RESOLUTION 25-2026
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF EAST WHITELAND TOWNSHIP DESIGNATING SPECIFIC FINDINGS AS TO THE DECLARED INVALIDITY OF THE TOWNSHIP ZONING ORDINANCE AS TO DATA CENTER USES AND ENERGY GENERATION SYSTEMS

WHEREAS, on March 31, 2026, the East Whiteland Township Board of Supervisors approved Township Resolution No. 21-2026, by which it declared its invocation of the municipal curative amendment procedures set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, which is incorporated herein by reference;

WHEREAS, Section 609.2 provides that, within 30 days following such a declaration, the municipality shall, by Resolution, make specific findings setting forth the declared invalidity of the Zoning Ordinance;

WHEREAS, in furtherance of the above, the Township Board of Supervisors hereby issues its findings as to the declared invalidity of the Zoning Ordinance as to data centers, energy generation systems, including, but not limited to on-site and off-site energy generation systems for data centers and all principal or accessory uses associated with the same; and

NOW, THEREFORE, it is hereby **RESOLVED** by the East Whiteland Township Board of Supervisors as follows:

1. 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 ("Data Center Uses"), as well as energy generation systems as a principal use on a property ("Energy Generation Systems") can raise unique, wide-ranging impacts on the public health, safety, welfare, which compel appropriate land planning by the Township within the scope of its authority under the Pennsylvania Municipalities Planning Code and the Second Class Township Code.

2. Such impacts are driven by the nature of the use, the size of such facilities and systems, and their potential external impacts.

3. The Township acknowledges its obligation under current law to provide for all legitimate land uses within its Zoning Ordinance, inclusive of Data Center Uses and Energy Generation Systems, while balancing the impacts of the same on the community.

4. The Township Zoning Ordinance does not explicitly define or regulate Data Center Uses or Energy Generation Systems.

5. The Township Zoning Ordinance does not provide specific standards for the

consideration of Data Center Uses or Energy Generation Systems as a principal use on a property throughout the various Districts and areas of the Township.

6. While the Zoning Ordinance provides for various uses in the Industrial (I) Zoning District, inclusive of any use of the same general character as any other permitted in such District not otherwise specifically provided for therein by Special Exception, the Board declares that such a catchall use allowance does not adequately satisfy the Township's obligation to provide appropriate regulation for Data Center Uses and Energy Generation Systems in a manner so as to guide landowners and the community at large on appropriate, objective criteria under which Data Center Uses and Energy Generation Systems must be reviewed. See Zoning Ordinance, 200-41, Table of Permitted Uses.

7. *Inter alia*, 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 and Energy Generation Systems.

8. The Township concludes that the imposition of such provisions and objective criteria is necessary for the Township to establish appropriate, lawful and consistent standards for which Data Center Uses and Energy Generation Systems may be considered.

9. The Board of Supervisors therefore renews its direction and authorization to the East Whiteland Township Director of Planning, 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 time frame provided by law.

DULY PRESENTED AND ADOPTED, by the Board of Supervisors of East Whiteland Township, Chester County, Pennsylvania, at a public meeting on the 21st day of April, 2026.

BOARD OF SUPERVISORS
EAST WHITELAND TOWNSHIP

By: _____
Scott Lambert

By: _____
Peter Fixler

By: _____
Clinton Smith

Attest:



Steven Brown, Manager