

**CONEWAGO TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE 2026-**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF CONEWAGO, ORDINANCE NUMBER 322, ZONING, TO PROVIDE REGULATIONS FOR DATA CENTERS AND THEIR ACCESSORY USES AS PART OF AN OVERLAY DISTRICT; TO PROVIDE FOR THE SEVERABILITY OF THE PROVISIONS THEREOF; AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF.**

WHEREAS, the Conewago Township Board of Supervisors previously duly enacted the Conewago Township Zoning Ordinance of 2008, as amended (“Zoning Ordinance”), pursuant to its statutory authority under the Pennsylvania Municipalities Planning Code (“MPC”), Act 247 of 1968, as amended (53 P.S. § 10101 *et seq.*); which Zoning Ordinance was codified as Ordinance No. 322 of the Code of Ordinances of Conewago Township; and

WHEREAS, since its adoption, the Board of Supervisors has from time to time amended the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has met the procedural requirements of the MPC and of the Township’s Ordinance for the adoption of this proposed ordinance, including public notice, County planning commission review, and posting requirements, and the holding of a public hearing; and

WHEREAS, the Board of Supervisors of Conewago Township, York County Pennsylvania believes it is in the best interest of the Township’s residents to amend Ordinance No. 322 (Zoning) of the Code of Ordinances to update and revise provisions throughout Ordinance No. 322 (Zoning) related to the delineation of districts in which certain uses are permitted; and

WHEREAS, the Board of Supervisors, after due consideration of the proposed ordinance amendment, at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Conewago Township will be served by the proposed Ordinance amendment.

NOW THEREFORE it is HEREBY ORDAINED by the Board of Supervisors of Conewago Township, York County, Pennsylvania, that Ordinance No. 322 (Zoning), of the Code of Ordinances of the Township of Conewago is amended as follows:

**SECTION 1. ORDINANCE AMENDMENT.** Ordinance No. 322 (Zoning), is hereby amended as set forth herein:

*I. Article II (Definitions), Section 201 (Definition of Terms), is hereby amended to insert the following in alphabetical order within the Section without disturbing the existing Terms:*

**DATA CENTER**

A facility used for the housing, operation, and/or co-location of computer and communication equipment for the purpose of storage, management, processing, and/or transmission of digital information necessary for the operation of one or more business, commercial, or governmental entities.

**DATA CENTER ACCESSORY USE**

Systems, equipment, facilities, and/or components used for cooling, power supply systems, telecommunication, cloud communication, and mechanical or environmental controls when used in the support or enabling of a Data Center.

**DATA CENTER PARK**

A tract of land, developed as an integrated planned development that is laid out exclusively for a group of three or more Data Centers with no other use permitted within the park and having separate building sites designed and arranged in accordance with, and complying with the requirements of the Data Center Overlay District as set forth in this Zoning Ordinance, and other applicable provisions of this Zoning Ordinance; the Conewago Township Subdivision and Land Development Ordinance; and other applicable ordinances of the Conewago Township Code of Ordinances, where the purpose is to allow sub-lots to be subdivided as independent tax parcels.

**DESIGN CAPACITY**

The calculable maximum load that any individual Data Center is designed to accommodate through its physical and technological infrastructure. This term shall be understood to not include the terms “Actual Utilization” or “Utilization Ratio”.

**FACADE – PRINCIPLE**

The face of a building that is adjacent to any public or private street or that contains a primary entrance point of the building

**FACADE – SECONDARY**

The face of a building that is not adjacent to any public or private street but contains a secondary entrance or egress and may be visible from a neighboring residential zone or use

**SCREENING - AUDIBLE**

A physical barrier that is an earthen berm, solid wall, or a combination thereof specifically designed and constructed to disrupt the travel of sound through absorptive or deflective methods.

**SCREENING - VISUAL**

A physical barrier, including but not limited to landscaping or a wall, solid or louvered, that obscures the visibility of a property or use from abutting properties, this term shall be understood to incorporate “screen planting”.

**SOUND PRESSURE LEVEL**

The logarithmic measurement of the effective pressure of sound relative to a referenced value, reflected as a decibel (dB) reading or rating.

**SOUND PRESSURE LEVEL - AMBIENT**

The dBA weighted sound pressure level associated with a given environment.

