NORTH COVENTRY TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ___

AN ORDINANCE OF THE TOWNSHIP OF NORTH COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE NORTH COVENTRY TOWNSHIP CODE, CHAPTER 370 TITLED, "ZONING", TO ADD DEFINITIONS RELATED TO DATA CENTERS TO SECTION 370-9; TO AMEND SECTION ____ TO PERMIT A DATA CENTER IN THE _____ BY CONDITIONAL USE; TO ADD A NEW SECTION _____ TO PROVIDE REGULATIONS FOR DATA CENTERS; AND TO ADD SEVERABILITY, REPEALER AND EFFECTIVE DATE PROVISIONS.

WHEREAS, the protection of public health, safety, and welfare is the paramount concern of North Coventry Township; and;

WHEREAS, Data Centers are a rapidly expanding use that is not regulated at the state level in Pennsylvania, and may exert significant impacts related to energy demand, water consumption, noise, vibration, and environmental quality; and,

WHEREAS, the Board of Supervisors finds that Data Centers may create unique land use, infrastructure, environmental, public safety, and utility demands that warrant site-specific review through the conditional use process to ensure compatibility with surrounding uses and available public services;

WHEREAS, prudent local regulation of Data Centers through conditional use in a designated _____ zone is necessary to ensure any such development is compatible with the surrounding community and infrastructure;

BE IT ENACTED AND ORDAINED by the Board of Supervisors of North Coventry Township that Chapter 370 of the North Coventry Township Code, titled, "Zoning" shall be amended as follows:

SECTION 1. The following definitions shall be added to Section 370-9 titled, "Specific Terms" as follows:

CLOSED LOOP – A Closed Loop cooling system in a Data Center is a sealed thermal management system that continuously recirculates a dedicated coolant, such as water or a specialized fluid, through pipes to remove heat.

DATA CENTER — A facility 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. A use that satisfies this definition shall be exclusively classified as a Data Center and therefore shall not constitute any other use defined or established in this Chapter.

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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 noncontact 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.

SENSITIVE RECEPTOR – Any land use particularly sensitive to noise, vibration, or thermal emissions, including residential dwellings and residential zoning districts; educational facilities, (pre – kindergarten through university); licensed daycare or elder care facilities; hospitals; and places of worship, designated historic resources, and cemeteries.

SECTION 2. New subsections _____ shall be added under _____ as follows:

Data Centers, subject to satisfaction of Section 370-71

Any use not expressly permitted in this Article, provided that the use satisfies all common regulations in Article XI.

SECTION 3. Section _____ shall be amended to include the use of Data Centers to the list of uses specifically regulated in this Article.

SECTION 4. Section _____ is amended as follows:

§_____ Data Centers

A. The standards of the _____ and all applicable Township ordinances shall apply to Data Centers unless this Section establishes a more specific or more stringent standard, in which case this Section shall control.

B. The Township Zoning Performance Standards Chapter 370-75 apply to all Data Centers.

C. Dimensional Regulations. Building height, minimum lot area and setbacks.

(1) The maximum building height shall be 40 feet, inclusive of associated roof-top equipment and Data Center Accessory Uses.
(2) Minimum lot area shall be 10 acres.
(3) The Data Center and Data Center Accessory Uses and associated equipment and structures shall be setback 250 feet from the property line of all other adjoining properties and road rights-of-way, and if abutting a residential use with an existing residential dwelling, the required setback shall be 1,000 feet from the property line that abuts the existing residential dwelling.
(4) Each principal Data Center building shall not exceed 100,000 square feet in area.

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D. Buffering, landscaping and architectural features. The landscaping and buffering requirements in Section 320-54 of the Subdivision and Land Development shall apply to the Data Center and Data Center Accessory Uses and shall be included as part of the conditional use application. Additionally:

(1) At least one main entrance feature shall be provided to accent the main entrance, such as a double doored entrance way with overhang with required surrounding landscaping in the vicinity of the main entrance feature.

