

TOWAMENCIN TOWNSHIP

ORDINANCE NO. 26-08

AN ORDINANCE AMENDING CHAPTER 153 [ZONING] OF THE TOWNSHIP CODE BY (1) REMOVING A-23 DATA CENTER EQUIPMENT FROM THE “USES BY CONDITION LIST” IN ARTICLE IV [PERMITTED LAND USES PER DISTRICT] SECTION 153-414(2) [LI LIMITED INDUSTRIAL DISTRICT/USES BY CONDITION]; (2) AMENDING ARTICLE V [USE DEFINITIONS AND REGULATIONS], SECTION 153-502(E) [USE DEFINITIONS AND REGULATIONS/I INDUSTRIAL USES] SUB-SECTION 14 [I-14 DATA CENTER] TO INCLUDE ADDITIONAL REQUIREMENTS; (3) REMOVING A-22 DATA CENTER ACCESSORY USES AND A-23 DATA CENTER EQUIPMENT AS “ACCESSORY USES” IN ARTICLE V [USE DEFINITIONS AND REGULATIONS], SECTION 153-502(H) [USE DEFINITIONS AND REGULATIONS/A ACCESSORY USES]; AND (4) AMENDING SUB-SECTION (4) ENTITLED “DATA CENTER USES” TO ARTICLE VI [GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS], SECTION 153-612(B) [NUISANCE STANDARDS/NOISE].

ENACTED:

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The Board of Supervisors deems certain amendment to the Township’s Code warranted and that such amendment is in furtherance of the Township’s health, safety, and welfare.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by this Board:

SECTION 1. AMENDMENT TO ARTICLE IV [PERMITTED LAND USES PER DISTRICT] SECTION 153-414(2) [LI LIMITED INDUSTRIAL DISTRICT/USES BY CONDITION]

Article IV [Permitted Land Uses Per District] Section 153-414(2) [LI Limited Industrial District/Uses By Condition] shall be amended to remove A-23 Data Center Equipment.

SECTION 2. AMENDMENT TO ARTICLE V [USE DEFINITIONS AND REGULATIONS], SECTION 153-502(E) [USE DEFINITIONS AND REGULATIONS/I INDUSTRIAL USES]

Article V [Use Definitions and Regulations], Section 153-502(E) [Use Definitions and Regulations/I Industrial Uses] subsection (14) shall be amended to read as follows:

(14) I-14 Data Center. The use of land for a facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity and shall be subject to the following requirements:

- (a) The tract shall not directly abut or be adjacent to any residential district or residential use in or outside Towamencin Township.
- (b) The tract shall have direct access to an arterial street. Such improvements shall extend as far as the nearest intersection with an arterial street.
- (c) In addition to the setback requirements in the Zoning District, Data Centers must be setback a minimum of 1,000 feet from residential uses, residential districts, and/or other sensitive receptors, within or outside of the Township. A sensitive receptor is defined as buildings used for residences (including institutional uses with a residential component), schools, daycare centers, preschools, hospitals, community centers, and similar institutional uses.
- (d) Development standards for a Data Center shall be in accordance with **§153-414** [LI Limited Industrial District] with the following additions:

[1] Data Center Equipment (“DCE”).

- (i) DCE shall not be located between the building and the street.
- (ii) DCE shall be separated from any adjacent residential uses by a principal building.

[2] Data Center may also include Use A-22 - Data Center Accessory Uses, which include Data Center Equipment when located on the same tract. Such Data Center Accessory Uses shall comply with principal building setback standards.

[3] Utility Capacity Confirmation. The proposed use shall be serviced by public utilities only. The

applicant shall submit, as part of any Data Center conditional use application:

- [i] A will-serve letter from each public utility provider of electric, water, and sewer, and a written assessment by a certified professional in the field of engineering, hydrogeology, and/or utility design that there is sufficient capacity available to accommodate the proposed Data Center use for electric, water, and sewer consumption as well as the projected service needs for future municipal growth. Any such letters and assessments shall be to the satisfaction of the Township Engineer.
- [ii] An Energy Usage Plan must be submitted with the Conditional Use application. The Energy Usage Plan must be prepared and certified by a professional engineer. The plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any zoning approval. The Energy Usage Plan shall provide or identify, at minimum:
 - [a] Annual electricity demand
 - [b] Energy supply sources that will be utilized
 - [c] Energy storage capacity (if applicable)
 - [d] Proposed sources of back-up power
 - [e] Documentation of efforts to reduce the need for new electric generation by incorporating the best available energy efficiency into the design of Data Center servers, cooling units, and the building structure.
 - [f] Documentation that an application for the project has been filed with the utility provider, and the required fee has been paid.
 - [g] Documentation that a transmission security agreement has been received by the applicant.