**SOUND PRESSURE LEVEL – DAY NIGHT (Ldn):**

The dBA weighted sound pressure level for any given 24-hour period with a 10 decibel penalty applied to noise occurring between 10 p.m. and 7 a.m. Also understood to incorporate the term Day Night Average Sound Level.

**SOUND PRESSURE LEVEL – EQUIVALENT (Leq)**

The average dBA weighted sound pressure level that exceeds the ambient sound pressure level. Also understood to incorporate the term Equivalent Continuous Sound Level.

**SOUND PRESSURE LEVEL - MAXIMUM (Lmax)**

The maximum dBA weighted sound that exceeds the ambient sound pressure level.

**SOUND PRESSURE LEVEL – 10 (L10)**

The dBA weighted sound pressure level that exceeds the ambient sound pressure level 10 percent of the time.

**SOUND PRESSURE LEVEL – 90 (L90)**

The dBA weighted sound pressure level that exceeds the ambient sound pressure level 90 percent of the time.

**SOUND TRANSMISSION CLASS (STC)**

A single number integer rating of how well an audible screening assembly attenuates airborne sound through a barrier.

**NOISE REDUCTION COEFFICIENT (NRC)**

A single number integer rating of how well an audible screening assembly absorbs or deflects airborne sound.

**WOODLAND**

A mass of trees or planting community in which tree species are the dominate or codominant and the branches of which form a complete or nearly complete aerial canopy. Any area of mature or largely mature trees, having a diameter of six (6) inches or more at 65” above grade, covering an area of .25 acres and/or consisting of 60 or more individual trees shall be considered a woodland.

II. *The Zoning Map of Conewago Township, Article III (Zone Regulations), Section 301.a (Establishment of Zones) of the Conewago Township Zoning Ordinance, is hereby amended to reflect the addition of the Data Center Overlay District as follows:*

- a. The parcels included in the Data Center Overlay District are identified by the following York County Property Identification Numbers:  
[HOLD]
- b. The Code of Ordinances of Conewago Township, Ordinance Number 322, Zoning, Section 301, Zones and Boundaries, is hereby amended to reflect the addition of the Data Center Overlay district (“DCO”) as identified in the Zoning Map attached hereto and incorporated here as Exhibit A.
- c. An applicant who submits plans for development of land within the DCO District shall have an option of submitting plans under these DCO provisions or under the provisions of the underlying zoning district.
- d. If an applicant chooses to utilize these DCO provisions, then all of the requirements of this Ordinance shall apply. All of the provisions of this Ordinance and other Township regulations shall remain in full force except for provisions modified hereby.

III. *Existing Article VII (Administration and Enforcement) is hereby renumbered in its entirety to Article VIII, with the below text to be inserted as a new Article VII (Standards for Conditional Uses), and the same is hereby amended to establish Section 701 (Data Center) as set forth herein:*

Article VII. Standards for Conditional Uses.

§ 701. Data Center.

- a. General Requirements. The following requirements shall be met for the development of a Data Center or Data Center Accessory Use.
  1. Area Regulations.
    - A. The lot area shall not be less than 100 contiguous acres.
    - B. The width of any lot shall not be less than 200 feet at the minimum building setback line.
  2. Required Yard Regulations.
    - A. When abutting a non-residential district, the minimum required yard widths shall be as follows:
      - i. Front Yard: 250 feet.
      - ii. Side Yard: 250 feet.
      - iii. Rear Yard: 250 feet.
    - B. When abutting a residential district, or an existing residential use, the minimum required yard widths shall be as follows:
      - i. Front Yard: 500 feet.
      - ii. Side Yard: 500 feet.