(2) Any Data Center or Data Center Accessory Use Building façade that faces a public road or existing residential dwelling must incorporate at least two of the following design elements every 150 horizontal feet:

(a) a change in building material, pattern, texture, or color;
(b) a change in building height;
(c) Building setbacks or recesses having a minimum depth of 5 feet
Earthen berm – a continuous earthen berm at least eight feet in height with a maximum 3:1 slope shall be constructed along all property lines adjacent to existing residential uses or public roads. Berms shall be planted with a double – staggered row of native evergreen trees, a minimum of eight feet in height at planting, spaced no more than ten feet apart on center. This planting shall achieve 90 % visual opacity, measured year-round at maturity from a height of six feet at the property line in accordance with the Township's landscape standards at § 320-54.

E. Screening of mechanical equipment. Data Center Accessory Uses, including ground level and roof top mechanical equipment used for cooling, ventilating, or otherwise operating the facility, shall be screened from view on all sides by an opaque wall, fence, or evergreen planting that blocks direct view of the equipment from any adjacent property line and public right-of-way.

F. Noise and Vibration.

(1) The applicant shall submit a pre-construction study with the conditional use application prepared and sealed by a qualified acoustical professional engineer establishing baseline ambient noise and vibration levels, as well as predicted noise and vibration levels from the operation of the Data Center ("Baseline Study"). For purposes of this Paragraph F, a qualified acoustical professional shall mean a professional engineer licensed in Pennsylvania with demonstrated experience in acoustical engineering or a professional with INCE Board Certification. The Baseline Study shall:

(a) Include sound and vibration measurements taken at property lines.

(b) Include sound and vibration measurements taken during proposed normal operations and during proposed off-hour times. The term "normal operations"

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shall mean the time(s) of day when the proposed Data Center is at full operational load.

(c) Identify all measurement locations, instrumentation used, calibration documentation, testing methodology, operational conditions during testing, and meteorological conditions.

(d) Within 180 days following issuance of a use and occupancy certificate and commencement of operations, the applicant shall submit to the Township an as-built post-construction noise and vibration study prepared and sealed by the qualified acoustical professional (the "Study").

(e)Vibration levels shall not exceed the threshold of human perception as defined in ISO 2631-1 (Evaluation of Human Exposure to WholeBody Vibration) or successor standard.

(f) Demonstrate that sound levels at any and all property lines do not exceed 45dB(A), a weighted sound level, representing how sound is perceived by human hearing, or 60 dB(C), a weighted sound level, which gives weight to low – frequency noise.

(g) Identify all measurement locations, instrumentation used, calibration documentation, testing methodology, operational conditions during testing, and meteorological conditions.

(2) If the Study demonstrates non-compliance with any applicable noise or vibration standard, the applicant shall, within 30 days of written notice from the Township, submit a corrective action plan prepared by a qualified acoustical professional. All violations shall be fully remediated within a timeframe approved by the Township, but in no event later than 90 days following Township notice of noncompliance, unless extended by the Township for good cause shown due to supply-chain or permitting delays outside the control of the Data Center.

(3) If the Baseline Study establishes a baseline sound level in excess of the maximum sound level permitted under the Township Code, the post-construction Study shall demonstrate that operations of the proposed use do not increase the baseline sound level as measured at the property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.

(4) The Township may require additional testing upon receipt of a written complaint that Township staff confirms by a field measurement exceeding the standards of this Section F or following modification, replacement, or addition of mechanical equipment, cooling systems, generators, or other vibration-generating equipment. If agreed upon by the Township, the standards and measurements set forth above may be updated or adjusted if a more accurate measurement standard is determined to be a more effective and accurate by the Applicant and the Township Engineer.

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E. Water, Wastewater Disposal and Energy Supply

(1) Water.

(a) A Data Center shall be connected to public water.

(b) The applicant shall provide detailed estimates of daily and annual water usage.

