

TOWAMENCIN TOWNSHIP

ORDINANCE NO. 26-4

AN ORDINANCE AMENDING CHAPTER 153 [ZONING] OF THE TOWNSHIP CODE BY (1) ADDING I-14 DATA CENTER; A-22 DATA CENTER ACCESSORY USES; AND A-23 DATA CENTER EQUIPMENT TO THE “USES BY CONDITION LIST” IN ARTICLE IV [PERMITTED LAND USES PER DISTRICT] SECTION 153-414(2) [LIMITED INDUSTRIAL DISTRICT/USES BY CONDITION]; (2) ADDING I-14 DATA CENTER AS A NEW LIMITED INDUSTRIAL DISTRICT USE IN ARTICLE V [USE DEFINITIONS AND REGULATIONS], SECTION 153-502(E) [USE DEFINITIONS AND REGULATIONS/I INDUSTRIAL USES]; (3) REPLACING THE CURRENT 1-10 WAREHOUSE DEFINITION IN ARTICLE V [USE DEFINITIONS AND REGULATIONS/I INDUSTRIAL USES/1-10 WAREHOUSE], SECTION 153-502(E)(10) WITH A NEW 1-10 WAREHOUSE DEFINITION WITH AN EXPRESS DATA CENTERS EXCLUSION; (4) ADDING 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 (5) ADDING A NEW SUB-SECTION (4) ENTITLED “DATA CENTER USES” TO ARTICLE VI [GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS], SECTION 153-612(B) [NUISANCE STANDARDS/NOISE]

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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 add three new Limited Industrial District Uses to the “uses by condition” list: I-14 Data Center; A-22 Data Center Accessory Uses; and 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] shall be amended to include one new Limited Industrial District Use: I-14 Data Center, which shall 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) 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-23 - Data Center Equipment or DCE and/or A-22 - Data Center Accessory Uses 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] If the above-mentioned assessment 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.
- [iii] No conditional use approval shall be granted for a Data Center proposing the use of groundwater wells, springs, or direct withdrawals from surface watercourses.
- [iv] No conditional use approval shall be granted for a Data Center proposing the use of onsite private power generation in whole or part.
- [v] 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.
- [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.

- (d) 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.
- (e) Parking for Data Centers shall be calculated at one space per each 10,000 square feet of gross floor area of the principle structure, inclusive of all data halls, equipment rooms, and support spaces or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is greater. 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 requirement for such use under this Chapter.
- (f) 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.
- (g) 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 a daytime dB(A) of 65 and an evening dB(A) of 55 at all property lines.

- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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 complete the removal of all servers, electronic data storage devices, and batteries (including universal power supplies

and battery backup systems) 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, and batteries (including universal power supplies and battery backup systems) 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, and batteries (including universal power supplies and battery backup systems) from the Data Center the Township shall have option (but not the obligation) to enter the Data Center and complete the removal of the all servers, electronic data storage devices, and batteries (including universal power supplies and battery backup systems) 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 therefore.

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 include two new Accessory Uses: A-22 Data Center Accessory Uses; and A-23 Data Center Equipment, and shall read as follows:

- (22) A-22 Data Center Accessory Uses. Data Center Accessory Uses generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security

when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center. Data Center Accessory Uses shall comply with the height limits specified in §153-502(E)(14).

- (23) A-23 Data Center Equipment (“DCE”). Data Center Equipment or DCE includes any Data Center Accessory Uses which in an unmuffled state generate noise in excess of the permitted maximum dB(A) in §153-612.B.(4) at the point of generation. DCE shall be accessory to the Data Center and be located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

SECTION 4. AMENDMENT TO ARTICLE V [USE DEFINITIONS AND REGULATIONS], SECTION 153-502(E)(10)

Article V [Use Definitions and Regulations], Section 153-502(E)(10) is amended to provide a new use definition for I-10 Warehouse, which shall read as follows:

- (10) I-10 Warehouse. A building or group of buildings primarily used for the commercial storage, transfer, and distribution of products and materials. This definition shall not include Data Centers.
- (a) Parking: one space per each 1,000 square feet of gross floor area, plus one space for each vehicle normally stored on the premises.

SECTION 5. 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] shall be amended to provide a new subsection (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 a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 65 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 55 dB(A) 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. Maximum decibel level specified herein is exempt during a time of power outage conditioned that the sound study shall also evaluate and report anticipated decibel levels when all DCE is running. 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. An as-built sound study may also be required thereafter by the Township upon request. 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 6. 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 7. REPEALER

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

SECTION 8. 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 April 29, 2026 Meeting.

TOWAMENCIN TOWNSHIP
BOARD OF SUPERVISORS

JOYCE F. SNYDER, *Chairperson*

Attest:

KOFI OSEI, *Secretary*