

**BOROUGH OF WEST READING
BERKS COUNTY, PENNSYLVANIA**

BOROUGH COUNCIL

RESOLUTION NO. 2026-15

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF WEST READING, BERKS COUNTY,
PENNSYLVANIA, PURSUANT TO SECTION 609.2 OF THE
PENNSYLVANIA MUNICIPALITIES PLANNING CODE,
DECLARING THE BOROUGH OF WEST READING
ZONING ORDINANCE SUBSTANTIVELY INVALID
SOLELY WITH RESPECT TO ITS FAILURE TO ADDRESS
DATA CENTERS AS A USE WITHIN THE BOROUGH;
PROPOSING A MUNICIPAL CURATIVE AMENDMENT;
AFFIRMING THE VALIDITY OF THE ZONING
ORDINANCE IN ALL OTHER RESPECTS; AND
DIRECTING RELATED ACTIONS**

WHEREAS, The Borough of West Reading, Berks County, Pennsylvania (the “Borough”) is a borough duly incorporated and existing under the laws of the Commonwealth of Pennsylvania, with authority to enact and amend zoning ordinances pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended (“MPC”), 53 P.S. §§ 10601 *et seq.*, and pursuant to the Borough Code, Act of February 1, 1966, P.L. 1656, No. 581, as amended, 8 Pa. C.S. §§ 101 *et seq.*;

WHEREAS, The Borough adopted a Zoning Ordinance in the Borough of West Reading Code of Borough Ordinances, as Chapter 445, entitled “Zoning”, as amended from time to time (the “Zoning Ordinance”), which governs the use, development, and subdivision of land within the Borough;

WHEREAS, Section 609.2 of the MPC, 53 P.S. § 10609.2, authorizes the governing body of a municipality to declare its zoning ordinance, or any provision thereof, substantively invalid, to propose a curative amendment, and to initiate a municipal curative amendment procedure to cure the identified invalidity within 180 days of such declaration;

WHEREAS, The Borough Council of the Borough of West Reading (the “Council”) reviewed the Borough of West Reading Zoning Ordinance and received and considered the analysis and recommendation of the Borough’s professional planning staff and planning consultant regarding the adequacy of the Zoning Ordinance as it relates to data center facilities;

WHEREAS, The Council determined, upon advice of the Borough Solicitor and planning consultant, that the Borough of West Reading Zoning Ordinance fails to address data centers as a use category, whether as a permitted use, conditional use, use by special exception, or prohibited use, in any zoning district within the Borough;

WHEREAS, The Council took the formal action of declaring the Zoning Ordinance substantially invalid through Resolution 2026-14, enacted by the Borough on June 23, 2026;

WHEREAS, The Council now desires to detail how the Zoning Ordinance is substantially invalid for its lack of regulations of data centers;

WHEREAS, The complete absence of data centers from the Zoning Ordinance’s use regulations renders the Zoning Ordinance substantively invalid to the extent of that omission, as data centers constitute a legitimate commercial and/or industrial use that has grown significantly

in economic importance and for which Pennsylvania municipalities are obligated to make reasonable provision within their zoning ordinances;

WHEREAS, the Council intends to cure this specific invalidity by drafting and adopting a curative amendment to the Zoning Ordinance pursuant to the procedures of Section 609.2 of the MPC, which will establish appropriate use regulations, siting standards, dimensional requirements, performance standards, and any applicable conditional use criteria applicable to data centers within the Borough;

WHEREAS, The Council expressly finds and declares that the Zoning Ordinance is valid enforceable, and in full force and effect in all respects other than its failure to address data centers as a use, and that this Resolution does not call into question, impair, or otherwise affect any other provision of the Zoning Ordinance;

WHEREAS, MPC § 609.2(3) provides that upon initiation of a municipal curative amendment procedure, the governing body shall not be required to entertain or consider any landowner curative amendment filed under § 609.1, nor shall the Zoning Hearing Board be required to give a report under § 909.1 or § 916.1, on grounds identical or substantially similar to those identified in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of West Reading, Berks County, Pennsylvania, as follows:

Section 1. Declaration of Partial Invalidity. Pursuant to Section 609.2 of the MPC, 53 P.S. § 10609.2, the Borough Council of the Borough of West Reading hereby declares that the Borough of West Reading Zoning Ordinance, as currently adopted and amended, is substantively invalid solely with respect to its failure to address data centers as a use category in any zoning district within the Borough. The Council finds that this omission constitutes a substantive invalidity within the meaning of the MPC because the Zoning Ordinance makes no provision for data center facilities anywhere within the Borough.

Section 2. Validity of Zoning Ordinance in All Other Respects. Except as expressly stated in Section 1 of this Resolution, the Borough Council hereby reaffirms and declares that the Borough of West Reading Zoning Ordinance is valid, binding, and in full force and effect in all other provisions and respects. This Resolution shall not be construed to impair, suspend, or otherwise affect any other use regulation, dimensional standard, performance standard, overlay district provision, or any other provision of the Zoning Ordinance. No landowner or applicant shall be entitled to claim invalidity of the Zoning Ordinance on the basis of the data center omission with respect to any use other than a data center.