- iii. Rear Yard: 500 feet.
  - C. Corner lots shall have two (2) front yards, one (1) side yard, and one (1) rear yard.
  - D. No accessory structure or material storage is permitted within the required yards, except for freestanding signage and driveways.
3. Buffer Requirements. A buffer shall be provided, and shall be required to be maintained in perpetuity along each exterior property line of a parcel on which a Data Center or Data Center Accessory Use exists. The buffer is required only along the exterior parcel boundaries and not along parcel boundaries under common ownership with the Data Center or within a Data Center Park. Each edge of the site is unique and requires different setback and buffering methods tailored to that edge's characteristics in order to achieve the goal of visually and audibly screening the Data Center use from surrounding properties. All buffers must be continuously effective year round and are to be a combination of berms, deciduous and evergreen planted material, sound wall and horizontal green space to sufficiently screen the use visually from the adjacent properties.
- A. Standard Minimum Screening:
    - i. A buffer of at least fifty (50) feet in depth shall be maintained adjacent to all exterior property boundaries of the Data Center site. The buffer may be placed within the required yard setbacks.
    - ii. The property owner shall maintain all berms and plantings as long as the Data Center or Data Center Accessory use exists.
    - iii. An annual maintenance plan shall be submitted to the Township.
    - iv. Dead or diseased vegetation must be replaced within one growing season.
    - v. Existing woodlands shall be preserved where possible.
    - vi. Where existing topography does not provide adequate screening, earthen berms installed in the following manner shall be required:
      - a) The leading toe of slope shall be no more than ten (10) feet from the property line.
      - b) The height shall be a minimum of fifteen (15) feet.
      - c) The berm must include a plan for a multiple- row planting mix of deciduous and evergreen trees and shrubs native to Pennsylvania.
      - d) Screen plantings shall be permanently maintained so as to provide the minimum required screening at all times.
      - e) A sight line plan shall be submitted as part of the conditional use filing, showing how these provisions are to be installed and maintained.
      - f) Where the submitted site line plan shows that preexisting vegetation or other conditions in required buffer yard areas of the subject property can achieve the same or greater screening result as these provisions in this Paragraph (A), the Board of Supervisors may, as part of its conditional use decision, allow such preexisting vegetation or conditions to

remain in place of these requirements and shall require in such decision that such screening be maintained permanently in accordance with Paragraph (B) below.

B. Preexisting Screening Alternative:

i. An applicant may incorporate preexisting vegetation, woodlands, or other site conditions into the required buffer yard areas of the subject property if it can achieve the same or greater result as the minimum screening requirements of Paragraph (A) above for some or all of the areas required to be screened. The Board of Supervisors may approve the use of such preexisting conditions in lieu of the installation of the standard screening measures in such areas, subject to at least the following conditions:

a) The owner (including owner's successors and assigns with respect to the subject property) shall be required in perpetuity to maintain such preexisting vegetation or conditions to continuously provide the same or greater screening result as would be provided by the standard screening measures provided for in Paragraph (A) above.

b) In the event that the preexisting vegetation or other conditions are ever diminished or otherwise cease to continue to provide the same or greater screening as provided for by standard screening measures under Paragraph (A) above (for example, if a fire or natural disaster destroys a preexisting woodland area used as alternative screening), owner shall within one (1) year of such occurrence install screening that meets at least the requirements of Paragraph (A) above.

c) Owner shall be required to record in the York County Recorder of Deeds Office a restrictive covenant or other instrument in a form approved by the Township that is enforceable by the Township and that cannot be amended or terminated without the written recorded agreement of the Township, setting forth the conditions of this Paragraph (B).

C. Landscape Bond. Applicant shall place with the Township a bond guaranteeing the maintenance of the landscape screening at the value of not less than 110% percent of the cost of replacement of the landscape screening as determined by the Township Engineer, including the cost of berm grading, for five (5) years from the issuance of a certificate of occupancy for the use of the Data Center. The bond shall be renewable annually and subject to increase at the annual rate of the consumer price index.

4. Screening Requirements.

A. Visual and audible screening shall be provided for all Data Center Accessory Uses. The requirements shall apply to both ground and roof

mounted equipment and components and be in addition the required buffer yards of this Ordinance.

B. Ground and Roof Mounted Requirements.

i. Ground Mounted Systems.

- a) Visual screening shall be provided directly adjacent to the noise producing equipment and be provided at a minimum height of the equipment.
- b) Screening must be provided on all sides of the structure except when one side is facing the primary Data Center building.
- c) Audible screening shall be provided in the following manner:
  - 1) Designed to provide a Sound Transmission Class of 35 or greater.
  - 2) Designed to provide a minimum Noise Reduction Coefficient of 1.0.
  - 3) Designed to attenuate sound levels at neighboring property lines in accordance with Table 1.
  - 4) Screening must be provided on all sides of the sound producing equipment except when one side is facing and completely enclosed by the primary Data Center building.
  - 5) Screening must be provided as shown by models produced specific to the site in question for height and placement.

ii. Roof Mounted.

