

**TOWNSHIP OF TINICUM, DELAWARE COUNTY, PA**

**ORDINANCE NO. 2024 - 926**

**AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE TINICUM TOWNSHIP ZONING ORDINANCE OF 2021 ARTICLE IX, C-2 COMMERCIAL DISTRICT SUBSECTION 395-41.(6) DELETING MULTI-FAMILY BUILDING AND MULTI-FAMILY UNIT (APARTMENT) ABOVE A COMMERCIAL USE AS A PERMITTED USE IN THE C-2 COMMERCIAL DISTRICT**

**WHEREAS**, the Pennsylvania First Class Township Code and the Pennsylvania Municipalities Planning Code, 53 PS §10101, et seq. authorizes the Board of Commissioners of Tinicum Township ("Board of Commissioners") to make, amend and adopt Ordinances that are consistent with the constitution and laws of the Commonwealth of Pennsylvania when necessary for the proper management, care and control of Tinicum Township ("Township") and the maintenance of good government, health and welfare of the Township and its residents.

**WHEREAS**, the Board of Commissioners has determined that it is in the best interest of the Township to adopt the Ordinance amending the Tinicum Township Zoning Ordinance of 2021; and

**WHEREAS**, the Tinicum Township Planning Commission and Board of Commissioners have reviewed the proposed Zoning Amendment request; and

**WHEREAS**, the Tinicum Township Planning Commission reviewed the Zoning Amendment request on August 22, 2024, and made a recommendation to the Board of Commissioners for approval of the Amendment; and

**WHEREAS**, the Delaware County Planning Department reviewed the Zoning Amendment request on September 19, 2024, and made a recommendation to the Board of Commissioners for approval of the Amendment; and

**WHEREAS**, the Board of Commissioners advertised the Public Hearing and the Notice of Intent to Adopt on November 4, 2024, and November 11, 2024, as provided by the Tinicum Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code; and

**WHEREAS**, the Board of Commissioners held a Public Hearing on November 18, 2024 as provided by the Tincum Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code, at which time testimony was received concerning the Zoning Code Amendment request; and

**WHEREAS**, in the judgment of the Tincum Township Board of Commissioners the requested amendment to the Tincum Township Zoning Code of 2021 is in the Township's best interest; the change requested will not result in a detrimental effect on abutting properties and the change requested will be consistent with the overall comprehensive plan adopted by the Township.

**NOW, THEREFORE**, in consideration of the foregoing, it is **ORDAINED AND ENACTED** by the authority of Tincum Township Board of Commissioners as follows:

**§1. Zoning Code Amendment.**

Tincum Township Article IX – C-2 Commercial District Section 395-41. Uses permitted by right; Subsection (6) Uses permitted by right in a C-1 District is hereby amended to delete §395-35.O. Multi-family building and §395-35.P. Multi-family unit (apartment) above a commercial use as a permitted use in the C-2 Commercial District.

**§2. Ratification.**

In all respects, the provisions of the Tincum Township Zoning Code, as amended, shall remain in full force and effect.

**§3. 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 effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted have the unconstitutional, illegal or invalid sentence, clause, section, or part thereof, not been included therein.

**§4. Repealer.**

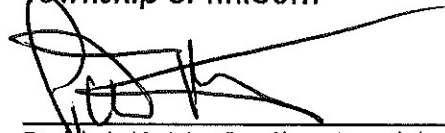
All Ordinances or part of Ordinances which are insistent herewith are hereby repealed and/or replaced.

**§5. Effective Date.**

This Ordinance shall become effective upon adoption.

**ORDAINED and ENACTED** this 18<sup>th</sup> day of November, 2024, by the Board of Commissioners of the Township of Tinticum, Delaware County, Pennsylvania.

**Township of Tinticum**



Patrick K. McCarthy, President  
Board of Commissioners

**ATTEST:**



David D. Schreiber, Township Secretary