

ARTICLE I **TITLE, PURPOSE, OBJECTIVES, AND INTERPRETATION****Section 100** **TITLE**

The Ordinance shall be known and may be cited as the “Borough of Malvern Zoning Ordinance of 2003”.

Section 101 **PURPOSES**

- A. This Ordinance is enacted in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, to promote, protect and facilitate the general health, safety, and welfare through:
1. Coordinated and efficient community development.
 2. Provision of appropriate density of population, a diversity of housing types and in suitable areas of the Borough, and prevention from the overcrowding of land.
 3. Provisions of adequate light and air, open spaces, and recreational opportunities.
 4. Provision of safe and efficient travel for all modes of transportation.
 5. Provision of adequate vehicle parking and loading space.
 6. Provisions for appropriate water and sewer facilities and capacity.
 7. Provisions of police and fire protection, civil defense, disaster evacuation and national defense facilities.
 8. Provisions for schools, public grounds and other public requirements.
 9. Provisions for the protection of natural resources.
 10. Prevention of, blight, danger and, loss of health, life or property from fire, flood, panic or other dangers.
- B. This Ordinance is made in accordance with an overall Borough planning program, and with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

Section 102 **STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance is enacted in order to carry into effect the purposes, plans and guidelines as set forth in *The 1999 Comprehensive Plan for Malvern Borough*, and other applicable codes and ordinances, as amended, that have been structured to implement the purposes set forth in Section 101 and in accordance with the following community development objectives from *The 1999 Comprehensive Plan for Malvern Borough*:

- A. Protect, retain, enhance the small town community character that contributes to Malvern's distinct identity and sense of place, and maintain the Borough's neighborhood and cultural diversity, town center, and features which reinforce the small town environment.
- B. Ensure compatibility among land uses in the Borough, and that future development complements the existing community character and land uses in the Borough in terms of scale, bulk, location, and density.
- C. Provide for a balance and range of land uses including residential, commercial, industrial, and institutional to maintain a broad based demographic profile and meet the diverse needs of current and future residents.
- D. Provide for adequate, safe, and diverse housing to accommodate present and future residents through appropriate control measures, building codes, zoning provisions, and necessary services.
- E. Preserve and protect sensitive natural resources in the Borough which contribute to the community.
- F. Protect and enhance the historic and scenic resources that contribute to the Borough's distinct identity, and recognize the importance of these resources.
- G. Provide for the continued development of commercial and industrial opportunities in a manner which complements the small town environment.
- H. Provide adequate, efficient and dependable community facilities and services which meet the needs of present and future residents, are within the fiscal limitations of the Borough, and support the Borough's small town character.
- I. Continue to improve and expand parks and recreation opportunities for Borough residents, and maintain and enhance open space areas in the Borough.
- J. Promote a safe and efficient roadway, transit and pedestrian circulation system in coordination with land use planning, and with an emphasis on serving pedestrians and locally-oriented vehicular trips and improving local access.

Section 103 INTERPRETATION AND SCOPE

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to the minimum requirements for promoting the purposes in Section 101 and community development objectives in Section 102.

Section 104 CONFLICT

Where this Ordinance imposes greater restriction upon the use of buildings or land, or upon height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of another ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Where the provisions of any statute, other ordinance, or regulation imposes greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

Section 105 VALIDITY

The provisions of this Ordinance shall be severable, and should any Section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or by any part thereof.

Section 106 REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Ordinances repealed by virtue of this adoption include the following:

76-2	May 4, 1976
81-1	January 13, 1981
84-3	May 8, 1984
85-1	May 14, 1985
88-3	April 12, 1988

Section 107 EFFECTIVE DATE

The effective date of this Ordinance is May 21, 2003, except that with respect to the subject matter of any amendments it may affect the nonconforming uses, or otherwise, the effective date of this Ordinance shall mean the date upon which the particular amendment became or becomes effective. The official copy of the 2003 Malvern Borough Zoning Ordinance and Zoning Map shall be located in Borough Hall.

