

EAST LAMPETER TOWNSHIP

Lancaster County, Pennsylvania

RESOLUTION NO 2026-22

A RESOLUTION SETTING FORTH SPECIFIC FINDINGS OF
SUBSTANTIVE INVALIDITY OF THE ZONING ORDINANCE
PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA
MUNICIPALITIES PLANNING CODE.

WHEREAS, the Board of Supervisors of East Lampeter Township adopted Resolution No. 2026-21 at its September 14, 2026 regular meeting; and

WHEREAS, the purpose of Resolution No. 2026-21 was, in an abundance of caution, to seek the protection of Section 609.2 of the Pennsylvania Municipalities Planning Code ("MPC") in order to address the concerns of the Board of Supervisors related to the regulation of data center uses within this Township; and

WHEREAS, this authority is granted by Section 609.2 of the MPC, which permits Townships to declare its Zoning Ordinance as substantively invalid as it initiates the curative amendment process; and

WHEREAS, a condition of MPC Section 609.2 is that a subsequent resolution be passed within thirty (30) days of adoption of the declaratory resolution, containing specific findings related to the declared invalidity; and

WHEREAS, despite Resolution No. 2026-21 setting forth specific deficiencies, the Board of Supervisors desires to ensure statutory compliance in order to utilize the protections offered by Section 609.2 of the MPC in order to conduct a deliberate and legally defensible review and amendment of its Zoning Ordinance by setting forth such findings in accordance with the MPC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, as follows:

Section 1. The foregoing recitals are incorporated herein as though fully set forth.

Section 2. Data centers, together with on-site and off-site energy distribution, on-site and off-site energy generation facilities (including generators) and the variety of other improvements associated with the foregoing (collectively "Data Center Uses"), can raise unique, wide-ranging impacts on the public health, safety and welfare, which compel appropriate land use planning by

this Township within the scope of its authority under the MPC and the Second Class Township Code.

Section 3. Such impacts to the public health, safety and welfare are driven by the nature of the Data Center Use, the size of such facilities and systems, and their potential external impacts.

Section 4. The Township acknowledges its obligation under current law to provide for all legitimate land uses within its Zoning Ordinance, including Data Center Uses, while balancing the impacts of the same on the community.

Section 5. The Township Zoning Ordinance does not explicitly define or regulate Data Center Uses and other data center related uses.

Section 6. The Township Zoning Ordinance does not provide specific standards for the consideration of Data Center Uses as a principal use on a property throughout the zoning districts and areas of the Township.

Section 7. While the Zoning Ordinance provides for various uses in its zoning districts, by right, special exception, and conditional use, the Board of Supervisors declares that such a lack of standards or mentioning of Data Center Uses does not adequately satisfy the Township's obligation to provide appropriate regulation for Data Center Uses in a manner so as to guide landowners and the community at large on appropriate, objective criteria under which proposed Data Center Uses must be reviewed. The Board of Supervisors specifically determines and declares that the standards set forth in Section 23850, Uses Not Specifically Permitted, do not adequately satisfy the Township's obligation to provide appropriate regulations for Data Center Uses.

Section 8. The provisions in the Township Zoning Ordinance pertaining to noise, noise frequency, decibel levels, vibration, glare, heat, storage and waste disposal, and other environmental factors, do not wholly or adequately address the potential impacts of the various levels and impacts of noise, noise frequency, decibel levels, vibration, glare, heat, storage and waste disposal, and other environmental factors that may emanate from Data Center Uses.

Section 9. The Board of Supervisors of this Township concludes that the imposition of such provisions and objective criteria is necessary for the Township to establish appropriate, lawful and consistent standards under which applications for Data Center Uses may be considered.

Section 10. The Board of Supervisors of this Township therefore renews its discretion and authorization to the East Lampeter Township Planning Commission, Zoning Officer, Township Manager, Township Solicitor, and Township Engineer to prepare a curative amendment to the Zoning Ordinance proposing to cure the declared invalidities. With the participation of such other consultants as the Township may provide, the curative amendment shall be presented to the Board of Supervisors within the timeframe provided by law.

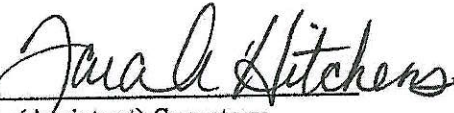
Section 11. The Board of Supervisors hereby reaffirms and declares that the East Lampeter Township Zoning Ordinance is valid, binding, and in full force and effect in all provisions and respects other than the above-discussed matters relating to Data Center Uses.

Section 12. The provisions of this Resolution are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Board of Supervisors that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 13. This Resolution shall take effect and be in force immediately as provided by law.

THIS RESOLUTION DULY ADOPTED the 5th day of October, 2026, by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania in lawful session duly assembled.

Attest


(Assistant) Secretary

[TOWNSHIP SEAL]

EAST LAMPETER TOWNSHIP
Lancaster County, Pennsylvania

By:


(Vice) Chairman
Board of Supervisors

