TOWNSHIP OF TINICUM, DELAWARE COUNTY, PA

ORDINANCE NO. 2026 - 940

AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE TINICUM TOWNSHIP ZONING ORDINANCE OF 2021, SECTION 395-6. ZONING MAP, DISTRICT BOUNDARY LINES, AND TOLERANCES TO RE-ZONE THE PROPERTY AT 519 W. SECOND STREET, PARCEL NO. 45-00-01811-00 AND THE AREA EXTENDING 500 FEET FROM AND PARALLEL TO THE MEAN LOW WATER LINE OF THE DELAWARE RIVER ADJACENT TO FOLIO # 45-00-01811-00 FROM "H" HEAVY INDUSTRIAL CLASSIFICATION TO "W-1A" WATERFRONT DISTRICT CLASSIFICATION

WHEREAS, the Pennsylvania First Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq*. authorizes the Board of Commissioners of Tinicum Township (the "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 (the "Township") and the maintenance of good government, health and welfare of the Township and its residents;

WHEREAS, the Board of Commissioner has determined that it is in the best interest of the Township to adopt this Ordinance amending the Tinicum Township Zoning Map and the Tinicum Township Zoning Ordinance (the "Amendment"); and

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

WHEREAS, the Tinicum Township Planning Commission reviewed the Amendment request on [ ], 2026 and made a recommendation to the Board of Commissioners for approval of the Amendment;

WHEREAS, the Delaware County Planning Commission reviewed the Amendment request on [ ], 2026 and made a recommendation to the Board of Commissioners for approval of the Amendment;

WHEREAS, the Board of Commissioners advertised the Public Hearing and the Notice of Intent to Adopt on [ ], 2026 and [ ], 2026, 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 [ ], 2026, as provided by the Tinicum Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code, at which time testimony was received concerning the Amendment request; and

WHEREAS, in the judgment of the Board of Commissioners the requested Amendment 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 the Tinicum Township Board of Commissioners as follows:

§1. Zoning Map Amendment

Pursuant to Article 1. Section 395-6 of the official Tinicum Township Zoning Code, the Township Zoning Map shall be amended by rezoning a certain parcel and property at the end of Second Street, Tinicum Township, more specifically designated as follows:

A. The property located at 519 W. Second Street, Parcel No. 45-00-01811-00 and the area extending 500 feet from and parallel to the mean low water line of the Delaware River adjacent to folio # 45-00-01811-00, collectively described in Exhibit "A" attached hereto, made a part hereof and incorporated herein from an "H" Heavy Industrial District to a "W-1A" Waterfront District Classification.

B. This Zoning Map Amendment shall be incorporated into the Official Zoning Map of the Township of Tinicum, as hereby amended.

C. The Official Zoning Map of Tinicum Township is hereby amended to reflect the rezoning of the parcel effectuated hereby and the Township Engineer is hereby authorized and directed to amend the Zoning Map of Tinicum Township to carry out the intent and purpose of this Ordinance.

§2. Zoning Ordinance Amendment

Chapter 395 of the Tinicum Township Zoning Ordinance of 2021 shall be amended at all relevant parts and sections to reflect the change for Zoning Map as indicated in Exhibit "A".

§3. Ratification.

In all respects, the provisions of the Tinicum Township Zoning Map, as amended, and the Tinicum Township Zoning Ordinance of 2021, as amended, shall remain in full force and effect.

§4. 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 impar 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.

§5. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed and/or replaced.

§6. Effective Date.

This Ordinance shall be become effective upon adoption.

ORDAINED and ENACTED this _____ day of _____, 2026, by the Board of Commissioners of the Township of Tinicum, Delaware County, Pennsylvania.

TOWNSHIP OF TINICUM

By: _____
Patrick K. McCarthy, President
Board of Commissioners

ATTEST:

_____
David D. Schreiber, Township Secretary

EXHIBIT "A"

DESCRIPTION
OF
AREA TO BE REZONED
SECOND STREET AND ALONG THE DELAWARE RIVER AND DARBY CREEK
TINICUM TOWNSHIP, DELAWARE COUNTY, PA

ALL THAT CERTAIN tract of land **SITUATE** in the Township of Tinicum, County of Delaware, Commonwealth of Pennsylvania, being along the Delaware River and being more specifically described to wit:

BEGINNING at a point along the southwesterly side of Second Street, as laid out sixty (60) feet wide marking the northwest corner of a line of the now or late West End Boat Club; thence extending from said point of beginning along a line of the lands of the West End Boat Club and extending five hundred (500) feet beyond the mean low water line of the Delaware River S06°39'00"W a distance of 1,165 feet more or less to a point; thence extending along a line five hundred (500) feet from and parallel to the mean low water line of the Delaware River in a generally northwesterly direction a distance of 1,847 feet more or less to a point; thence extending from said point and leaving said line of the lands of the mean low water line of the Delaware River as extended five hundred (500) feet along a line of the mean low water line of the Darby Creek N04°30'00"E a distance of 1,245 feet more or less to a point; thence extending from said point and continuing along the mean low water line of the Darby Creek the following two (2) courses and distances; (1) extending N17°23'00"E a distance of 487 feet more or less to a point; and then (2) extending N12°07'00"E a distance of 68 feet more or less to a point; thence extending from said point and leaving the said mean low water line of the Darby Creek along the southwesterly Right-of-Way line of the now or late Philadelphia, Baltimore, Washington Railroad N88°32'00"E a distance of 1,683.30 feet more or less to a point along a line of the now or late Governor's Landing Open Space; thence extending from said point along the Governor's Landing Open Space, S06°39'00"W a distance of 430.88 feet to a point; thence extending from said point S84°39'00"E a distance of 12.00 feet to a point; thence extending from said point and continuing along a portion of a line of the lands now or late Governor's Landing Open Space and the head of Second Street S06°39'00" a distance of 389 feet more or less to the first mentioned point and place of beginning.

Containing: 77 Acres of Land more or less

