

**AMITY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

RESOLUTION NO. 26-19

A RESOLUTION OF THE BOARD OF SUPERVISORS OF AMITY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, INITIATING A MUNICIPAL CURATIVE AMENDMENT TO THE AMITY TOWNSHIP ZONING ORDINANCE PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE TO ADDRESS THE FAILURE OF THE ZONING ORDINANCE TO PROVIDE FOR DATA CENTER USES, AND IMPOSING A TEMPORARY STAY FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS

WHEREAS, Amity Township, Berks County, Pennsylvania (the "Township") is a municipality organized and existing under the Pennsylvania Second Class Township Code; and

WHEREAS, the Board of Supervisors of Amity Township (the "Board") is authorized and empowered to adopt and amend zoning ordinances pursuant to the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. § 10101 et seq. (the "MPC"); and

WHEREAS, the Township currently has in effect a Zoning Ordinance, known as the "Amity Township Zoning Ordinance of 1991, as amended" (the "Zoning Ordinance") that regulates the use and development of land within the Township; and

WHEREAS, data centers, defined to include, but not be limited to, facilities used for housing, operating, and maintaining computer servers, networking equipment, and associated infrastructure for the storage, processing, and distribution of electronic data, represent a growing category of land use with significant infrastructure, utility, and land use implications and impacts on the community and its health, safety, and welfare; and

WHEREAS, the Board has determined that the existing Zoning Ordinance does not provide for data center uses within any zoning district of the Township, and that said failure constitutes a defect in the Zoning Ordinance within the meaning of Section 609.2 of the MPC, 53 P.S. § 10609.2; and

WHEREAS, the failure of the Zoning Ordinance to provide for data center uses renders the Zoning Ordinance defective with respect to such uses, thereby creating uncertainty regarding the permissibility of data center development within the Township and the applicable standards and conditions that should govern such uses; and

WHEREAS, Section 609.2(1) of the MPC authorizes a municipality to enact a curative amendment to its zoning ordinance to address the municipality's self-identification of a defect or substantive invalidity in the ordinance; and

WHEREAS, Section 609.2(2) of the MPC provides that upon the adoption of a resolution by the governing body identifying a defect in the zoning ordinance and authorizing the preparation of a curative amendment, all applications and proceedings on pending applications for approval of land development, subdivision, zoning or building permits related to the identified defect shall be stayed for a period not to exceed one hundred eighty (180) days; and

WHEREAS, the Board has determined that it is in the best interest of the public health, safety, and welfare of the Township to initiate a curative amendment to the Zoning Ordinance for the purpose of studying, evaluating, and establishing appropriate provisions governing data center uses, including suitable zoning district locations, use-specific standards, performance criteria, buffering requirements, infrastructure and utility capacity considerations, and such other standards as may be appropriate; and

WHEREAS, the Board finds it necessary and appropriate to impose a temporary stay of applications or proceedings on any applications related to data center uses during the period in which the curative amendment is being prepared, in order to protect the integrity of the planning process and ensure that any proposed data center development is evaluated under appropriate and comprehensive zoning standards; and

WHEREAS, the Township Solicitor has been consulted regarding the initiation of this curative amendment process,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Amity Township, Berks County, Pennsylvania, as follows:

Section 1. Findings and Identification of Defect.

The Board of Supervisors hereby finds and determines that the Amity Township Zoning Ordinance is defective in that it fails to provide for data center uses, defined to include facilities used for housing, operating, and maintaining computer servers, data storage systems, networking equipment, power systems, and cooling infrastructure for the processing, storage, and transmission of electronic data, within any zoning district of the Township. This failure constitutes a defect in the Zoning Ordinance for purposes of Section 609.2 of the MPC, 53 P.S. § 10609.2(1).

Section 2. Initiation of Municipal Curative Amendment.