- a) All screening shall be provided at a minimum height of ten (10) feet and be setback a minimum of ten (10) feet from the edge of the roof.
- b) All roof mounted screening must be provided with access doors or gates to allow maintenance and emergency access to roof mounted systems.
- c) Audible screening shall be provided in the following manner:
  - 1) Designed to provide a Sound Transmission Class of 35 or greater
  - 2) Designed to provide a minimum Noise Reduction Coefficient of 1.0
  - 3) Designed to attenuate sound levels at neighboring property lines in accordance with Table 1.
  - 4) Screening must be provided on all sides of the sound producing equipment so as to encase such equipment.

C. Electrical substations installed specifically for the transmission of power to a Data Center shall be visually screened with a man-made, opaque barrier at a minimum of 12 feet to lessen visual impact. Such screening shall be

provided with proper access and ventilation to allow for the proper maintenance and functioning of the substation

- D. When noise producing equipment is abutting a residential or agricultural district or use, such equipment shall be placed so that the Data Center is between the affected lot and the equipment.
- E. If the Data Center has more than one lot line that abuts a residential or agricultural district or use, the sound producing equipment shall be placed on the side of the Data Center that does not abut the residential or agricultural district or use or the side that has greatest setback from the affected property line(s) with distance preference going to existing residential uses.

5. Height Regulations.

- A. Maximum permitted height of a Data Center is 90 feet.
  - i. Building height shall be calculated from the lowest adjacent grade to the top edge of any encasements or enclosures.
  - ii. The maximum height is inclusive of any projections from the roof or mechanical equipment.
  - iii. The maximum height of any accessory structure is 50 feet.
  - iv. Utility poles, antenna, and towers for the specific support and/or utilization of utility equipment are not subject to this section.

6. Cover Regulations. Impervious cover may not exceed 55% of the total lot area.

7. Lighting.

- A. Lighting.
  - i. A photometric plan shall be provided showing all exterior lighting for the Data Center and shall be designed so as to not produce more than 0.0 foot-candles at any abutting lot line. Any intersection of an access drive to a public road where lighting is required for public safety shall be exempt.
  - ii. Directional luminaires such as floodlights and spotlights, when their use is specifically approved by the Township, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
  - iii. Lighting Fixture Design. Luminaires shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township. All fixtures shall be fully shielded or

cutoff so as to direct light at a downward angle and towards the interior of the lot and not equal to or higher than the horizontal plane of the bulb, bulb enclosure, or light shielding.

- iv. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, and building entrances, luminaires shall be aimed straight down, have no uplight and shall meet IESNA full-cutoff/fully shielded criteria. Except as may be specified elsewhere in this Ordinance, luminaires shall have a rating of B1-U0-G1. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting luminaires, the Township may approve the use of luminaires with an uplight component not exceeding 1%.
- v. For the lighting of predominantly non-horizontal tasks or surfaces such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.
- vi. Directional fixtures for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall be extinguished between the hours of 11 p.m. and dawn.
- vii. Only the United States and Commonwealth of Pennsylvania flags shall be permitted to be illuminated from dusk till dawn and each flag shall be illuminated by a source or sources with a beam spread no greater than necessary to illuminate the flag. Flag lighting sources shall not exceed 7,000 lumens per flagpole.
- viii. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.
- ix. LED light sources shall have a color temperature that does not exceed 3000K.
- x. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

8. Sound.

- A. A sound study prepared by a professional acoustical engineer experienced in Data Center impacts shall be provided with an applicant’s conditional use application. The sound study shall, at a minimum, address the following requirements:
- i. Existing ambient noise for a minimum of one 24-hour period of a non-holiday weekday in an active school year at all property lines (24-hour period(s) shall not be more than 9 months prior to submission of sound study);
  - ii. Predictive post-construction conditions showing maximum design capacity utilization with maximum acoustic levels at all property lines;
  - iii. Provide the following metric information for the 24-hour testing period(s): Leq, L10, L90, Ldn, and Lmax as defined herein;
  - iv. Disclosure of any atypical sound sources present during the study
  - v. Identification of sensitive receptors;
  - vi. Identification of those areas with noise levels in excess of those provided in Table 1;
  - vii. Modeling of mitigation measures for those areas identified as expected to exceed the maximum levels set forth herein, including audible screening, height, placement, material of such screening and any equipment modification or operational adjustments to gain compliance; and
  - viii. Modeling of sound levels along all property lines and impacts to sensitive receptors, detailing maximum design capacity utilization with maximum acoustic levels before and after mitigation measures and a report detailing the effectiveness of such mitigation.

