

TOWNSHIP OF ELDRED
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026 - 02

AN ORDINANCE AMENDING THE ELDRED TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TOWNSHIP ORDINANCE #2014-02, AS AMENDED; AMENDING THE DEFINITION OF LAND DEVELOPMENT TO INCLUDE SOLAR COMMERCIAL FACILITIES; PROVIDING A METHODOLOGY FOR THE CALCULATION OF A RECREATION FEE FOR A SOLAR COMMERCIAL FACILITY, AND THE INITIAL FEE AMOUNT; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.

WHEREAS, Eldred Township, Monroe County, Pennsylvania (the "Township") is a Pennsylvania second class township, organized and operating under the Pennsylvania Second Class Township Code ("Township Code"), 53 P.S. Sec. 65101, et seq.;

WHEREAS, under Sec. 1505 of the Township Code, 53 P.S. Sec. 66505, the corporate powers of the Township shall be exercised by the Township Board of Supervisors (the "Board");

WHEREAS, Section 1506 of the Township Code, 53 P.S. Section 66506, authorizes the Board of Supervisors to make and adopt any ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and the laws of this Commonwealth necessary for the proper management, care and control of the Township, and its finances and maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce and manufacturers;

WHEREAS, Section 1516 of the Township Code, 53 P.S. 66516, entitled "Land Use Regulations," authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision, and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code";

WHEREAS, under such authority, the Township enacted on May 1, 2014, Township Ordinance #2014-02, commonly known as the Eldred Township Subdivision and Land Development Ordinance (the "Subdivision Ordinance" or "SALDO");

WHEREAS, Section 505 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as

amended and re-enacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10505, entitled "Enactment of Subdivision and Land Development Ordinance Amendments," sets forth provisions for the enactment of amendments to subdivision and land development ordinances under certain procedural formalities;

WHEREAS, the Board of Supervisors, from time to time, has reviewed the Subdivision and Land Development Ordinance and amended the Ordinance, as the Board finds in the best interests of the health, safety, and welfare of Township residents;

WHEREAS, the Board finds the development and decommissioning of solar commercial facilities can have a material impact on the land uses in their vicinity as well as create a significant burden on State, County, and Township resources, support services, and infrastructure;

WHEREAS, the Board finds the regulation and review of solar commercial facilities under the Township SALDO is consistent with good land use planning and will protect the health, safety, and welfare of the Township's residence, businesses, and property owners; and

WHEREAS, the Board finds it beneficial to confirm expressly that the solar commercial facilities constitute a land development under the SALDO, and their development is subject to the SALDO's requirements, including Township review and approval without limitation;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

Section 1. The definition of "Land Development" in Section 204, Specific Terms, of the SALDO is amended and restated, in its entirety, as follows:

"Land Development - Any of the following activities:

- A. The improvement of one or two or more contiguous lots, tracts, or parcels of land for any purpose involving either or both of the following:**

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single principal nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

B. A subdivision of land.

C. Development of a lot, tract or parcel of land for a Solar Commercial Facility (SCF) as defined in the Eldred Township Zoning Ordinance, as amended.

D. The definition of *land development* shall not include the following:

1. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units unless such units are intended to be a condominium.

2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an *amusement park* is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township."

Section 2. Section 620.6, Recreation Fees, F. Fee Amount, of the SALDO is amended by adding the following subsection 3:

"3. The fee requirements of this section for a Solar Commercial Facility (as defined in the Eldred Township Zoning Ordinance) shall be based upon the square feet of solar array area in a Solar Commercial Facility that would be allowed on the lots of a land development after approval. The fee is initially established at the amount of \$0.25 per square foot of solar array area in a Solar Commercial Facility and shall continue at the amount until a new amount is established by the Board of Supervisors by Resolution."

Section 3. 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 remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

Section 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of this Ordinance are the same as any provisions of the Subdivision and Land Development Ordinance, as amended, in force immediately prior to the adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

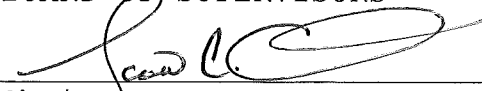
Section 5. This Ordinance shall be immediately effective upon its enactment.

Section 6. This Subdivision and Land Development Ordinance Amendment is incorporated into the Township's official Ordinance Book by reference with the same force and effect as if duly recorded therein, in accordance with Sec. 506(c) of the Pennsylvania Municipalities Planning Code, 53 P.S. Sec. 10506(c).

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania this 15th day of April, 2026.

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TOWNSHIP OF ELDRED
BOARD OF SUPERVISORS



Chairperson

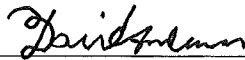


Vice Chairperson

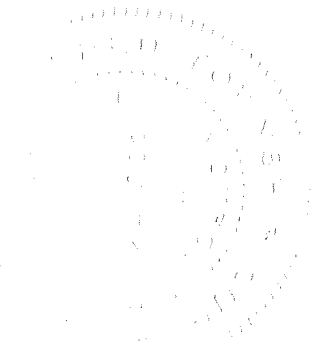


Supervisor

(TOWNSHIP SEAL)

Attest: 

Township Assistant Secretary



TOWNSHIP OF ELDRED
MONROE COUNTY, PENNSYLVANIA

SECRETARY CERTIFICATION

I, David Anderson, duly qualified Assistant Secretary of Eldred Township, Monroe County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of Township Ordinance # 2026 - 02 duly enacted by a majority vote of the Eldred Township Board of Supervisors at a regular meeting held on April 15, 2026, and said Ordinance remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of Eldred Township, Monroe County, the 15th day of April 2026.

Township of Eldred
Monroe County, Pennsylvania

David Anderson

David Anderson,
Township Assistant Secretary

[SEAL]

