

EAST FALLOWFIELD TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWNSHIP OF EAST FALLOWFIELD, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EAST FALLOWFIELD TOWNSHIP CODE, CHAPTER 27, TITLED “ZONING,” TO ADD DEFINITIONS RELATED TO DATA CENTERS AND DATA CENTER ACCESSORY USE TO § 27-201; TO AMEND THE O-I OFFICE/INDUSTRIAL DISTRICT REGULATIONS TO ALLOW A DATA CENTER AND DATA CENTER ACCESSORY USE AS A CONDITIONAL USE UNDER § 27-1102; TO ADD A NEW § 27-1735 TO PROVIDE REGULATIONS FOR DATA CENTERS AND DATA CENTER ACCESSORY USE; AND TO ADD SEVERABILITY, REPEALER AND EFFECTIVE DATE PROVISIONS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Fallowfield Township that Chapter 27 of the East Fallowfield Township Code, titled, “Zoning” shall be amended as follows:

SECTION 1. The following definitions shall be added to § 27-201, “Specific Terms”:

“DATA CENTER - A facility primarily used for housing computer systems and associated components, including servers, data storage and processing systems, and auxiliary infrastructure such as network hardware, cooling systems, power generators, and electrical substations all of which may be subject to additional safety reviews and regulations.

DATA CENTER ACCESSORY USE - Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such Data Center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center.”

SECTION 2. A new subsection (4)(H) shall be added under Section 27-1102, under Part 11 O-I Office Industrial District, to allow for Data Centers by conditional use in the Office Industrial District as follows:

“(H) Data Centers and Data Center Accessory Use.”

SECTION 3. A new Section 27-1735 under Part 17 Supplemental Land Use Provisions shall be added to provide specific conditions for Data Centers and Data Center Accessory Use, pursuant to Section 27-1102(4) under Part 11 O-I Office Industrial District and Section 27-1904 under Part 19 Conditional Use Regulations, as follows:

“§ 27-1735 Data Center and Data Center Accessory Use Specific Standards

1. Data Centers and Data Center Accessory Uses shall satisfy the following requirements and design standards as part of the required Conditional Use approval process.
 - A. Minimum Lot Area or Tract Size: ten (10) acres.
 - B. Minimum Lot Width:
 - (1) Two hundred (200) feet at street line.
 - (2) Three hundred (300) feet at building setback line.
 - C. Minimum Setbacks from Property Lines:
 - (1) Front yard setback: Eighty (80) feet from the street right-of-way.
 - (2) Side yard setbacks: Fifty (50) feet for either side yard and One hundred Twenty-five (125) feet aggregate, except where abutting a railroad.
 - D. Maximum Height: Four (4) stories or forty (40) feet,.
 - E. Maximum Lot and Building Coverage:
 - (1) Maximum building coverage: 30%.
 - (2) Maximum lot coverage: 45%.
 - F. Minimum Landscaped Area: 30%.
 - G. Principal building facades shall include all building facades that face adjacent public roads or adjacent residentially zoned land. Each principal building facade, which may include multiple facades, shall include a change in building material, pattern, texture, color, or accent materials.
2. Data Centers and Data Center Accessory Uses shall satisfy the following performance standards as part of the Conditional Use approval process. The provisions under Part 18 Common Regulations shall also apply to Data Centers and Data Center Accessory Uses, as applicable. In the event of a conflict between performance standards in this section and Part 18 Common Regulations, the performance standards in this section shall supersede Part 18 Common Regulations.
 - A. Pre-Construction Sound and Vibration Study

- (1) The applicant shall submit a pre-construction sound and vibration study with the Conditional Use application, prepared and sealed by a qualified professional engineer, to include predicted sound and vibration levels from the operation of the Data Center and Data Center Accessory Uses.
- (2) The pre-construction sound and vibration measurements shall be conducted at the property boundary location nearest to the adjacent occupied buildings.
- (3) The pre-construction sound measurements shall use objective level limits expressed in A-weighted decibels (dBA) for sound and C-weighted decibels (dBC) for low-frequency impacts, measured and evaluated in accordance with standardized methodologies.
- (4) The pre-construction vibration measurements shall use objective level limits expressed in velocity decibels (VdB), measured and evaluated in accordance with standardized methodologies, and assessed against human perception criteria.
- (5) Simultaneous Operation Assumption. All sound and vibration evaluations, studies, modeling, and compliance determinations shall assume the concurrent operation of all generators, cooling systems, mechanical equipment, and other noise-producing devices operating at their maximum rated capacities.

