

FALLS TOWNSHIP

RESOLUTION NO. 2026-11

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FALLS TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA DECLARING A PORTION OF THE FALLS TOWNSHIP ZONING ORDINANCE SUBSTANTIVELY INVALID AND PROPOSING TO PREPARE A CURATIVE AMENDMENT TO CURE SUCH INVALIDITY PURSUANT TO SECTION 609.2 OF THE MUNICIPALITIES PLANNING CODE

WHEREAS, Falls Township (“Township”) is a Second-Class Township duly organized and existing pursuant to the applicable laws of Pennsylvania; and

WHEREAS, pursuant to Section 66506 of the Second-Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. § 66506, the Board of Supervisors is empowered to adopt resolutions and ordinances prescribing the manner in which powers of the Township shall be carried out; and

WHEREAS, the Township has adopted 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 provisions of the Falls Township Zoning Ordinance are set forth at Chapter 209 – “Zoning”, in the Falls Township Code; and

WHEREAS, the Board of Supervisors has become aware that portions of the Zoning Ordinance may be considered substantively invalid, namely, the provisions that define certain uses and which regulate their permissibility in certain zoning districts 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 thereof; and

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

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

NOW, THEREFORE, BE IT RESOLVED that, the Falls Township Board of Supervisors, as follows:

1. The Board of Supervisors hereby declares that the following provisions of Chapter 209 – “Zoning” may be substantively invalid:
 - a. Chapter 209, Article II, Section 5 – to the extent that the specific definitions of “data center” and “data center accessory use” are not included or otherwise defined in the Code.
 - b. Chapter 209, Article IV “District Regulations” – to the extent that the subsection does not identify data centers as a permitted use and/or do not establish the conditions under which data centers and similar uses may be permitted.
 - c. Chapter 209, Article V – “General Regulations” to the extent that the subsection does not identify data centers and/or does not provide regulations under which data centers may be regulated.
 - d. Chapter 209, Article VI – “Exceptions and Modifications” to the extent that the subsection does not identify data centers and/or provide conditional regulations under which data centers may be regulated.
 - e. Chapter 209 – to the extent that the applicable permitted use sections of the respective zoning districts do not identify data centers as a permitted use and/or do not establish the conditions under which data centers and similar uses may be located within a respective zoning district.
2. The Board of Supervisors has determined that the invalidity of the Zoning Ordinance includes a failure to adequately define permitted uses as well as provide for their permissibility in specific Zoning District – Materials Processing and Manufacturing District (“MPM”) of the Township as set forth herein.

BE IT FURTHER RESOLVED, that the Township Zoning Officer and the Township Solicitor are directed to review the Township Zoning Code, particularly Articles II, IV, V and VI, to determine whether any other defined uses require clarification, whether additional uses should be defined and added to the Zoning Code, and/or whether any such defined uses require clarification as to their permissibility in certain Zoning Districts within the Township.

BE IT FURTHER RESOLVED, that the Township Solicitor is directed to prepare a curative amendment to overcome any substantive validity identified

through the municipal curative amendment process set forth in Sections 609.2 and 609.2(1) of the Municipalities Planning Code, 53 P.S. § 10609.2 and § 10609.2(1).

RESOLVED and **ENACTED** this 27 day of July, 2026.

**FALLS TOWNSHIP
BOARD OF SUPERVISORS**

BY: *Jeffry Dence*
Jeffry E. Dence, *Chairman*

ATTEST:

Brian Galloway
Brian M. Galloway, *Secretary*