Section 3. Proposal of Curative Amendment. Pursuant to MPC § 609.2(1), the Borough Council hereby proposes a curative amendment to the Borough of West Reading Zoning Ordinance (the “Curative Amendment”) to cure the invalidity declared in Section 1 of this Resolution. The Curative Amendment shall, at a minimum:

- (a) Define “data center” as a use category within the Zoning Ordinance;

- (b) Identify the zoning district or districts within the Borough in which data centers shall be permitted, whether as a use by right, conditional use, or use by special exception, as the Council shall determine upon consideration of the planning analysis and public comment;
- (c) Establish dimensional requirements, setback standards, lot coverage limitations, and building height standards applicable to data centers;
- (d) Establish performance standards addressing noise, lighting, stormwater, traffic, utilities, and visual impact as appropriate to the data center use;
- (e) Establish criteria applicable to any required conditional use or special exception review; and
- (f) Include such additional provisions as the Council, upon recommendation of the Borough Planning Commission and planning consultant, deems necessary and appropriate to regulate data centers in a manner consistent with the health, safety, and welfare of the Borough and its residents.

Section 4. 180-Day Cure Deadline. In accordance with MPC § 609.2(2), the Borough shall enact the Curative Amendment within **180 days** from the date of adoption of Resolution 2026-14, enacted by the Borough on June 23, 2026. The Planning Commission, with the assistance of the Borough Solicitor and planning consultants, is hereby directed to prepare a draft Curative Amendment for review by the Borough Council at the earliest practicable date.

Section 5. Suspension of Competing Landowner Challenges. Pursuant to MPC § 609.2(3), upon the adoption of this Resolution, the Borough Council shall not be required to entertain or consider any landowner curative amendment filed under MPC § 609.1, nor shall the Borough of West Reading Zoning Hearing Board be required to give any report requested under Section 909.1

or § 916.1 of the MPC, based on grounds identical to or substantially similar to the invalidity identified herein, i.e., the failure of the Zoning Ordinance to provide for data centers as a use. The Borough Solicitor is directed to promptly notify the Zoning Hearing Board of this Resolution and its effect under § 609.2(3).

Section 6. Referral to Planning Commission and County Planning Agency. The Borough professional staff and Borough Solicitor are hereby directed to refer this Resolution and a summary of the proposed Curative Amendment to the Borough of West Reading Planning Commission and to the Berks County Planning Commission for review and comment, in accordance with the applicable provisions of MPC § 609, at the earliest practicable time.

Section 7. Direction to Solicitor. The Borough Solicitor is hereby authorized and directed to take all legal steps necessary or appropriate to implement this Resolution, to advise the Council and Borough staff regarding the § 609.2 process, and to represent the Borough's interests in connection with any challenge to this Resolution or to any land development or permit application that implicates the invalidity declared herein.

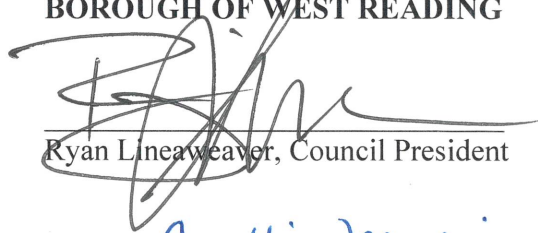
Section 8. Severability. If any provision of this Resolution or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Resolution that can be given effect without the invalid provision or application.

Section 9. Effective Date. This Resolution shall take effect immediately upon its adoption by the Borough Council.

DULY ORDIANED AND ADOPTED by the Borough Council of the Borough of West Reading,
Berks County, Pennsylvania, at a duly advertised public meeting held on the 21st day of
July, 2026, by the following vote:

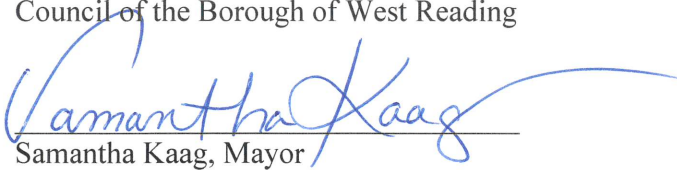
AYES: 6; NAYS: 0; ABSENT/ABSTAINING: 1

**BOROUGH COUNCIL OF
BOROUGH OF WEST READING**


Ryan Lineaweaver, Council President

Attest: Cynthia Madeira
Cynthia Madeira, Secretary

Approved as a Resolution of the Borough
Council of the Borough of West Reading


Samantha Kaag, Mayor

Date: July 21st, 2026

MUNICIPAL CERTIFICATION

I, Cynthia Madeira, the Secretary of the Borough of West Reading, certify that this is a
true and correct copy of a Resolution adopted by the Borough Council of the Borough of West
Reading, Berks County, Pennsylvania on 21st day of July, 2026.

Cynthia Madeira
Cynthia Madeira, Borough Secretary