Receiving Zoning District	Time of Day	Maximum Permitted Sound Level
Agriculture (A, Cv)	7 am tp 7 pm	Leq =55 (Daytime)
	7 pm to 7 am	Leq = 50 (Nighttime)
	24- Hour	L10 = 65 (for a period of no more than 15 minutes in a single 24 hr period)
Residential (R-1, R-2, V)	7 am tp 7 pm	Leq =55 (Daytime)
	7 pm to 7 am	Leq = 50 (Nighttime)
	24- Hour	L10 = 65 (for a period of no more than 15 minutes in a single 24 hr period)
Commercial (C)	7 am tp 7 pm	Leq =60 (Daytime)
	7 pm to 7 am	Leq = 55 (Nighttime)
	24- Hour	L10 = 70 (for a period of no more than 15 minutes in a single 24 hr period)
Industrial (I)	7 am tp 7 pm	Leq =60 (Daytime)
	7 pm to 7 am	Leq = 55 (Nighttime)
	24- Hour	L10 = 70 (for a period of no more than 15 minutes in a single 24 hr period)

- B. Additional sound studies shall be conducted and submitted to the Township at the following development milestones:
  - i. An as-built sound study shall be conducted upon the Data Center reaching 90% occupancy or capacity prior to the release of the final escrow held for the Data Center land development. The Township may require additional sound studies at its discretion if it has reason to believe that the Data Center is in violation of this Section. All required Sound studies are at the sole cost and expense of the applicant.
  - ii. A sound study shall be completed at the direction of the Township upon receipt of a credible complaint regarding the violation of this Section by the Data Center or Data Center Accessory Use.
- C. All sound studies shall be conducted by a professional acoustical expert experienced in Data Center acoustical impacts and using applicable ANSI standards and generally accepted methods.
- D. If violations are found, the owner shall promptly remediate the violation.
- E. The provisions of this Subsection 8 shall not apply in the event of:
  - i. Testing of auxiliary power systems, including generators, between the hours of 9:00 AM and 4:00 PM EST.
  - ii. Auxiliary power systems in use during an emergency or primary power system failure.
  - iii. Notwithstanding subsections i and ii above, such noise levels may not exceed 65 dBA at any time, unless permitted by the Board of Supervisors in an approved equipment testing plan set forth in its conditional use decision.

9. Electric Service.

- A. The applicant shall provide written verification from the applicable service provider stating the following:
  - i. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider.
  - ii. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
  - iii. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact other local users in terms of access to electricity or cost of using the system.
  - iv. The energy storage capacity of the system used (if applicable) will be defined.
  - v. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
- B. Efforts will be made to maximize the use of renewable or clean energy.
- C. Auxiliary power systems, including generators, shall not act as the primary power source for a Data Center in any non-emergency situation.

- D. Prior to approval of the certification of completion or occupancy, the applicant shall provide the Township with written verification that the electrical work has passed a third-party final inspection.
- E. All new electrical lines must be installed underground.

10. Water Use.

- A. Raw Water: No operations of a Data Center or Data Center Accessory Use shall use raw or ground water, except that ground and/or surface water is permitted to be used during construction for dust suppression only.
- B. Public Water: Applicant shall provide a will serve letter from the public utility confirming that the required quantities will be supplied and shall supply a water needs analysis confirming required quantities.
- C. All functions of a Data Center or a Data Center Accessory Use shall be served by public water and sewer. No waste water or sewage of any type shall be discharged on site.

11. Environmental Impact Analysis.

- A. Prior to the commencement of the conditional use hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include, at a minimum, the following:
  - i. A narrative description prepared by a professional engineer, ecologist, environmental planner or other qualified individual, of the proposed nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials, and the relationship to other projects or proposals. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.
  - ii. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within 500 feet of the boundaries of the property, and the potential for public nuisance to residents resulting from operations.
  - iii. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
  - iv. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
    - a) Emergency services and fire protection,
    - b) Water supply,
    - c) Sewage disposal,
    - d) Solid waste disposal,

- e) School facilities and school district budget,
  - f) Municipal revenues and expenses, and
  - g) Stormwater.
  - v. Any environmental impacts that are likely to be generated (i.e., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
  - vi. The applicant shall identify all stationary and mobile sources of particulate matter (PM2.5) volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air polluting emissions at the site.
  - vii. The applicant shall submit an assessment report of the impact of the proposed use on the goals the Township Comprehensive Plan.
- B. Any emissions of exhaust, gases, noxious odor or similar shall adhere to applicable State and Federal emission standards and shall be carried on in such a manner that it is not perceptible at or beyond the property line.

