

RESOLUTION NO. 2026-08

NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE TOWNSHIP OF NEW BRITAIN, BUCKS COUNTY, PENNSYLVANIA DECLARING THE SUBSTANTIVE INVALIDITY OF PORTIONS OF THE NEW BRITAIN TOWNSHIP ZONING ORDINANCE AND DECLARING A CURATIVE AMENDMENT PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, SUCH CURATIVE AMENDMENT TO PROVIDE FOR AND/OR TO REVISE CERTAIN VARIOUS PERMITTED USES, TOGETHER WITH DEFINITIONS, REGULATIONS, AND OTHER SIMILAR PROVISIONS RELATING AND PERTAINING TO THE SAME, INCLUDING, BUT NOT LIMITED TO, DATA CENTERS, SOLAR ENERGY SYSTEMS AND FACILITIES, AND WIND ENERGY SYSTEMS AND FACILITIES

WHEREAS, the Township of New Britain is a duly organized Township of the second class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, in accordance with the Second Class Township Code of Pennsylvania, Act of May 1, 1933, P.L. 103, No. 69, re-enacted and amended by the Act of November 9, 1995, P.L. 350, No. 60, as amended, 53 P.S. 66001, et seq., the Township is vested with various corporate powers, including but not limited to the adoption and enactment of such ordinances, resolutions, and regulations necessary for the proper care, management, and control of the Township; and

WHEREAS, in the furtherance of those powers, the Township has adopted, and from time to time amended, a zoning ordinance pursuant to the powers granted to the Township pursuant to the Second Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. §§10101-11202; and

WHEREAS, the aforementioned zoning ordinance is entitled the "New Britain Township Zoning Ordinance," Ordinance 2007-04-01 of the Township, as amended, and is codified as, and the various provisions of the New Britain Township Zoning Ordinance are set forth at, Chapter 27 of the

Code of the Township of New Britain; and

WHEREAS, the Township, from time to time, has determined that certain provisions of the Zoning Ordinance should be amended and modified for the advancement of, and consistent with, the purposes and goals set forth hereinabove; and

WHEREAS, the Township Board of Supervisors has become aware that portions of the New Britain Township Zoning Ordinance may be considered substantively invalid, namely, certain provisions that define the uses permitted within the Township, that designate the permissibility of various uses in certain zoning districts within the Township, and that regulate various uses permitted within the Township; and

WHEREAS, the Pennsylvania Municipalities Planning Code provides for the correction of such substantive invalidity through a Municipal Curative Amendment, as set forth in Section 609.2 of the Municipalities Planning Code, 53 P.S. §10609.2; and

WHEREAS, the Township Board of Supervisors has determined to consider amendments to its Zoning Ordinance; and

WHEREAS, the Township Board of Supervisors further desires to avail itself of the procedures set forth in Section 609.2 of the Municipalities Planning Code, 53 P.S. §10609.2, identified as the procedures for "Municipal Curative Amendments," to cure any potential substantive invalidity as set forth herein.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of New Britain, County of Bucks, Commonwealth of Pennsylvania, as follows:

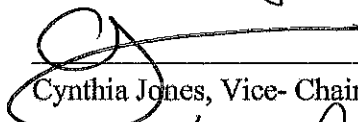
- I. The Township Board of Supervisors has determined and hereby Declares the substantive invalidity of the New Britain Township Zoning Ordinance as it fails to adequately define and regulate certain various uses, as well as to provide for their

permissibility in specific Zoning Districts of the Township, which such uses include, but are not limited to, the use commonly referred to as a Data Center, together with all such similar, accessory and appurtenant uses thereto.

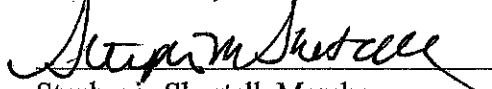
BE IT FURTHER RESOLVED, that the Township Solicitor is directed to prepare any other further Resolutions of the Township as may be necessary to effectuate the purposes and intent of this Declaration, and that the Township Solicitor is similarly directed to prepare a Curative Amendment for consideration and adoption by the Township Board of Supervisors so as to overcome any substantive invalidity of the New Britain Township Zoning Ordinance as is or may be identified through the Municipal Curative Amendment process set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, 53 §P.S. 10609.2.

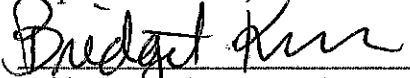
RESOLVED, DECLARED AND APPROVED this 3rd ^{August} day of ~~July~~, 2026.


MaryBeth McCabe, Chair


Cynthia Jones, Vice- Chair


William Jones, Member


Stephanie Shortall, Member


Bridget Kuhnakorn, Member

Attested to:


Nick Valla,
Township Manager