

**SMITHFIELD TOWNSHIP
MONROE COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 510

A RESOLUTION OF SMITHFIELD TOWNSHIP, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, INVOKING A MUNICIPAL CURE PERIOD PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, 53 P.S. § 10609.2.

WHEREAS, Smithfield Township (the “Township”) is a political subdivision of the County of Monroe, Commonwealth of Pennsylvania and is a Second Class Township with offices located at 1155 Red Fox Road, East Stroudsburg, Pennsylvania, 18301; and

WHEREAS, the Township Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words) contains definitions for terms and uses referenced in the Ordinance; and

WHEREAS, the Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Part 3 – District Use Regulations) establishes uses and/or classes of uses that are permitted and/or prohibited in certain zoning districts; and

WHEREAS, the Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Part 5 – Supplementary Regulations) provide additional specific regulations and requirements for uses; and

WHEREAS, the Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Section 401 – District Regulations) contains area and dimensional regulations for such zoning districts; and

WHEREAS, the Township is of the opinion that regulations and definitions related to solar energy and warehouses must be updated to preserve and maintain land uses in conformance with the goals of the Smithfield Township Comprehensive Plan; and

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Board of Supervisors of Smithfield Township, Monroe County, Pennsylvania, that:

1. The above recitals are herein incorporated by reference.
2. The Board of Supervisors initiated the municipal curative amendment procedure authorized pursuant to Section 609.2 of the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. § 10609.2, at a duly advertised public meeting of the Township Board of Supervisors (“Board”) held on September 28, 2022 by Declaration of the Board which declared a portion of the Zoning Ordinance invalid because of its failure to:

(1) provide any definitions and/or regulations for solar energy facilities and related equipment within the Township including inter alia, solar fields, solar farms, solar panels and solar energy business. There is no definition and/use of solar energy in the existing Zoning Ordinance; and

(2) provide adequate definitions and/or regulations regarding warehouses in the Township inter alia storage, distribution, size, infrastructure and environmental effects inasmuch as the current Zoning Ordinance definition of a “warehouse” is simply “a building used primarily for the storage of equipment, goods and materials”; and,

(3) It is ambiguous and/or unclear as to whether solar energy facilities and/or warehouses should be included in either the Economic Development (ED) Zoning District and/or the M-1 (Industrial) Zoning District or both.

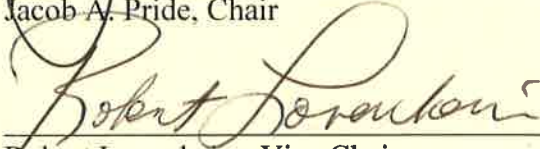
3. The Board hereby declares its intent to prepare a curative zoning amendment to overcome any invalidity as may be determined pursuant to the procedure set forth above.
4. Within one hundred eighty (180) days following the date of the Board's Declaration of September 28, 2022, (on or before March 27, 2023), the Board intends to prepare and enact a curative zoning amendment to validate, or reaffirm the validity, of the Zoning Ordinance as to solar energy and warehouses.
5. The terms, conditions and provisions of this Resolution are severable. If any such term, condition or provision of this Resolution 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 terms, conditions or provisions of this Resolution; and, it is hereby declared to be the intent of the Township that this Resolution would have been adopted and enacted had such unconstitutional, illegal or invalid term, condition or provision not been included herein.
6. The terms, conditions and provisions of any Smithfield Township resolution(s) which are inconsistent herewith shall be deemed vacated and/or repealed; but, any other terms, conditions and provisions of any such resolution(s) which are not inconsistent herewith shall remain in full force and effect.

ADOPTED this 26th day of October, 2022 by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania.

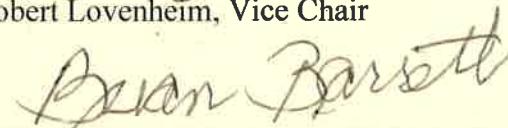
**SMITHFIELD TOWNSHIP
BOARD OF SUPERVISORS**



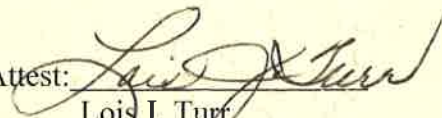
Jacob A. Pride, Chair



Robert Lovenheim, Vice Chair



Brian E. Barrett, Supervisor

Attest: 

Lois J. Turr
Administrative Secretary