B. Post-Construction Sound and Vibration Study

- (1) Within ninety (90) days following the commencement of operations of the Data Center and Data Center Accessory Uses, the applicant shall submit an as-built post-construction sound and vibration study, prepared and sealed by a qualified professional engineer.
- (2) The post-construction sound and vibration measurements shall be conducted at the property boundary location nearest to the adjacent occupied buildings.
- (3) The post-construction sound compliance shall use objective level limits expressed in A-weighted decibels (dBA) for sound and C-weighted decibels (dBC) for low-frequency impacts, measured and evaluated in accordance with standardized methodologies.
- (4) The post-construction sound measurements shall demonstrate compliance with all applicable maximum levels of sound set forth in the Table for Maximum Level of Sound Permissible for Data Centers and Data Center Accessory Uses.

- (5) The post-construction low-frequency impact measurements shall demonstrate compliance with all applicable maximum levels of low-frequency impact set forth in the Table for Maximum Level of Low-Frequency Impacts Permissible for Data Centers and Data Center Accessory Uses.
 - (6) The study shall include measurements taken during normal operations, peak cooling load, and during operation of emergency generators under load.
 - (7) The post-construction vibration measurements shall use objective level limits expressed in velocity decibels (VdB), measured and evaluated in accordance with standardized methodologies, and assessed against human perception criteria. Vibration levels shall not exceed sixty-five (65) velocity decibels (VdB), measured in accordance with ISO 2631-1 or a successor standard.
 - (8) If the post-construction sound and vibration study demonstrates non-compliance with any applicable standard, the study shall include a detailed plan to remediate and comply with any applicable standard.
 - (9) The applicant shall present the post-construction sound and vibration study to the Board of Supervisors at a public meeting within thirty (30) days of its submission to the Township.
 - (10) All violations shall be remediated within a period approved by the Board of Supervisors, but no later than ninety (90) days, following notice of non-compliance, unless extended for good cause shown.
- C. Following the issuing of a certificate of occupancy, the Township may require additional sound and vibration studies upon receipt of a substantiated complaint or material modification, replacement, or addition of mechanical equipment, cooling systems, generators, or other vibration-generating equipment.
- D. If there is a violation of the Maximum Level of Sound Permissible, Maximum Level of Low-Frequency Impacts Permissible for Data Centers and Data Center Accessory Uses, or vibration levels exceeding 65 velocity decibels (VdB), the Township may require mitigation measures, which may include operational modifications, equipment limitations, or temporary curtailment of specific sound- and vibration-producing activities until compliance is demonstrated.
- E. Table for Maximum Level of Sound Permissible for Data Centers and Data Center Accessory Uses at Property Line of Stated Receiving Land Use.

Receiving Land Use	Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)
Residential	40 dBA Leq (1-hour)	40 dBA Leq (1-hour)
Mixed-Use / Commercial	60 dBA Leq (1-hour)	50 dBA Leq (1-hour)
Industrial	65 dBA Leq (1-hour)	55 dBA Leq (1-hour)

F. Table for Maximum Level of Frequency Impacts Permissible for Data Centers and Data Center Accessory Use at Property Line of States Receiving Land Use.

Receiving Land Use	Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)
Residential	40 dBC Leq (1-hour)	40 dBC Leq (1-hour)
Mixed-Use / Commercial	60 dBC Leq (1-hour)	50 dBC Leq (1-hour)
Industrial	65 dBC Leq (1-hour)	55 dBC Leq (1-hour)

3. Water and Wastewater Disposal.

A. Water

- (1) A Data Center shall be connected to public water.
- (2) The applicant shall provide detailed estimates of daily and annual water usage.
- (3) The applicant shall provide documentation from the public water provider that there is sufficient water available to serve the Data Center and Data Center Accessory Uses without impacting water pressure, availability of water to other users in Township or **increase water/sewer cost for the Township public water/sewer customers.** No Data Center or Data Center Accessory Uses shall be approved unless the applicant demonstrates that the anticipated water supply yield is sufficient for the Data Center and Data Center Accessory Uses and will not adversely impact water pressure, availability of water to other users in the Township or **increase water/sewer cost for Township public water/sewer customers.**
- (4) The Data Center and Data Center Accessory Uses shall not use groundwater or direct withdrawals from surface watercourses as its primary source of water for cooling purposes.

- (5) The Data Center and Data Center Accessory Uses shall be designed to include air-cooled or closed-loop water circulation systems to cool processing equipment. An applicant may propose an alternative cooling system that is demonstrated to use less water and energy than closed loop systems.
- (6) The applicant shall submit a drought response plan to demonstrate compliance with state, water supplier and local drought declaration requirements.

B. Wastewater Disposal.

- (1) A Data Center and Data Center Accessory Uses shall be connected to public sewer.
- (2) The applicant shall submit an analysis of wastewater disposal needs with the conditional use application which indicates the quantity of wastewater generation expected from sewage and water discharge as part of the Data Center's and Data Center Accessory Uses' HVAC system.
- (3) Any untreated discharge of wastewater generated at the Data Center and Data Center Accessory Uses may not be discharged to stormwater systems or surface waters.
- (4) The applicant shall submit documentation certified by the public sewer provider so that the provider can support the conveyance and treatment needed.

