory structure regulations; and section 182-802 related to nonconforming uses, buildings and structures.

Whereas, the Home Rule Charter of the Township of Haverford (“Township”), the Pennsylvania First Class Township Code, and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, et seq. (“MPC”), authorizes the Haverford Township Board of Commissioners (“Board”) to make and adopt ordinances consistent with the constitution and laws of this Commonwealth and with the Haverford Township Charter (“Charter”) when 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 has met the procedural requirements of the MPC and the Charter for the adoption of the proposed ordinance, including advertising, submission to the planning commissions, and holding a public hearing; and

Whereas, to protect the health, safety, and welfare of the residents and visitors of Haverford Township, and to arrange for the orderly development, zoning, and use of properties within the Township, the Board desires to amend its Zoning Code to provide revisions pertaining to nonconforming uses, building and structures and accessory building and accessory structure requirements;

Now, Therefore, be it Ordained and Enacted by the Haverford Township Board of Commissioners, Chapter 182, Zoning, or Haverford Township Code of Ordinances shall be amended pursuant to the sections as set forth below:

Section I: Amendments of the Code. The Haverford Township Code of Ordinances, Chapter 182, Zoning, is hereby amended as follows:

Amendment A. Section 182-106.B, Definitions and word usage; interpretation of regulations, is hereby amended to delete the definition of “Nonconforming Building or Structure,” and to provide for the following amended and/or new definitions:

Abandonment

If a nonconforming use of land or building or structure ceases operations for a continuous period of more than six months, then this shall be deemed to be an intent to abandon such use.

Building

Any structure having enclosed walls and roof, attached decks shall also be included, and intended for supporting or sheltering a use or occupancy, either buried in or attached to the land, including mobile homes.

Building Coverage

The footprint of a building, and attached decks, measured by the horizontal cross section at its greatest outside dimensions, excluding cornices, steps, awnings, eaves, gutters or chimneys and overhangs projecting not more than 18 inches.

Garage, Private

A building accessory to a principal building, used for storage of motor vehicles and other personal items, and in which no business, service or industry, whether connected directly or indirectly with motor vehicles, is conducted, provided that private garage shall be used only by the occupant or owner of the premises.

Lot Line

The boundary that legally and geometrically demarcates a lot.

Nonconforming Building

A building that does not currently comply with the applicable area and bulk requirements of this chapter or any amendment hereto where such building lawfully existed prior to the enactment of this chapter or amendment.

Nonconforming Structure

A structure or part thereof that does not currently comply with the applicable provisions of this chapter or amendment hereto, where such structure was lawfully in existence prior to the enactment of such code or amendment.

Setback

The distance from the lot line to the point where a building or structure may be constructed (see "YARD").

Street Line

The boundary line of a street right-of-way or easement.

Structure

Any object made by humans having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Exclusions include driveways, walkways, steps and similar structures, as determined by the Zoning Officer.

Amendment B. Section 182-711. Regulations concerning accessory buildings and accessory structures, is hereby amended to provide as follows:

§ 182-711. Regulations concerning accessory buildings and accessory structures.

The following supplemental and general regulations shall be observed in all residential districts and in R-7 Townhouse, R-8 Garden Apartment and R-9 Medium- and High-Rise Apartment Districts where applicable:

A. No accessory building other than a private garage shall exceed one story or 12 feet in height as measured from the floor/slab to the top of the ridge. Private garages may not exceed one story or 15 feet in height as measured from the floor/slab to the highest point of the roof for flat roofs, to the deck of mansard roofs, and the following height limitations for gable, hip or gambrel roofs:

(1) A garage with a total width of 18 feet or less shall not exceed 15 feet in height as measured from the floor/slab to the top of the ridge.

(2) A garage with a width exceeding 18 feet will be permitted to increase the height of the garage up to 18 feet as measured from the floor/slab to the top of the ridge, provided that the garage shall not exceed one story.

(3) Garages in excess of 18 feet in height shall be permitted only when authorized as a special exception by the Zoning Hearing Board in the case of:

(a) A building accessory to a permitted church, school or other nonresidential building, subject to the height limitation specified above and further provided that the lot area, building and impervious surface regulations of the underlying district have been met.

(b) A residential private garage in excess of 18 feet in height that provides a minimum separation of 20 feet further back from the street line than the rearmost portion of the principal building and is further subject to the following:

[1] The Zoning Hearing Board shall find that the proposed building will not provide habitable space.

[2] That the proposed height is in keeping with the character of the surrounding neighborhood.

[3] That there are no sanitary sewer drain lines or water supply lines to service a second story.

B. Garages and other accessory buildings.

(1) No private garage or other accessory building may be erected or placed within a front yard, and no such building may be erected in a side or rear yard unless it is entirely separated from the principle building, located at least 10 feet farther back from the front street line than the rearmost portion of the main building, 10 feet from all other buildings and at least five feet from the side and rear property lines of said lot. Notwithstanding the provisions of this subsection, no accessory building may be located in any yard which abuts a street, and nothing in this subsection shall be construed to prohibit the erection of a common or joint garage which is not an integral part of a main building on adjacent lots.

