

ORDINANCE NO. 16 – 2023

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 112, TITLED “ZONING” TO AMEND SECTION 112-202 TO DELETE THE DEFINITION OF AGRICULTURAL OPERATION AND TO ADD A DEFINITION OF COMMUNITY GARDEN; TO AMEND SECTION 112-304.A TO ADD AGRICULTURAL USE AND COMMUNITY GARDEN AS PERMITTED USES IN THE NC-1, NC-2, NC-3, MU, TC, CS, AND PUC ZONING DISTRICTS; AND TO AMEND SECTION 112-304.C TO DELETE AGRICULTURAL USE AS A USE PERMITTED BY CONDITIONAL USE IN THE NC-1 AND MU ZONING DISTRICTS.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 112 of the Code of the Borough of West Chester, titled, “Zoning,” shall be amended as follows:

**SECTION 1.** Section 112-202, titled “Definitions”, shall be amended as follows:

A. To delete the definition of “Agricultural Operation.”

B. To add a definition for “Community Garden” to read as follows:

“**COMMUNITY GARDEN**-A parcel of land gardened or cultivated by a group of people individually or collectively where land is typically divided into individual plots for the purpose of private food production or horticulture. Community Gardens shall not be used for commercial production of food or horticultural products and shall not include keeping of animals.”

**SECTION 2.** Section 112-304.A and the Table of Uses shall be amended to add Agricultural Use and Community Garden as a principal use permitted in the Zoning Districts as designated below:

	Zoning District								
Principal Uses	NC-1	NC-2	NC-3	MU	TC	CS	ID	IS	PUC
Agricultural Use	X	X	X	X	X	X			X
Community Garden	X	X	X	X	X	X			X

**SECTION 3.** Section 112-304.C and the Table of Uses shall be amended to delete Agricultural Use as a use permitted by conditional use in the NC-1 and MU Zoning Districts.

**SECTION 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 affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 5. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

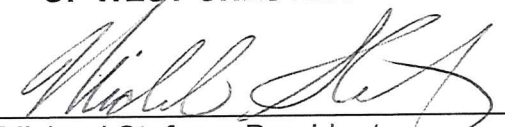
**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 18 DAY OF OCTOBER, 2023.

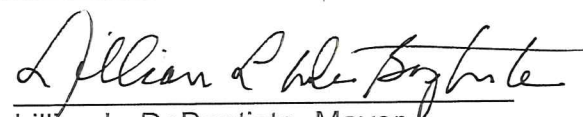
ATTEST:

**COUNCIL FOR THE BOROUGH  
OF WEST CHESTER**

  
\_\_\_\_\_  
Sean Metrick, Secretary

By:   
\_\_\_\_\_  
Michael Stefano, President

APPROVED THIS 18 DAY OF OCTOBER, 2023.

  
\_\_\_\_\_  
Lillian L. DeBaptiste, Mayor