- [h] Documentation that the transmission security agreement has been signed by all necessary parties.
 - [i] The date that electric utility provider will provide for the proposed energization of the Data Center.
- [iii] If the assessment required in Section [i] or the Energy Usage Plan identifies a detrimental impact or threshold where public utility capacity is not sufficient, the applicant shall provide, at its own expense, the necessary public utility system improvements necessary to eliminate any limits or system constraints to accommodate the proposed use. The necessary public utility system improvements shall conform to all specifications, procedures, and timelines required for the public utility, including but not limited to relevant provisions of the Towamencin Township Code.
- [iv] No conditional use approval shall be granted for a Data Center proposing the use of groundwater wells, springs, or direct withdrawals from surface watercourses.
- [v] No conditional use approval shall be granted for a Data Center proposing the use of onsite private power generation in whole or part with the exception of back-up generators that meet the requirements of this section, which may include, but are not limited to, Use A-17 - Solar Energy System, Roof-Mounted or Use A-20 - Wind Energy System.
- [vi] Generator use shall be limited to backup/emergency use only. Generator testing is permitted to be conducted solely on weekdays between 9:00AM and 5:00PM. Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency. Use for peak shaving or supplying power to the grid is prohibited. The applicant shall design and locate emergency generators to limit noise and visual impacts as much as possible.

- [4] Utility Lines. To the extent practical, utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a Data Center shall be placed underground.
- (e) An Emergency Response Plan shall be provided as part of the conditional use application and shall be prepared by a qualified professional. The Emergency Response Plan shall:
 - [1] Evaluate the impacts, both positive and negative, of the proposed Data Center upon emergency services and fire protection.
 - [2] Be reviewed by and acceptable to the Fire Marshal, the local fire department and emergency management services as part of the conditional use process.
 - [3] Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - [4] Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.
 - [5] Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
 - [6] Provide 24-hour emergency contact information. This information must be kept current and on file with the Township.
- (f) The provisions and requirements of this Data Center standard shall be additional and supplemental to the underlying LI Limited Industrial Zoning District provisions and requirements; where Data Center provisions and requirements differ from the LI Limited Industrial Zoning District provisions and requirements, and if a tract is proposed to be developed as a Data Center, the Data Center provisions and requirements shall control.
- (g) Parking for Data Centers shall be calculated at one space for the maximum number of employees on site during the

largest shift, plus five (5) additional spaces. Parking for any portion of a Data Center or the property upon which a Data Center is located that is devoted to other uses, shall be in accord with parking requirements for such use under this Chapter.

- (h) All Data Center mechanical equipment shall be fully enclosed, except where not mechanically feasible based upon manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, full visual screening of Data Center mechanical equipment visible from view at the ground level from all existing and planned public roads and adjoining parcels shall be provided using enhanced landscaping, lattice, cladding, or a combination of these methods, to the Township's satisfaction.
- (i) An acoustical barrier for all mechanical equipment shall be provided to ensure sufficient soundproofing.
 - [1] Whether on a rooftop, on the ground level, or elsewhere on the exterior of the property, mechanical equipment must be screened by an acoustical barrier.
 - [2] Soundproofing must be compliant with **§153-612(B)** and ensure that the Data Center use does not exceed the standards set forth in § 153-612.B.
- (j) Any water-based cooling systems associated with the use shall operate as a closed-loop water system. No water utilized by the facility shall be discharged, released, or otherwise exported from the site except through a connection to a public sanitary sewer system approved by the Township and the appropriate sewer authority. Open-loop, once-through, or evaporative water-intensive cooling systems are expressly prohibited.
- (k) The applicant of the Data Center shall hold a public informational meeting prior to any Conditional Use application. The meeting shall be publicized and conducted in a manner reasonably calculated to inform the general public of the Data Center application and will be attended by representatives of the Data Center with knowledge of the general nature of the proposed use. The applicant may, but is not required to, allow persons who are unable

to attend the meeting to view the proceedings via a remote electronic open meeting platform.

- (l) At the time of issuance of a building permit for the construction of a Data Center, the Owner or, as the case may be, the Owner/Operator of the Data Center, shall provide an emergency management plan demonstrating to the Township's satisfaction that the building or accessory structure(s) can be adequately served by fire, police, and emergency services; including threats from intentional external sources as well as natural and man-made sources. Such plan shall be to the satisfaction of the Township Emergency Management Coordinator.
- (m) An Electronic Waste Plan shall be submitted with the conditional use application outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the Data Center is updated or decommissioned. The Report shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended reports based upon comments by the Township prior to any conditional use approval.
- (n) A Thermal Impact Mitigation Plan shall be submitted with the conditional use application, including, at a minimum:
 - [1] Identification of primary sources of waste heat (air and water based).
 - [2] Evaluation of potential off-site thermal impacts (including plume/heat discharge and localized heat islands) under representative seasonal conditions.
 - [3] Design measures to minimize heat impacts, including equipment siting, shielding, landscaping, cool roofs, or cool paving, where applicable.
 - [4] Evaluation of feasible opportunities for waste heat reuse. Where reuse is not feasible, the reason(s) why should be given, in which case alternative mitigation shall be identified (e.g., vegetative or green roof and/or site design modifications).

