

**BOROUGH OF DARBY,
COUNTY OF DELAWARE,
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 751

**CONCERNING APPROVAL, ADOPTION AND ENACTMENT OF
THE DARBY BOROUGH ZONING ORDINANCE OF 2010 AND
ZONING MAP.**

WHEREAS, the Borough of Darby is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Darby with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and,

WHEREAS, Darby in 1998 adopted a new Zoning Ordinance.

WHEREAS, in December 2005, Darby received an award of a grant through the Delaware Valley Regional Planning Commission to begin work on a new and updated Zoning Ordinance; and,

WHEREAS, Darby contracted with the Delaware County Planning Department to lead a Zoning Task Force in evaluating the strengths and weaknesses of the Darby Zoning Ordinance and to make recommendations for modifications thereto to take Darby through the next decade; and,

WHEREAS, Darby formed a Zoning Task Force that began work in 2006. The Zoning Task Force was, made up of various members and stakeholders in the community, along with County Planning Department Staff and Borough officials, and held numerous public meetings over its almost four year existence, during which it reviewed Darby's then existing Zoning Ordinance, discussed and made recommendations for Darby's new Zoning Ordinance; and,

WHEREAS, Darby, with the help of the Zoning Task Force and the Delaware County Planning Department, presented the Darby Borough Council with the proposed Darby Borough Zoning Ordinance of 2010 and made changes to the Darby Zoning Map (a copy of which is appended hereto); and,

WHEREAS, Darby Borough caused the proposed Zoning Ordinance and Map to be sent to the Delaware County Planning Commission and the Darby Borough Planning Commission for review and comment, and posted copies of the proposed Zoning Ordinance and Map on its website (www.darbyborough.com); and,

WHEREAS, Darby Borough caused to be advertised in the *Delaware County Daily Times* on September 17 and 24, 2010 Notice of Public Hearing to receive comment on the proposed Zoning Ordinance and Map; and,

WHEREAS, on October 4, 2010, Borough Council held a public hearing where public comment was received concerning the proposed Zoning Ordinance and Map; and,

WHEREAS, having made no amendments to the Zoning Ordinance and Map proposed by the Zoning Task Force, reviewed by the Delaware County Planning Commission and the Darby Borough Planning Commission, which was duly advertised and concerning which a public hearing was held and public comment received, the Borough desires to adopt said proposed Zoning Ordinance and Map.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Darby that:

SECTION I: Chapter 153 of the Code of the Borough of Darby, entitled "Zoning" is hereby amended by deleting the existing text of such chapter in its entirety and substituting in lieu thereof the text of the Borough of Darby Zoning Ordinance of 2010, a copy of which is attached hereto as Exhibit "A" and incorporated herein.

SECTION II:..The Darby Borough Zoning Ordinance of 2010 and accompanying Map are enacted and adopted under the authority of the laws of the Commonwealth of Pennsylvania and shall take effect immediately upon final enactment and remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Darby.

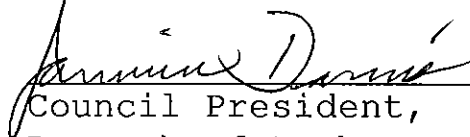
SECTION III: Borough officials, appointees and employees are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

SECTION IV: Any and all other Zoning Ordinances and/or Resolutions, or parts thereof, and Zoning Maps conflicting herewith are repealed insofar as the matters herein are affected.

SECTION V: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION VI: This Ordinance shall be effective immediately upon final enactment.

ENACTED this 20th day of October, 2010, after a motion to approve passed by the Council of the Borough of Darby at a duly called and advertised public council meeting.



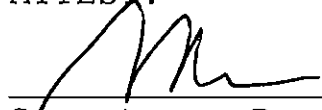
Council President,
Borough of Darby.

APPROVED, this 20th day of October, 2010



Mayor, Borough of Darby

ATTEST:



Secretary, Borough of Darby.