

RESOLUTION NO. 2026-09

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MUNCY
TOWNSHIP, LYCOMING COUNTY, PENNSYLVANIA**

**DECLARING THE MUNCY TOWNSHIP ZONING ORDINANCE
SUBSTANTIALLY INVALID AS IT RELATES TO DATA CENTERS,
ACCESSORY DATA CENTERS AND EQUIVALENT OR SIMILAR USES
AND INITIATING THE PREPARATION OF A CURATIVE AMENDMENT
PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA
MUNICIPALITIES PLANNING CODE**

WHEREAS, the Board of Supervisors of Muncy Township (“Board”) finds that the Muncy Township Zoning Ordinance, as enacted and subsequently amended, does not contain specific Zoning regulations governing Data Centers, Accessory Data Centers and equivalent or similar uses; and

WHEREAS, the Board further finds that Modern Data Centers, Accessory Data Centers and equivalent or similar uses may involve unique land use characteristics and operational impacts that differ substantially from traditional commercial or industrial uses, including, but not limited to, electrical demand, utility infrastructure, backup power generation, water usage, wastewater management, emergency response planning, fuel storage, hazardous materials, noise, lighting, buffering, security, traffic circulation, stormwater management, compatibility with surrounding land uses, preservation of agricultural resources where appropriate, and consistency with the Township Comprehensive Plan and other adopted planning objectives; and

WHEREAS, the Board further finds that the existing Muncy Township Zoning Ordinance may not adequately address the unique characteristics and potential impacts associated with such uses, including infrastructure impacts, public utilities, emergency services, environmental impacts, neighboring property owners, compatibility with surrounding zoning districts, and other legitimate land use planning considerations; and

WHEREAS, the Board finds that the Muncy Township Zoning Ordinance should contain reasonable standards governing the location, design, construction, operation, buffering, screening, infrastructure coordination, utility impacts, emergency preparedness, and ongoing regulation of such uses in order to protect the public health, safety, morals, convenience, and general welfare of the present and future residents of Muncy Township while providing a lawful framework for the consideration of such land uses; and

WHEREAS, the Board further finds that the purpose of the Proposed Curative Amendment is not to prohibit Data Centers, Accessory Data Centers, or equivalent or similar uses, but rather to establish reasonable Zoning Regulations governing their location, design, operation, buffering, infrastructure coordination, and compatibility with surrounding land uses in a manner consistent with sound municipal planning and the protection of the public health, safety, and welfare; and

WHEREAS, the Board has determined that it is appropriate to review and prepare Amendments to the Muncy Township Zoning Ordinance establishing reasonable Zoning Regulations governing Data Centers, Accessory Data Centers, and equivalent or similar uses; and

WHEREAS, the Board further finds that the preparation of a Curative Amendment should be conducted through an open legislative planning process, including review by the Muncy Township Planning Commission, the receipt of public comment, consultation with qualified professionals, and consideration of planning principles and technical information necessary to develop reasonable zoning regulations consistent with the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board finds that the preparation of the Proposed Curative Amendment should be based upon accepted planning principles, technical analysis, professional consultation, and public participation in order to establish reasonable Zoning Regulations that protect the public health, safety, and welfare while ensuring that lawful land uses may be considered in an orderly and consistent manner under the Muncy Township Zoning Ordinance.

WHEREAS, pursuant to Section 609.2 of the Pennsylvania Municipalities Planning Code, the Board may declare a Zoning Ordinance substantially invalid and initiate preparation of a Curative Amendment to address the declared invalidity; and

WHEREAS, the Board hereby initiates the one hundred eighty (180) day review period authorized under Section 609.2 of the Pennsylvania Municipalities Planning Code and intends to diligently prepare, review, advertise, and consider a Curative Amendment within the statutory time period established by Section 609.2 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board directs the preparation of a Curative Amendment to the Muncy Township Zoning Ordinance to address the declared invalidity through the legislative process established by the Pennsylvania Municipalities Planning Code with the assistance of the Township Planning Commission and such professional consultants and advisors as the Board determines appropriate.

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

Section 1.

The Board hereby declares the Muncy Township Zoning Ordinance substantially invalid to the extent that it does not contain specific Zoning Regulations governing Data Centers, Accessory Data Centers, and equivalent or similar uses.

Section 2.

The Board finds that the preparation and enactment of a Curative Amendment establishing reasonable Zoning Regulations governing Data Centers, Accessory Data Centers, and equivalent or similar uses is necessary to protect the public health, safety, morals, convenience, and general welfare of the present and future residents of Muncy Township. The Board further finds that such regulations should appropriately address infrastructure impacts, public utilities, emergency services, environmental considerations, compatibility with neighboring property owners and surrounding zoning districts, utility capacity, emergency preparedness, and other legitimate land use planning considerations while promoting orderly growth, sound community planning, and the long-term welfare of the Township.