12. Emergency Responders.

- A. The applicant shall coordinate with the emergency management coordinator serving the Township to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Township Public Safety Radio Communications System at the exterior of the building, and shall install enhancement systems as needed to meet compliance.
- i. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
    - a) Be reviewed by the local fire department and emergency management services serving the Township;
    - b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
    - c) Include an evaluation of the adequacy of the local fire department equipment;
    - d) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
    - e) Ensure that all first responders receive adequate training specific to the installed system;
    - f) 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.

- ii. Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

13. Facade Standards.

A. Principal Facades:

- i. Facades shall be consistent in terms of design, material, detail, and treatments.
  - ii. Facades shall avoid the use of undifferentiated surfaces that result in a monolithic appearance by including two of the following design elements:
    - a) Changes in building height;
    - b) Building step-backs or recesses;
    - c) Building projections, risalites, or avant-corps;
    - d) Fenestrations; and
    - e) Change in material, pattern, texture, color, or accents.
- B. Facades shall be designed so as to provide the appearance of an office building or similar professional space as opposed to a structure for the storing or logistics of computer and technological equipment

C. Secondary Facades:

- i. Facades shall be consistent in terms of design, material, detail, and treatments.
- ii. Facades shall avoid the use of undifferentiated surfaces by including the following design elements:
  - a) Fenestrations; and
  - b) Change in material, pattern, texture, color, or accents.
- iii. Facades shall be designed so as to provide the appearance of an office building or similar professional space as opposed to a structure for the storing or logistics of computer and technological equipment.

14. Access and Security.

- A. Primary access shall be from an arterial or collector street with at least one route of secondary egress and ingress provided from any adjacent street.
- B. Internal drives shall be designed in a manner which allows for the circulation of emergency vehicles and sufficient access to each structure. A circulation plan must be provided during the conditional use process.
- C. Any gated emergency access route or secondary access route shall be fitted with the "knox-box" type device approved by the Township Supervisors.
- D. All fencing, including security fencing, may not exceed 10 feet in height at the highest point of the fencing or any appendages, including but not limited to barb wire.

- E. Parking spaces shall be provided in accordance with the following and meet all other requirements of Ordinance No. 322, Article 4 (General Provisions), Section 405 (Parking).
  - i. Parking spaces shall be provided at a rate of one and one-half (1.5) spaces per on-site employee on the largest shift.
  - ii. Off Street loading facilities shall be provided at a rate of one (1) space per building.
- F. All access roads, including emergency access roads, shall have a total lane width of not less than 26 feet, excluding any on street parking areas and shoulder. Cul-de-sacs shall have a diameter of at least 96 feet.
- G. A minimum of 1 fire lane intended for aerial apparatus access to roof structures shall be provided. The lane shall be:
  - i. a minimum of 26 feet wide restricted to travel and not including any on street parking areas or shoulder;
  - ii. clearly identified with ground markings and post-mounted signs;
  - iii. free from any overhead obstructions; and
  - iv. able to access the area not less than 15 feet nor greater than 30 feet from the Data Center buildings and be on the same side of the structure as the access road.
- H. A traffic control plan showing planned construction routes for the duration of construction shall be submitted as part of the conditional use submission for review. All traffic for the purpose of construction of a Data Center shall access the site via an arterial road and shall not use collector or other minor or secondary street.
- I. Any Data Center proposing battery storage systems or any other device or group of devices capable of storing energy for the purpose of supplying electrical energy at a later time, shall demonstrate compliance with the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, and must include in any fire suppression system, components designed specifically for energy storage systems.
- J. Each Data Center primary and secondary access point, including emergency access routes, shall provide signage detailing the 24-hour emergency contact for the site, including name and 24-hour phone number, and include the following: company name (if applicable), the owner or representatives name, owner/representatives phone number, name of the power company/utility, emergency contact phone number for the power company/utility.

