

ORDINANCE NO. 1173

**AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 295, ENTITLED ZONING, OF THE CODE OF
THE BOROUGH OF WAYNESBORO**

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. §10101-11202, (the "MPC") at Section 601 provides that a municipality may enact, amend, and repeal zoning ordinances; and

WHEREAS, Section 609 of the MPC, 53 P.S. §10609, sets forth the procedures for zoning ordinance amendments; and

WHEREAS, the Planning Commission has recommended various modifications to the zoning provisions set forth in Chapter 295 of the Code of the Borough of Waynesboro (the "Code"); and

WHEREAS, the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania has determined certain amendments to the Zoning Ordinance to be in the best interest and the general welfare of the citizens and residents of the Borough of Waynesboro, Franklin County, Pennsylvania.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION I: The Borough of Waynesboro Zoning Map, as adopted and made a part of the Zoning Ordinance at Section 295-10 of the Code is hereby amended to reflect the location of the zoning districts as depicted in the zoning map, attached hereto and incorporated herein as Exhibit A.

SECTION II: Section 295-8 of the Code entitled "Definitions", is hereby amended to include the term "Agricultural Use", with the following definition:

AGRICULTURAL USE

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing produce, provided that the operation of any such accessory uses shall be incidental to that of the normal agriculture activities, and provided further that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals such as rats, mice, monkeys, and the like used in medical or other tests or experiments, nor the stockpiling of manure or other farms wastes beyond the reasonable needs of customary farm operations within the Borough of Waynesboro.

SECTION III: Section 295-8 of the Code, entitled “Definitions” is hereby amended by replacing the definition of “Essential Services” with the following definition:

ESSENTIAL SERVICES

underground or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, solar energy systems constructed by or on behalf of a municipality, and their essential buildings, excluding communications towers and communications antennas as defined herein. Police station, fire station, ambulance station and similar buildings which house public or semipublic agencies providing emergency services for the public safety.

SECTION IV: Section 295-21(B) of the Code, entitled “Institutional District Use Regulations”, is hereby amended as follows:

Subsection B (1) entitled “Uses by right”, shall be amended to include: “(i) agricultural uses”, “(j) the lease of existing municipal structures for storage, retail, or small engine equipment repair”, (k) “essential services”, (l) “day care centers or preschools”, and (m) “private schools” as permitted uses by right.

Subsection B (2) entitled “Special Exception uses”, shall be amended to remove: (a) “Private schools” from the list of uses permitted as a special exception.

SECTION V: Repealer. All provisions of previous Ordinances of the Borough of Waynesboro which are contrary to this Ordinance are expressly repealed.

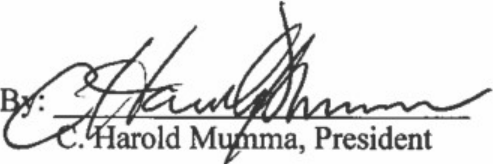
SECTION VI: Savings Clause. In all other respects, the Code of the Borough of Waynesboro shall remain as previously enacted and ordained.

SECTION VII: Severability Clause. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION VIII: Effective Date. This Ordinance shall take effect immediately.

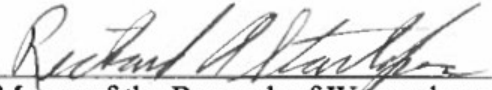
ENACTED, ORDAINED, AND APPROVED this 17th day of July 2019.

Borough Council of the Borough of
Waynesboro, Franklin County,
Pennsylvania

By: 
C. Harold Mumma, President

ATTEST:


Melinda Knott, Secretary


Mayor of the Borough of Waynesboro