4. Energy Supply.

- (A) An applicant for a Data Center and Data Center Accessory Uses shall provide an energy usage plan with the conditional use application, which shall provide or identify, at a minimum:
 - (1) Annual electricity demand.
 - (2) Energy supply sources that will be utilized.
 - (3) Energy storage capacity (if applicable).
 - (4) Proposed sources of back-up power.
 - (5) Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those 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.

(6) If interconnecting to the energy grid, an applicant for a Data Center and Data Center Accessory Uses shall provide documentation of the energy utility interconnection approval process, and provide the following:

- (a) A copy of an application for the project filed with the electric utility provider.
- (b) A copy of transmission security agreement signed by all necessary parties.
- (c) The date that the electric utility provider proposed energization of the Data Center and Data Center Accessory Uses.

(B) If Data Centers or Data Center Accessory Uses intend to use backup generators, the following criteria shall apply.

- (1) Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.
- (2) Diesel generators shall undergo annual testing, and reports shall be provided to the Township to ensure that the generators are performing as designed and that emissions do not exceed permitted limits.
- (3) Emergency energy generation that is diesel, gasoline, or similarly fueled shall be used only at the following times:
 - (a) When the primary source of energy is not available due to an emergency outage.
 - (b) During routine maintenance, or readiness testing for a short duration of time and capped at One hundred (100) hours per year.
 - (c) Routine maintenance testing of back-up fossil fuel-powered generators shall be restricted to the hours of 10:00 AM through 4:00 PM Monday through Friday.
 - (d) Peak shaving or supplying power to the grid is prohibited.
- (4) The applicant shall design and locate the emergency energy generation systems to limit noise and visual impacts as much as possible.

- (5) The operator shall maintain a public website announcing the times when the generators will be in operation. Any operation of the backup generators for testing purposes shall be announced on the website at least 24 hours in advance. The operator shall also notify the Township at least 24 hours in advance of a test. The operator shall provide the address of the website where the notices required by this Section are published.

5. Alternative Energy Systems.

- (A) Any energy generation system designed or used to supply power directly to a Data Center or Data Center Accessory Uses during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center or Data Center Accessory Use but shall be subject to existing municipal or utility regulations. Such systems shall be considered separate from Data Center or Data Center Accessory Uses and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The applicant shall select, design and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible.
- (B) Electric Utility Substations on the same property as the Data Center or Data Center Accessory Use, must be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be in the front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- (C) Data Center electric utility substations visible from an arterial roadway must include a combination of year-round opaque landscaping and screening walls to minimize visual impact.
- (D) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried.
- (E) Substations abutting a district boundary or a parcel containing residential use shall be set back a minimum of eight hundred (800) feet from the property line. If abutting another parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.
- (F) The Data Center or Data Center Accessory Use electric utility substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the enclosure containing the substation to the property boundary of the lot it occupies.

6. Emergency Management.

- (A) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
- (1) Be reviewed and accepted by the local fire department and emergency management services as part of the conditional use process.
 - (2) Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - (3) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
 - (4) Ensure that all first responders receive adequate training specific to the installed system.
 - (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 or Data Center Accessory Uses.
- (B) The costs incurred, including specialized training for fire and EMS personnel, shall be reimbursed by the applicant, including future ongoing training specific to the Data Center and Data Center Accessory Use ERP.
- (C) Any Data Center or Data Center Accessory Use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
- (D) No Data Center or Data Center Accessory Use shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

7. Construction Plans.

- (A) The applicant shall coordinate with the Township and develop a construction plan which shall be adhered to by all vehicles and equipment involved in the construction of the Data Center or Data Center Accessory Uses including construction deliveries, equipment and contractors, to minimize disruption to the traffic in the vicinity of the subject property. The plan shall include appropriate times and locations for access by construction vehicles and anticipated delivery of large equipment. This construction plan must be approved by the Township as part of final land development plan approval. The

Township shall have the authority to require more detailed information to be added to the plans as well as consistent updates as the project progresses.

8. Decommissioning.

(A) The applicant shall submit with the conditional use application a Decommissioning Plan prepared by a qualified professional. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration. Decommissioning must begin within one year of cessation of the Data Center and Data Center Accessory Uses operations and be completed within 18 months. The Township shall require financial security with related agreements to be posted to cover the full cost of decommissioning and site restoration if not done in a timely fashion by the operator/owner of the Data Center and Data Center Accessory Use.”

SECTION 4. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of East Fallowfield Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. Superseded. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby superseded insofar as the same affect this Ordinance.

SECTION 6. Effective Date. This Ordinance shall be effective upon enactment as provided by law.

ENACTED AND ORDAINED this _____ day of _____, 2026.

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS:

ATTEST:
