

ROSS TOWNSHIP MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-2

AN ORDINANCE OF THE TOWNSHIP OF ROSS, MONROE COUNTY, PENNSYLVANIA, AMENDING ROSS TOWNSHIP ZONING ORDINANCES, AS AMENDED, WITH RESPECT TO SOLAR COMERICAL FACILITIES AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, et seq., authorizes Ross Township to enact, amend, and repeal Zoning Ordinances within the Township; and

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the residents of the Township to update and amend provisions of the Ross Township Zoning Ordinance to provide for Solar Commercial Facilities and Solar Commercial Facilities Accessory Uses; and

WHEREAS, the Board of Supervisors of the Township desires to add provisions to the Zoning Ordinance relating to Solar Commercial Facilities and Solar Commercial Facilities Accessory Uses;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Ross Township as follows:

PART 1 GENERAL PROVISIONS

Section 101. Short Title. This Ordinance will be known as the Ross Township Zoning Ordinance Amendment Regarding Solar Commercial Facilities.

Section 102. Legal Authority. The Pennsylvania Second Class Township Code authorizes a board of supervisors to make and adopt ordinances necessary for the proper management, care, and control of the Township and to maintain the health and welfare of the Township and its citizens. See 53 P.S. § 66506 ("General Powers"). The Pennsylvania Municipalities Planning Code authorizes a board of supervisors to plan for the development of the Township through zoning, subdivision, and land development regulations, and also to enact of amendments to zoning ordinances pursuant to certain procedural formalities. See 53 P.S. § 66516 ("Land Use Regulations") and 53 P.S. § 10609 ("Enactment of Zoning Ordinance Amendments").

Section 103. Legislative Intent and Purpose. Based on the above-referenced legal authority, the Board desires to amend the Ross Township Zoning Ordinance, as previously amended, by revising definitions of certain terms and providing for new regulations pertaining to “Solar Commercial Facilities.”

The Board finds that the regulations promulgated by this Ordinance are necessary to achieve the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the citizens of Ross Township; and

B. To ensure the adequate and safe development and use of property located in Ross Township.

Section 104. Legal Conflicts.

A. All prior Township ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.

B. If any term, provision, covenant or restriction contained in this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions contained in this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated. The Township intends that this Ordinance would have been enacted had each invalid provision not been included.

**PART 2
DEFINITIONS**

Section 201. General Interpretation. For the purpose of this Ordinance, the present tense shall include the future tense; the singular shall include the plural; words used in the masculine gender shall include the feminine and the neuter; the word “shall” is always mandatory; the word “may” is always permissive.

Section 202. Definitions. Zoning, Article 2, Definitions, Section 202 Of Ross Township’s Zoning Ordinances, Is Hereby Amended To Add The Following Definitions Of “Solar Energy System,” “Solar Array,” “Solar Cell,” “Solar Module,” “Solar Commercial Facility (SCF),” “Decommissioning Plan,” “Solar Access,” “Solar Easement,” “Solar Energy,” “Solar Glare,” and “Solar Related Equipment”:

“Solar Array: A grouping of multiple solar modules for harvesting solar energy.”

“Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.”

“Solar Module: A grouping of solar cells to harvest solar energy.”

“Solar Commercial Facility: A facility where one or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities, are located and are used for the generation of electricity which is sold on the open market.”

“Decommissioning Plan: An agreement entered into with the Board of Supervisors, and recorded with the Monroe County Recorder of Deeds, detailing the timing, as well as the steps and procedures that will be taken, to decommission a solar energy facility and the amount, form and timing of financial security to assure the timely completion of the same, which shall be in form and content acceptable to the Board of Supervisors.”

“Solar Access: A property owner’s right to have sunlight shine on the owner’s land.”

“Solar Easement: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for a solar electric system.”

“Solar Energy – Radiant energy (direct, diffuse, and/or reflective) received from the sun.”

“Solar Glare – The effect produced by light reflecting from a solar array with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.”

“Solar Related Equipment: Items including, but not limited to, a solar photovoltaic cell, module, or array, or solar hot air or water collector devices, lines, pumps, batteries, mounting brackets, framing, and possibly foundations or other structures used for or intended to be used for the collection of solar energy.”

PART 3 OTHER AMENDMENTS

Section 301. Amendment to Article 3, Section 306 Uses Allowed in Zoning Districts.

A. Solar Commercial Facility. Ross Township Zoning Ordinance, Article 3, Section 306 Uses Allowed in Zoning Districts is hereby amended to add “Solar Commercial Facility” to the conditional uses for the General Commercial district.

B. Solar Related Equipment. Ross Township Zoning Ordinance, Article 3, Section 306 Uses Allowed in Zoning Districts is hereby amended to add “Solar Related Equipment” to the accessory uses for General Commercial district.

Section 302. Amendment to Article 4, Supplemental Regulations, is hereby added to contain the following standards:

402. Additional Requirements for Specific Uses WW. Solar Commercial Facility. Solar Commercial Facility, as defined in Article 2 (Definitions), shall conform to the following requirements:

1. Purpose.

A. To address the installation of solar commercial generation in the Township and strike a balance between promoting renewable energy and avoiding areas designated for other uses critical to community and economic development.

B. To provide reasonable development standards to facilitate the installation of solar commercial while addressing potential community impacts.

