

ORDINANCE NO. 259

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF EAST ROCKHILL AMENDING THE EAST ROCKHILL TOWNSHIP CODE OF ORDINANCES, CHAPTER 27, ZONING, BY DELETING SECTION 27-304.I6, WIND ENERGY CONVERSION SYSTEM AND RELATED SECTIONS, AND AMENDING THE TABLE OF USE REGULATIONS BY ADDING USE B13, AGE-QUALIFIED DEVELOPMENT, AS A CONDITIONAL USE IN THE SUBURBAN DISTRICT

WHEREAS, the Township of East Rockhill ("*Township*") is empowered to enact zoning ordinances to regulate the use of land and the size and height of structures on land pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et. seq.*; and

WHEREAS, the Township may enact zoning ordinances to ensure the proper implementation of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors of East Rockhill Township ("*Board of Supervisors*") has enacted the East Rockhill Township Zoning Ordinance, as amended ("*Zoning Ordinance*"); and

WHEREAS, the Board of Supervisors, by the enactment of this Ordinance, and in order to promote, protect and facilitate the health, safety, morals and welfare of the public, desires to amend the East Rockhill Township Code of Ordinances at Chapter 27, Zoning, as hereinafter set forth for the reasons recited herein; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 253 which amended the Zoning Ordinance of East Rockhill Township and said Ordinance No. 253 failed to include the accompanying amendment to the Table of Use Regulations attached to the Zoning Ordinance and identified as Attachment I, and the instant Ordinance is intended to amend such Attachment I so that it is consistent with the Zoning Ordinance of East Rockhill Township and Ordinance 253; and

WHEREAS, the Board of Supervisors also intends to repeal and delete the Zoning Ordinance provisions related to Wind Energy Conversion System (WECS) and thereafter adopt a stand alone ordinance in the Code of Ordinances of East Rockhill Township that will regulate and control the use and installation of alternative energy systems, including but not limited to, Wind Energy Conversion Systems.

NOW, THEREFORE, be it *ENACTED* and *ORDAINED* by the East Rockhill Township Board of Supervisors, as follows:

SECTION 1.

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304.I.I6, Wind Energy Conversion System, of the Code of Ordinances of East Rockhill Township is hereby deleted, removed and repealed in its entirety.

SECTION 2.

The Table of Use Regulations identified in Chapter 27, Zoning, Part 3, Use Regulations, Section 27-306, Table of Use Regulations, of the Code of Ordinances of East Rockhill Township and attached to the East Rockhill Township Zoning Ordinance as Attachment 1, is hereby amended by deleting, removing and repealing Use I6, Wind Energy Conversion System, under Section I, General Accessory Uses and Structures, in such Table in its entirety.

SECTION 3.

The Table of Use Regulations identified in Chapter 27, Zoning, Part 3, Use Regulations, Section 27-306, Table of Use Regulations, of the Code of Ordinances of East Rockhill Township and attached to the East Rockhill Township Zoning Ordinance as Attachment 1, is hereby amended by adding Use B13, Age-Qualified Development, under Section B, Residential Uses, in such Table as a use permitted by conditional use (C) in the S Suburban Zoning District only.

SECTION 4.

Chapter 27, Zoning, Part 4, RP Resource Protection District, Section 401, Use Regulations, Subsection b., Uses Permitted by Conditional Use, is hereby amended by deleting Use I6, Wind Energy Conversion System, in its entirety.

SECTION 5.

Chapter 27, Zoning, Part 5, Agriculture Preservation District, Section 501, Use Regulations, Subsection b., Uses Permitted by Conditional Use, is hereby amended by deleting Use I6, Wind Energy Conversion System, in its entirety.

SECTION 6.

Chapter 27, Zoning, Part 6, RR Rural Residential District, Section 601, Use Regulations, Subsection b., Uses Permitted by Conditional Use, is hereby amended by deleting Use I6, Wind Energy Conversion System, in its entirety.

SECTION 7.

Chapter 27, Zoning, Part 11, C-E Cultural-Educational District, Section 1101, Use Regulations, Subsection b., Uses Permitted by Conditional Use, is hereby amended by deleting Use I6, Wind Energy Conversion System, in its entirety.

SECTION 8.

Chapter 27, Zoning, Part 13, Industrial-1 District, Section 1301, Use Regulations, Subsection b., Uses Permitted by Conditional Use, is hereby amended by deleting Use I6, Wind Energy Conversion System, in its entirety.

SECTION 9.

Chapter 27, Zoning, Part 14, Industrial-2 District, Section 1401, Use Regulations, Subsection b., Uses Permitted by Conditional Use, is hereby amended by deleting Use I6, Wind Energy Conversion System, in its entirety.

SECTION 10.

Severability. It is the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses, phrases and provisions of this Ordinance are severable. In the event that any one or more of the sections, paragraphs, sentences, clauses, phrases or provisions of this Ordinance shall for any reason be held to be unconstitutional, illegal, unenforceable or invalid in any respect by the judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, unenforceability or invalidity shall not affect or impair any other section, paragraph, sentence, clause, phrase or provision of this Ordinance, and this Ordinance shall be construed and enforced as if such unconstitutional, illegal, unenforceable or invalid section, paragraph, sentence, clause, phrase or provision had not been included herein.

SECTION 11.

Repealer. All ordinances and/or resolutions or parts thereof heretofore enacted or adopted that are inconsistent herewith are hereby repealed or rescinded.

SECTION 12.

Effective Date. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors this 18 day of January A.D., 2011.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

John R. Lussman
Ray Volonite
James C. Hutapski

ATTEST:

Alme W. Wip
Township Manager