

THE BOROUGH OF DARBY
THE COUNCIL OF THE BOROUGH OF DARBY
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 805

AN ORDINANCE AMENDING CHAPTER 153 (ZONING) OF THE BOROUGH OF THE DARBY BOROUGH CODE BY AMENDING ARTICLE II THROUGH THE ADDITION AND DELETION OF DEFINITIONS CONTAINED THEREIN.

NOW THEREFORE, the Council of the Borough of Darby, County of Delaware, does hereby ORDAIN AND ENACT THE FOLLOWING:

That the Borough of Darby Zoning Code is Amended As Follows:

SECTION 153-10: DEFINITIONS

The following definitions are stricken from Section 153-10 of the Borough Code:

~~COMMUNITY RESIDENCE FACILITY, FAMILY-BASED~~

~~A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment. This facility is designed to create a residential environment for the developmentally disabled, mentally ill or retarded, handicapped or similar groups unable to live without supervision. The maximum number of residents and supervisors in a facility shall not exceed five, which is the maximum number of unrelated persons permitted in a family. These facilities shall not be used to accommodate persons recovering from the effects of drugs or alcohol dependency or inmates of penal institutions.~~

~~COMMUNITY RESIDENCE FACILITY, GROUP-BASED~~

~~A licensed facility designed for persons unable to live without supervision, such as the handicapped, developmentally disabled or mentally ill and their supervisors. Unlike a family-based facility, the group-based facility shall be an institutional facility. This facility may also accommodate persons recovering from alcohol, drugs or similar addictions and provide for counseling, rehabilitation and supervision designed to mainstream residents back into society, enabling them to live independently~~

FAMILY

~~Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage or adoption, including foster children; or no more than five unrelated individuals living together as a single housekeeping unit with single kitchen facilities.~~

Section 2. Additions to Section 153 of the Borough Code

FAMILY

One or more persons residing together in a single nonprofit dwelling unit, whether or not related by blood or marriage, who share an essential commonality of purpose limited to traditional residential use of the dwelling unit and such other uses related to the occupancy thereof by persons who suffer from a "handicap" as that term is defined in § 3602(h) of the Fair Housing Act [42 U.S.C. § 3602(h)] and are protected as such from discrimination under the provisions of § 3604 thereof [42 U.S.C. § 3604], and uses accessory thereto, and no other, with single common kitchen and dining facilities and shared access to all areas of the dwelling unit except for sleeping areas and where there is no allocation of space or spaces between or among occupants of the dwelling unit or uses therein by means of leases or other formal agreements. The word "family," as used herein, shall not include roomers, boarders or lodgers, members of group homes [except those protected as suffering from a "handicap" under the provisions §§ 3602(h) and 3604 of the Fair Housing Act] or any use otherwise defined, described or regulated in this chapter.

GROUP HOME

A community living arrangement whereby two or more persons reside together in a single nonprofit dwelling unit, whether or not related by blood or marriage, and share an essential commonality of purpose in addition to traditional residential use of the dwelling unit and uses accessory thereto, including, but not limited to, such other uses related to the occupancy thereof by persons who suffer from a "handicap" as that term is defined in § 3602(h) of the Fair Housing Act [42 U.S.C. § 3602(h)] and are protected as such from discrimination under the provisions of § 3604 thereof [42 U.S.C. § 3604], with or without support staff and whether or not licensed by any governmental authority, with single common kitchen and dining facilities and whether or not

space or spaces are allocated between or among occupants of the dwelling unit or uses therein. The phrase "group home," as used herein, shall not include roomers, boarders or lodgers, members of a family [except those protected as suffering from a "handicap" under the provisions §§ 3602(h) and 3604 of the Fair Housing Act] or any use otherwise defined, described or regulated in this Chapter.

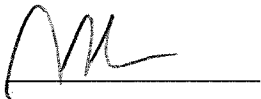
SECTION 3: Effective Date

The provisions of this Ordinance shall become effective immediately.

ENACTED AND ADOPTED by the Council this 20th day of September, 2023.

ATTEST:

COUNCIL OF THE BOROUGH OF DARBY



Secretary

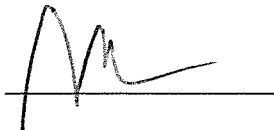


By: Rudolph Taylor, President of Borough Council

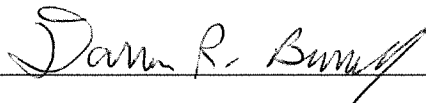
APPROVED, this 20th day of September, 2023, by the Mayor of the Borough of Darby.

ATTEST:

MAYOR OF THE BOROUGH OF DARBY



Secretary

By: 

Mayor