C. To reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

2. Land development. A SCF shall also meet the Subdivision and Land Development Ordinance requirements.

3. Application Requirements – In addition to the standard conditional use requirements, the SCF owner and/or applicant shall provide the following as part of the conditional use application:

A. Site plan. A descriptive site plan including, but not limited to, dimensioned setbacks, locations of property lines, roadways, and driveways, location and size of solar modules and/or arrays, elevations and heights of buildings and structures, location and detail of perimeter fencing, and buffer and landscaping requirements.

B. Fire protection plan. The site plan shall incorporate a fire protection plan, including, but not limited to, the location of hydrants and other on-site and off-site firefighting equipment, and a narrative of the same shall be provided to the Township and the Blue Ridge Hook and Ladder Fire Company (or other applicable successor local fire company) for review and comment.

C. Utility notification. Evidence that the electric utility company has been informed of the owner's and/or operator's intent to install such a facility and its Intended connection to the utility grid. A copy of the electric utility company's approval to connect to the utility grid shall be

provided to the Township if secured at the time of the conditional use application, but not later than the time of application for the zoning permit.

D. Permission to apply. An affidavit or evidence of agreement between the property owner, SCF owner, and/or operator confirming that the SCF owner and/or operator has permission to apply for the conditional use.

E. State and federal permits. Copies of all necessary state and federal permits for the construction, installation, operation, and decommissioning of the SCF and its solar energy system(s) shall be provided if secured at the time of the conditional use application, but not later than the time of the application for the zoning permit.

F. Agency documents. Copies of all studies, analyses, reports, certificates, and approvals required by all agencies shall be provided to the Township if secured at the time of the conditional use application, but not later than the time of application for the zoning permit.

G. Decommissioning plan. A proposed Decommissioning Plan for review and approval by the Board of Supervisors.

4. Development standards, requirements, and criteria. The following standards, requirements, and criteria, without limitation, shall apply to an SCF:

A. Fence

(1) The SCF and its solar energy system(s), solar related equipment, principal and accessory buildings and structures, and parking facilities shall be enclosed by perimeter chain-link fencing, and/or other fencing required by state or federal agency, and access gate(s) at a height between eight and nine feet for the purpose of restricting unauthorized access.

(2) Such fencing shall be black poly-coated and shall not include barbed wire or similar product unless otherwise required by a state or federal agency.

(3) A Knox-type box shall be installed on all access gates for emergency access by the Blue Ridge Hook and Ladder Fire Company (or other applicable successor local fire company) and other emergency responders.

B. Landscaping and Buffers. Landscaping and buffers shall be in accordance with other requirements under the Ross Township Zoning Ordinance.

C. Ground Cover.

(1) An area not less than 25 feet in width and planted and maintained with grass and/or other vegetation satisfactory to the Board of Supervisors shall be located between the perimeter required fencing and all solar-related equipment as a firebreak. An alternative method of providing SCF perimeter fire protection may be proposed by the SCF owner and/or operator and may be approved by the Board of Supervisors.

(2) Grass shall be planted and maintained below and between ground-mounted solar modules and/or arrays, except where access roads are provided.

(3) A note on the SCF land development plan shall detail the type of grass and its maintenance to ensure continuous ground cover, soil stabilization, and a minimized risk of a fire hazard.

D. Access and parking. Access roads and parking areas within the SCF shall comply with General Regulations Applying to Required Off-Street Parking Facilities.

E. Signs. The SCF manufacturer's, installer's, and operator's Identification and contact information, emergency contact information, and appropriate warning signage not greater than three square feet each, or the minimum square footage signage allowed by applicable code, state, or federal agency, shall be posted on the access gate and/or perimeter fencing as required by applicable regulations.

F. Utility lines. All on-site utility lines shall be placed underground unless otherwise approved by the Board of Supervisors. The conditional use site and land development plans shall clearly depict where all underground and above-ground utility lines are proposed.

G. Bulk and coverage. A SCF shall comply with the following bulk and coverage standards:

Minimum front, side, and rear setback from property lines and street rights-of-way for perimeter fence.	50 Feet
Minimum front, side, and rear setback from property lines and street rights-of-way for solar arrays and their mounting equipment	100 Feet
Maximum solar array height	15 Feet
Maximum lot coverage	60 percent
Minimum lot area	10 Acres

H. Lot coverage. The cumulative surface area of solar arrays, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

I. Solar Glare. The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year, and direction of peak glare periods, and document how potential nuisances to area properties and on public roads will be controlled.

J. Standards and certification. The design of the SCF shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates

H. Woodlands Removal Maximum. The conditional use plan shall provide a description and sketch of the woodlands existing on the lot prior to the proposed development and a description and sketch of the woodlands proposed to be removed or disturbed as a result of the proposed development. The maximum percentage of woodlands that may be removed or disturbed from any lot developed for any data storage center use, including any and all additional primary uses and accessory uses incidental to any data storage center use, is fifty percent (50%) of the woodlands existing on the lot.

I. Solar arrays are not permitted to be located in sensitive natural areas such as wetlands, watercourse buffers, steep slopes, floodplains, and regulated drainage corridors.

PART 4 EFFECTIVE DATE

Section 401. Effective Date. This Ordinance will be effective immediately after its enactment, and will remain in force until modified, amended, or rescinded by Ross Township, Monroe County, Pennsylvania.

ENACTED and ADOPTED by the Board of Supervisors of Ross Township, Monroe County, Pennsylvania, this 4th day of May, 2026.

ATTEST:

Naren E. Orlando

Secretary
(TOWNSHIP SEAL)

BOARD OF SUPERVISORS OF
ROSS TOWNSHIP