Pursuant to Section 609.2 of the MPC, the Board of Supervisors hereby initiates a municipal curative amendment to the Zoning Ordinance to address the defect identified in Section 1 of this Resolution. The curative amendment shall study and, as appropriate, establish provisions for data center uses within the Township, which may include but shall not be limited to:

- (a) identification of appropriate zoning district(s) in which data center uses may be permitted, either as uses by right, conditional uses, or uses by special exception;
- (b) definitions applicable to data center uses and associated accessory uses;
- (c) dimensional standards, setback requirements, lot coverage limitations, and height restrictions applicable to data center facilities;
- (d) performance standards addressing noise, lighting, electromagnetic interference, visual screening, landscaping, and buffering;
- (e) infrastructure and utility requirements, including electrical supply, water supply, stormwater management, and telecommunications infrastructure;
- (f) standards for impact assessment, including traffic, water, sewer, electricity, environments (e.g., noise and lighting) and transportation infrastructure;
- (g) standards for security, fencing, and access control;

- (h) standards for decommissioning and site restoration; and
- (i) such other standards, conditions, and criteria as the Board deems necessary and appropriate to protect the public health, safety, and welfare.

Section 3. Authorization to Prepare Curative Amendment.

The Township Solicitor and other such consultants as the Township Manager may retain are hereby authorized and directed to prepare a proposed curative amendment to the Zoning Ordinance consistent with the findings and purposes set forth in this Resolution, and to present the proposed amendment to the Board in accordance with the procedures required by the MPC, including referral to the Amity Township Planning Commission and the Berks County Planning Commission for review and report.

Section 4. Temporary Stay of Proceedings.

Pursuant to Section 609.2(3) of the MPC, 53 P.S. § 10609.2(3), all applications and proceedings on any application for approval of land development, subdivision, or building or zoning permit for any use that would constitute a data center as described herein shall be stayed for a period not to exceed one hundred eighty (180) days from the date of adoption of this Resolution, or until the curative amendment is adopted or rejected by the Board of Supervisors, whichever occurs first.

Applications that are subject to stay include, without limitation, applications for:

- (a) zoning or building permits for data center construction, expansion, or conversion;
- (b) land development or subdivision approval for development that includes data center uses; and
- (c) zoning applications for variances, special exceptions, conditional uses, interpretations or appeals related to data center uses.

The Township Zoning Officer, Township Manager/Secretary, and Zoning Hearing Board are hereby directed to take all steps necessary to effectuate this stay in accordance with the MPC.

Section 5. Notice.

The Township Manager is hereby directed to publish notice of the adoption of this Resolution in a newspaper of general circulation in the Township in accordance with the requirements of the MPC, and to provide such other notices as may be required by law. Copies of this Resolution shall be available for public inspection at the Amity Township offices during regular business hours.

Section 6. Coordination.

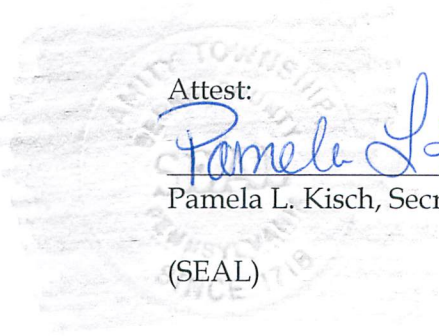
The Township Manager and Township Solicitor are hereby authorized and directed to take all such additional steps and actions as may be necessary or appropriate to effectuate the purpose and intent of this Resolution and to carry out the curative amendment process in accordance with the MPC.

Section 7. Effective Date.

This Resolution shall take effect immediately upon adoption.

ADOPTED by the Board of Supervisors of Amity Township, Berks County, Pennsylvania, at a duly convened meeting thereof on September 16, 2026.

Attest:


Pamela L. Kisch

Pamela L. Kisch, Secretary

(SEAL)

**AMITY TOWNSHIP
BOARD OF SUPERVISORS**

Kim McGrath

Kim McGrath, Chairperson

Kevin Keifrid

Kevin Keifrid, Vice Chairperson

Paul Weller

Paul Weller

Terry Jones

Terry Jones

Nate Halter

Nate Halter