(2) A garage door is not to exceed seven feet six inches in height and 16 feet in width.

(3) Private garages larger than 25 feet by 25 feet shall not be permitted, and in no event shall exceed 50% of the area of a principal building on the same lot.

C. Decks and Patios

(1) Decks. Unless otherwise specified in this chapter, decks may be located, erected or maintained in such a manner that they do not encroach upon any required setbacks of the district in which they are located. Decks on semidetached dwellings may extend from the lot line along the common party wall to within twelve (12) feet of the lot line on the opposite side of the property.

(2) Patios. Unless otherwise specified in this chapter, patios shall be located, erected or maintained a minimum of five feet from any rear or side yard property line as measured from the edges of any permanent surface.

D. Other Accessory Structures

(1) Accessory Structures not otherwise regulated may be located, erected or maintained in such a manner that they do not encroach upon any required setbacks of the district in which they are located, provided such accessory structures may not be located, erected or maintained in front of the primary or principal structure on the lot.

Amendment C. Section 182-802. Regulations concerning nonconforming uses or buildings, is hereby amended to provide as follows:

§ 182-802. Regulations concerning nonconforming uses, buildings, and structures.

A. Continuation. The lawful use of a building, structure, lot or land existing at the effective date of this chapter or subsequent amendment thereto, may be continued so long as they remain otherwise lawful, including subsequent sales of the property.

B. Enlargement of a nonconforming use, building or structure.

(1) Nonconforming Uses. A nonconforming use of a building or structure shall not be extended, enlarged or added to in any manner unless said use is made to conform to all the regulations of the district in which the nonconforming use is located. However, a nonconforming use of a lot or land may be extended or enlarged when authorized as a special exception by the Zoning Hearing Board and, and provided that:

(a) Any such extension or enlargement shall be on the lot occupied by such use at the effective date of this chapter or of any amendment by which such use first becomes nonconforming.

(b) No such extension of a nonconforming use shall exceed 50% of the area of the lot or land devoted to such use at the effective date of this chapter or of any amendment by which such use first becomes nonconforming.

(c) Any nonconforming use extended shall comply with the provisions of this chapter applicable and related to that use, such as landscaping buffering, off-street parking, etc. but not including area and bulk regulations relating to buildings and structures.

(2) Nonconforming buildings: If a building is conforming as to use but nonconforming as to area and bulk regulations or off-street parking requirements, said building may be enlarged, altered, or added to, provided that:

(a) the enlargement or alteration complies with the area and bulk regulations of the district in which it is located, and

(b) the existing building and any addition comply with the off-street parking regulations for the use of the building.

(3) Nonconforming structures. If a structure is conforming as to use but nonconforming as to area and bulk regulations, said structure may be enlarged, altered, or added to, provided that:

(a) the enlargement or alteration complies with the area and bulk regulations of the district in which it is located.

(b) the existing structures and any addition comply with the off-street parking regulations for the use of the building.

(4) Nonconforming lots. A building may be constructed on any lot which was lawful when created and which, prior to the effective date of this chapter, was in separate ownership duly recorded by plan or deed, provided that the area and bulk requirements of this chapter are observed.

C. Discontinuance.

(1) If a nonconforming use of land or building ceases operations for a continuous period of more than six months, then this shall be deemed to be an intent to abandon such use, and any subsequent use of land or building shall conform to the regulations of this chapter.

(2) The voluntary demolition, razing, or removal of a nonconforming building or structure, including removal to the foundation of the building, shall be considered an abandonment of the nonconforming building or structure, or the nonconforming portion of such building or structure. In such an instance, a nonconforming structure or building shall not be permitted to be replaced, reconstructed, or rebuilt with another nonconforming building or part thereof in order to otherwise maintain any preexisting nonconformity.

D. Change in use.

(1) A nonconforming use shall not be changed to any other use, other than a conforming use. If a nonconforming use is discontinued or changed to a conforming use, any future use of such building, structure, lot or portion thereof shall conform with the regulations of this chapter.

(2) Whenever a zoning district shall be hereinafter changed or amended, any existing nonconforming use in such changed district may be continued.

E. Damage or destruction.

(1) In the event that a building housing a nonconforming use located in any district is destroyed or partially destroyed by fire, explosion or other cause or otherwise damaged to the extent of 50% or more of the bulk of said building, such nonconforming use shall terminate, and the lot shall thereafter be used or only for a conforming use.

(2) In any case, whether conforming or nonconforming, the remains of any building so destroyed must be removed from the premises within six calendar months so that the same shall not remain.

Section II: Repealer. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section III: Revisions. The Haverford Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance.

Section IV: Severability. If any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section V: Effective Date. This amendment shall become effective upon the legal date of its adoption.

Section VI: Failure To Enforce Not A Waiver. The failure of Haverford Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder

Enacted and Adopted this 13th day of January, 2025.

Township of Haverford



By: Judy Trombetta, President



Attest: David R. Burman, Township Manager/Secretary

1st Reading: 12/2024

2nd Reading: 01/2025