15. Decommissioning Plan.

- A. Data Centers are recognized as a distinct use that warrants special consideration due to their limited operational lifespans and the potential for residual materials or infrastructure that may require specialized removal or remediation at the end of use. Given the rapid evolution of data storage and processing technologies, applicants shall submit a decommissioning plan

for removal of obsolete equipment and site restoration at the end of the facility's operational life.

- B. Such plan shall address dismantling and removal of all equipment and appurtenances related thereto, including but not limited to special cabling and electrical components, electronic equipment, special cooling equipment, special power generation, batteries and other associated facilities from the property to a condition where the building and property may be reused for another purpose.
- C. These provisions are intended to ensure compatibility with surrounding land uses, maintain long-term land use flexibility, and promote the orderly reuse or redevelopment of the property. When the operation of the Data Center ceases, the recycling or responsible disposal of decommissioned hardware and materials shall be prioritized to reduce environmental impact. The operator shall partner with certified E-waste recycling facilities to ensure the proper handling and recycling of electronic components.
- D. Prior to issuance of a certificate of occupancy for a Data Center, the operator shall provide financial security, in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the Township, to secure the expense of decommissioning, dismantling, removing, and disposal of the Data Center specific components and equipment, in the amount of 110% of the estimated decommissioning cost minus the salvageable value of the Data Center. The Township reserves the right to review, once every five (5) years, an engineer's new estimate of probable cost of decommissioning, which shall be submitted for approval in the same manner as the initial submission. The bond, letter of credit, or other financial security acceptable to the Township shall be increased or decreased, as appropriate, upon a finding by the Board of Supervisors that the new estimate appropriately addresses the probable cost of decommissioning. The owner of the Data Center shall pay for all fees associated with the review and approval of each such decommissioning cost estimate by the Township Engineer.

## **Section 702. Data Center Parks.**

- a. In addition to the requirements in Section 701, the development of a Data Center Park shall be in accordance with the requirements of this Section.
  - 1. Reciprocal Restrictive Covenants and Cross Easements.
    - A. A Data Center Park must be subject to a recorded agreement or other instrument, approved by the Township, permanently restricting the use of the entire parent tract constituting the Data Center Park exclusively for Data Center uses; providing reciprocal easements and covenants necessary for access, utilities, general and emergency access routes, open space, common sound abatement improvements, and stormwater management facilities; and providing for the continued maintenance of the common areas and common facilities for the benefit of all of the sublots of the Data Center Park (collectively referred to herein as the "Data Center Restrictive Covenants") as part of any Subdivision or Land

Development Plan for the approval of a Data Center Park. Such Data Center Restrictive Covenants shall provide that the Township shall be considered a third-party beneficiary of the restrictive covenant relating to the prohibition on uses other than Data Center Uses or other restrictive covenants that are conditions of the approval of any Subdivision and Land Development Plan, which provisions shall not be terminated or modified without the recorded consent of the Township. However, any other provisions of such agreement or other instrument may be modified by the owners of the sub-lots of the Data Center Park without the need for Township consent.

2. Area Regulations.

- A. The minimum lot size of the parent tract shall be in accordance with § 701.
- B. The minimum lot size of an internal lot is six (6) acres.
- C. The lot width of any internal lot shall not be less than 100 feet at the building setback line.

3. Yard Regulations.

- A. Perimeter lot lines of the Park shall be in accordance with § 701.
- B. Setback requirements between internal lot lines shall be reduced to encourage the clustering of Data Center buildings and equipment. Setbacks may be reduced to not less than the following:
  - i. Front Yard: 50 feet
  - ii. Side Yard: 50 feet
  - iii. Rear Yard: 50 feet
- C. Accessory uses, including Data Center Accessory Uses, shall meet the following requirements:
  - i. When an accessory use abuts a perimeter lot line, the setback shall conform to § 701.
  - ii. When an accessory use abuts an internal lot line, the minimum setback is reduced to 10 feet. This section applies to parking and loading areas.

4. Cover Regulations.

- A. Overall impervious cover of the parent tract shall conform to § 701.
- B. Internal lot coverage may not exceed 75%.

5. Screening Requirements.

- A. Screening at the external property lines are required in accordance with § 701. Internal screening between structures in a Data Center Park is not required.

6. Lighting and Sound.

- A. Perimeter lot lines shall conform to § 701.
- B. Interior lots and lot lines shall not be required to conform to § 701.

