BOROUGH OF FREEPORT
ARMSTRONG COUNTY, PENNSYLVANIA

RESOLUTION 2026 - 9

A RESOLUTION OF THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, PENNSYLVANIA, ADOPTED PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE DECLARING THE FREEPORT BOROUGH ZONING ORDINANCE, ORDINANCE NO. 364, AS AMENDED, SUBSTANTIALLY INVALID AND PROPOSING TO PREPARE A CURATIVE AMENDMENT TO OVERCOME SUCH INVALIDITY.

WHEREAS, the following terms are defined as follows:

1. Data Center. A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

2. Data Center Accessory Use. Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

WHEREAS, Borough Council makes the following specific findings setting forth the declaration of invalidity as follows:

1. The current zoning ordinance in Freeport Borough is Freeport Borough Ordinance No. 364 as amended (hereafter the "Zoning Ordinance").

2. The Zoning Ordinance does not provide for either data centers or data center accessory uses, or any similar use.

3. At a meeting held this same date, Borough Council declared by formal action that the Zoning Ordinance is partially invalid because it does not provide for data centers or data center accessory uses, or any similar use.

NOW THEREFORE, be it resolved as follows:

The Freeport Borough Council reaffirms its declaration that the Zoning Ordinance is partially invalid because (1) it does not provide for data centers or data center accessory uses, or any similar use; and (2) the Freeport Borough Council shall begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.

DULY ADOPTED AND RESOLVED THIS THIRD DAY OF AUGUST 2026.

ATTEST:
(SEAL)

Tina Ferringer
Title: Borough Manager

FREEPORT BOROUGH

Matthew Crytzer, Mayor

Pete Wesolosky, President of Council

ABSENT
Jay Powell, Vice President of Council

Sally Riley, President Pro Tempore of Council

Carrie Irvine, Councilwoman

Zach Filous, Councilman