

BOROUGH OF SWARTHMORE
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SWARTHMORE BOROUGH ZONING CODE TO PERMIT A LAWFULLY NONCONFORMING ACCESSORY BUILDING THAT IS DAMAGED OR DESTROYED TO THE EXTENT OF MORE THAN 50% OF ITS FAIR MARKET VALUE TO BE RECONSTRUCTED

THE BOROUGH COUNCIL OF THE BOROUGH OF SWARTHMORE HEREBY ENACTS AND ORDAINS AS FOLLOWS:

SECTION 1. **Reconstruction of Nonconforming Structures.** Section 1272.02(f) of the Borough of Swarthmore Zoning Code is hereby amended to read as follows (new language underlined):

“(f) Reconstruction of Nonconforming Structures.

(i) Any lawful nonconforming principal structure on a lot that has been involuntarily damaged or destroyed by casualty to the extent of not more than 50% of its fair market value may be reconstructed in the same location. All necessary permits for the reconstruction shall be applied for within one year of the date of such damage, and the reconstruction shall be completed within two years of the date of such damage and shall not exceed the height, area, or volume of the damaged structure, except to the extent permitted by subsection (d) hereof. Any lawful nonconforming principal structure that is damaged or destroyed voluntarily or due to neglect or dilapidation to the extent of more than 50% of its fair market value may only be reconstructed in compliance with the zoning requirements of the district in which such structure is located.

(ii) Any lawful non-conforming accessory building that is damaged, destroyed or removed, either in part or in whole may be reconstructed provided that all necessary permits for the reconstruction shall be applied for within one year of the date of such damage, destruction or removal, and the reconstruction shall be completed within two years of the date of such damage, destruction or removal and the replacement accessory building shall be located on the same footprint as the damaged, destroyed or removed accessory building and shall not exceed the height or area of the accessory building that was damaged, destroyed or removed.”

SECTION 2. **Severability.**

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

SECTION 3. **Repealer.**

All resolutions or ordinances, or parts thereof, that are inconsistent herewith are hereby repealed to the extent of the inconsistency.

SECTION 4. **Adoption.**

This Ordinance shall take effect and be in force from and after its enactment.

ENACTED AND ORDAINED THIS ___ DAY OF _____, 2009

SWARTHMORE BOROUGH COUNCIL

BY: _____
TOM HUESTIS
PRESIDENT

APPROVED THIS ___ DAY OF _____, 2009

ATTESTED THIS ___ DAY OF _____, 2009

BY: _____
ELRIC C. GERNER
MAYOR

BY: _____
JANE C. BILLINGS
BOROUGH SECRETARY