Section 3.

The Board hereby directs the preparation of a Curative Amendment to the Muncy Township Zoning Ordinance pursuant to Section 609.2 of the Pennsylvania Municipalities Planning Code for the purpose of reviewing and correcting the declared invalidity.

The purpose of the Curative Amendment is not to prohibit Data Centers, Accessory Data Centers, or equivalent or similar uses, but rather to establish reasonable Zoning Regulations governing their location, design, operation, buffering, infrastructure coordination, utility impacts, environmental compatibility, and compatibility with surrounding land uses in a manner consistent with the public health, safety, and welfare and the requirements of the Pennsylvania Municipalities Planning Code.

The Township intends that such regulations provide a clear, reasonable, predictable, and legally supportable framework for the future consideration of such uses while protecting the public health, safety, and welfare.

Section 4.

The Board hereby refers the Proposed Curative Amendment to the Muncy Township Planning Commission for review and recommendation in accordance with the Pennsylvania Municipalities Planning Code. As part of its review, the Planning Commission shall conduct public meetings as required by law, receive comments from the public, property owners, interested stakeholders, governmental agencies, and qualified professionals, and formulate recommendations for consideration by the Board of Supervisors prior to final legislative action.

In carrying out its review, the Planning Commission and Board of Supervisors may consult with the Township Planning Consultant, Township Engineer, Township Zoning Officer, Township Solicitor, emergency service providers, public utility providers, the Lycoming County Planning Commission, environmental professionals, and such other consultants, governmental agencies, technical experts as may be appropriate to assist the Township in evaluating planning, infrastructure, utility, environmental, emergency service, engineering, and land use considerations associated with Data Centers, Accessory Data Centers, and equivalent or similar uses.

The Planning Commission and Board shall consider accepted planning principles, professional recommendations, public input, infrastructure capacity, utility availability, emergency response capabilities, environmental impacts, compatibility with surrounding land uses and zoning districts, agricultural preservation where appropriate, consistency with the Township Comprehensive Plan, and any other factors determined to be relevant to the preparation of reasonable zoning regulations.

Section 5.

This Resolution constitutes a legislative determination of the Board of Supervisors undertaken solely for the purpose of reviewing, evaluating, and preparing Zoning Regulations of general applicability. The Board's action is legislative in nature and is intended solely to initiate the statutory process for considering amendments to the Township Zoning Ordinance through the public planning and legislative procedures established by the Pennsylvania Municipalities Planning Code.

Nothing contained in this Resolution shall be construed as adjudicating, approving, denying, granting, impairing, or otherwise determining the rights of any specific property owner, applicant, pending zoning application, subdivision or land development application, conditional use application, special exception application, land use proceeding, or any other pending matter before the Township.

Section 6

Nothing contained herein shall be construed as waiving, limiting, impairing, or otherwise affecting any constitutional, statutory, procedural, or common law rights, defenses, legal positions, procedural protections, or remedies available to Muncy Township under the Pennsylvania Municipalities Planning Code, the Pennsylvania Sunshine Act, or any other applicable federal, state, or local law. Nothing contained in this Resolution shall be deemed a waiver of any legal position, defense, or procedural protection available to the Township.

Section 7.

If any section, subsection, sentence, clause, phrase, or provision of this Resolution is determined by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and

Section 8.

In preparing the Proposed Curative Amendment, the Board of Supervisors intends that the legislative record may include, as appropriate, recommendations of the Muncy Township Planning Commission, comments received during public meetings, recommendations of the Township Engineer, Township Zoning Officer, Township Solicitor, Township Planning Consultant, Lycoming County Planning Commission, emergency service providers, utility providers, examples of ordinances from other Pennsylvania municipalities, technical studies, and any other information determined by the Board to be relevant to the preparation and consideration of reasonable zoning regulations consistent with the Pennsylvania Municipalities Planning Code.

ADOPTED

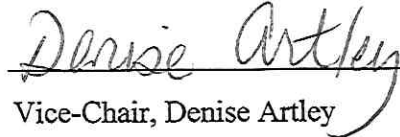
AND NOW, this 8th day of July, 2026, the foregoing Resolution was adopted by the Board of Supervisors of Muncy Township at a duly advertised public meeting held in accordance with the Pennsylvania Sunshine Act and the Pennsylvania Municipalities Planning Code.

RESOLVED AND ADOPTED this 8th day of July, 2026.

MUNCY TOWNSHIP BOARD OF SUPERVISORS



Chair, Terri Lauchle



Vice-Chair, Denise Artley



Supervisor, Heath Ohnmeiss

ATTESTED:



Secretary, Kathryn Harper