

ORDINANCE NO. 258

AN ORDINANCE OF THE WEST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 450 OF THE WEST ROCKHILL TOWNSHIP CODE ("ZONING") BY ESTABLISHING ADDITIONAL REGULATIONS FOR RESIDENTIAL ACCESSORY STRUCTURES TO PREVENT UNLAWFUL USES

WHEREAS, the West Rockhill Township Zoning Ordinance provides that Residential Accessory Structures are permitted by right in all zoning districts where residential uses are permitted by right, by special exception, or by conditional use, so long as the accessory use is customarily incidental and subordinate to the residential use; and

WHEREAS, the construction of a Residential Accessory Structure will typically not be subject to the provisions of the Township's Subdivision and Land Development Ordinance; and

WHEREAS, the Pennsylvania Municipalities Planning Code and the Township's Subdivision and Land Development Ordinance require land development approval for the improvement of a single lot for nonresidential purposes; and

WHEREAS, any person proposing to construct a Residential Accessory Structure and/or change the use of an existing structure to be used as such is still required to apply for and receive a zoning permit from the Township prior to constructing the structure or changing the use; and

WHEREAS, the Township desires to impose a condition prerequisite to issuance of a zoning permit for Residential Accessory Structures that requires the applicant to execute a Unilateral Declaration of Covenants in favor of the Township which shall be recorded against the property and serve to restrict the use of the structure to residential accessory uses in perpetuity; and

WHEREAS, the existence of a Unilateral Declaration of Covenants recorded against the property shall serve to notify all current and future owners of a property of the restrictions on the use of the structure as well as the Township's ability to pursue appropriate enforcement action and/or civil action in the event that such restrictions are not complied with.

NOW, THEREFORE, the West Rockhill Township Code is hereby amended as follows:

ARTICLE I. AMENDMENT TO ZONING ORDINANCE

West Rockhill Township Code Part II ("General Legislation"), Chapter 450 ("Zoning"), Article XVI ("Use Regulations"), Section 450-1604 ("Use Regulations"), Subsection H(2) ("Residential Accessory Structure") is amended to add new subsection (d) which shall read as follows:

(d) Unilateral Declaration of Covenants in Certain Zoning Districts. For any property located in the PC – Planned Commercial, PC-2 – Planned Commercial 2, PI – Planned Industrial, VC – Village Center, or IS – Institutional Service zoning district, the applicant shall, as a condition prerequisite to issuance of a zoning permit for this use, execute a Unilateral Declaration of

Covenants in recordable form, as prepared by the Township Solicitor with terms acceptable to the Township, granted to and enforceable by the Township, to be recorded by the Township at the applicant's expense, which establishes conditions that the structure shall only be used for purposes that are subordinate and customarily incidental to the residential use on the property, shall not be used as living quarters or an accessory family apartment, and shall not be used for any commercial, industrial, utility, office, or other purpose or otherwise in violation of this Chapter, and any other conditions deemed necessary by the Township. The Declaration of Covenants shall also provide for enforcement procedures upon violation thereof, which may include but not be limited to commencing administrative enforcement action, commencing civil action at law or in equity, retroactively subjecting the property, structure, and responsible person(s) to the provisions of the Subdivision and Land Development Ordinance. The costs of the Township's preparation and recording of the Declaration of Covenants shall be paid by the applicant. At the time of submission of any application under this subsection, the applicant shall post financial security with the Township to be used for these costs of preparation and recording, in an amount according to the Township's Schedule of Fees and Charges.

ARTICLE II. REPEALER

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

ARTICLE III. SEVERABILITY

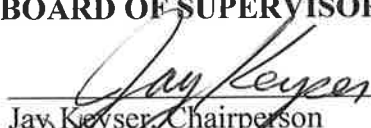
If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality by a court of competent jurisdiction, such illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of West Rockhill Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part had not been included.

ARTICLE IV. EFFECTIVE DATE

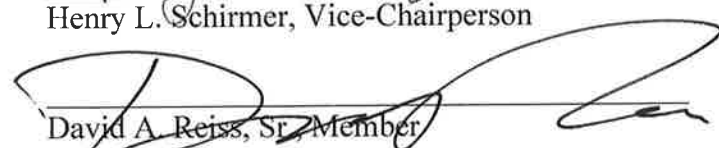
This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED into an Ordinance this 15th day of July, 2026, by the Board of Supervisors of West Rockhill Township in lawful session duly assembled.

WEST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS


Jay Keyser, Chairperson


Henry L. Schirmer, Vice-Chairperson


David A. Reiss, Sr., Member

ATTEST:


Gregory J. Lippincott, Manager