- [5] Inclusion of a monitoring/verification approach if required by conditions of approval based on proximity to sensitive receptors or site constraints.
- [6] The Plan should be prepared and certified by a professional engineer.
- [7] The Thermal Impact Mitigation Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based on comments by the Township prior to any conditional use approval.

(o) Decommissioning.

- [1] At the time of issuance of a building permit for the construction of a Data Center, the Owner or, as the case may be, the Owner/Operator of the Data Center, shall enter into a written decommissioning agreement with the Township which shall obligate the Owner or, as the case may be, the Owner/Operator of the Data Center to:
 - (a) notify the Township within 3 months of the discontinuation or cessation of the use of the Data Center and complete the removal of all servers, electronic data storage devices, hazardous materials including batteries (including universal power supplies and battery backup systems), fuel and refrigerant from the Data Center within 18 months (as may be extended for good cause shown) from the date of discontinuation or cessation of use of the Data Center.
 - (b) provide a certification, in writing, to the Township certifying removal all servers, electronic data storage devices, hazardous materials including batteries (including universal power supplies and battery backup systems), fuel and refrigerants from the Data Center within 10 days of said removal; and, arrange for the Township to enter the Data

Center and its buildings to confirm such removal.

- [2] If a Data Center Owner or, as the case may be, Owner/Operator fails to remove all servers, electronic data storage devices, hazardous materials including batteries (including universal power supplies and battery backup systems), fuel and refrigerants from the Data Center, the Township shall have the option, but not the obligation, to enter the Data Center and complete the removal of all servers, electronic data storage devices, hazardous materials including batteries (including universal power supplies and battery backup systems), fuel and refrigerant from the Data Center at the Owner's or, as the case may be, the Owner/Operator's expense, and lien the Data Center tract for the cost thereof.

SECTION 3. AMENDMENT TO ARTICLE V [USE DEFINITIONS AND REGULATIONS], SECTION 153-502(H) [USE DEFINITIONS AND REGULATIONS/H ACCESSORY USES]

Article V [Use Definitions and Regulations], Section 153-502(H) [Use Definitions and Regulations/H Accessory Uses] shall be amended to remove A-23 Data Center Equipment.

SECTION 4. AMENDMENT TO ARTICLE VI [GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS], SECTION 612 [NUISANCE STANDARDS]

Article VI [General Provisions Applicable to all Districts], Section 153-612(B)[Nuisance Standards/Noise] sub-section (1) shall be amended to read as follows:

B. Noise

- (1) At no point on the property boundary of the site where noise is generated shall noise/sound levels exceed 45 dB(A) during the daytime weekday hours (7:00 AM to 7:00 PM Monday – Friday) and 40 dB(A) during the nighttime hours (7:00 PM to 7:00 AM) and all day Saturday and all day Sunday. These standards do not apply to the operation of agricultural equipment or motor vehicles or other transportation

facilities, operations involved in the construction or demolition of structures, or emergency alarm signals.

Article VI [General Provisions Applicable to all Districts], Section 153-612(B)[Nuisance Standards/Noise] shall be amended to provide a new sub-section (4) entitled "Data Center Uses", which shall read as follows:

B. Noise

- (4) For Data Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Township professional acoustical expert, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators running) to the maximum levels listed in sub-section (1) above. In addition, the sound levels shall be limited to a maximum daytime weekday (7:00 AM to 7:00 PM Monday-Friday) sound level of 60 dB(C) and a maximum nighttime (7:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) sound level of 50 dB(C) as measured from all property lines of the Data Center use. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. The sound study shall also evaluate and report anticipated decibel levels when all DCE is running and the study shall use full spectrum modeling to address low-frequency noise. A sound study shall be conducted at the following phases:
 - (a) A preliminary sound study for the Data Center and associated DCE shall be conducted as part of the Conditional Use process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.
 - (b) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center and associated DCE depicted on the

building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center.

- (c) An as-built sound study shall be conducted six months after issuance of the certificate of occupancy for any Data Center and associated DCE prior to the final escrow release for any Data Center land development phase. After the final escrow release for the land development, an as-built sound study must be submitted to the Township every two (2) years to confirm compliance with the Noise standard. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center shall promptly remediate the violation into compliance with the aforesaid sound limits.

SECTION 5. SEVERABILITY

This Ordinance's provisions are intended to be severable. If any section, sentence, clause, part, or provision of this ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such determination shall not affect or impair this Ordinance's remaining sections, sentences, clauses, parts, or provisions.

Furthermore, it is hereby declared to be this Board's express intent that this Ordinance still be adopted even if such an illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included.

SECTION 6. REPEALER

All other ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect immediately from this Board's approval of it in accord with Pennsylvania law.

ORDAINED and **ENACTED** by the Board at the Township's meeting on the 14th
day of October 2026.

TOWAMENCIN TOWNSHIP
BOARD OF SUPERVISORS

JOYCE F. SNYDER, *Chairperson*

Attest:

KOFI OSEI, *Secretary*