(c) The applicant shall provide documentation from the public water provider that there is sufficient water available to serve the Data Center without impacting water pressure or availability of water to other users in Township. No Data Center shall be approved unless the applicant demonstrates that the anticipated water supply yield is sufficient for the Data Center and will not adversely impact water pressure or availability of water to other users in the Township. The public water provider must certify that the projected demand can be met while maintaining a minimum residual system pressure of ___ psi under peak-day demand.

(d) The Data Center shall not use groundwater or direct withdrawals from surface watercourses as its primary source of water for cooling purposes.

(e) The Data Center cooling system shall be a Closed-Loop or air cooled system. Closed Loop cooling systems shall be designed and maintained to minimize the risk of leaks, including the use of corrosion-resistant materials, appropriate pressure controls, and leak-detection systems where liquid cooling is routed in or near IT spaces. Routine maintenance activities, including periodic flushing, cleaning, and replacement of Closed-Loop cooling fluids, are permitted, provided that all drained fluids and flush water are collected and removed from the site for proper off-site treatment or disposal in accordance with applicable environmental regulations. In no case shall cooling system drainage of fluids or condensate from the cooling system be discharged into the sanitary sewer or stormwater system of the Data Center, or allowed to enter stormwater facilities, surface waters, or groundwater. Outdoor portions of the Closed-Loop cooling system containing glycol or other chemical additives shall be provided with secondary containment or equivalent measures to prevent uncontrolled discharge to soil or stormwater systems in the event of a line or equipment failure.

(f) Any large-scale stationary battery systems (including, but not limited to, uninterruptible power supply systems and battery energy storage systems) associated with the Data Center and Data Center Accessory Uses shall be designed, installed, and maintained in accordance with applicable fire, building, and electrical codes, including provisions for ventilation, explosion protection, and containment of spills and leaks of electrolyte. For purposes of this section, a "large-scale" shall mean a stationary batter system with the aggregate capacity of 600 kilowatt-hours (kWh) or greater. The site design shall incorporate means to contain and manage fire-fighting runoff from areas housing large battery systems

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to minimize the potential for uncontrolled discharge of contaminated water to stormwater facilities, surface waters, or groundwater.

(g) The Data Center and Data Center Accessory Uses shall be located at least 1,000 feet from any Sensitive Receptor or designated historic structure, and at least 1,000 feet from any Data Center on another property, measured in a straight line from the nearest wall of any Data Center building to the nearest property line of the Sensitive Receptor.

(h) The applicant shall submit with the conditional use application a hydrological study indicating that the proposed Data Center and Data Center Accessory Uses will not have any adverse impact on ground water quality in the area. There shall be no exceedance of Pennsylvania Safe Drinking Water Act Maximum Containment Levels (MCLs), 35 P.S. § 721.1, et seq., or Act 2 statewide health standards in monitored wells pursuant to 25 Pa. Code § 250.304. "Maximum Contaminant Level (MCL)" means a maximum contaminant level established pursuant to the Pennsylvania Safe Drinking Water Act, 35 P.S. §§ 721.1–721.17, and 25 Pa. Code Chapter 109, including 25 Pa. Code § 109.202, as amended. The hydrological study shall, at a minimum, inventory existing private wells within one thousand feet (1,000') of the property line of the Data Center and evaluate potential effects on the water quality of the private wells within the study area. Where the hydrological study or site conditions indicate any risk that a release of cooling fluids, or other industrial liquids from the Data Center, could adversely affect groundwater quality or nearby potable water supplies, the Board of Supervisors, may as a condition of approval, require installation of one or more groundwater monitoring wells, designed and located by a qualified hydrogeologist, for baseline sampling and post-construction monitoring.

(2) Wastewater Disposal.

(a) A Data Center shall be connected to public sewer.

(b) 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 HVAC system.

(c) Any untreated discharge of wastewater generated at the Data Center may not be discharged to stormwater systems or surface waters.

(d) The applicant shall submit documentation certified by the public sewer provider that the provider can support the conveyance and treatment needed.

(3) Energy supply.

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(a) The applicant for a Data Center shall provide with the conditional use application an energy usage plan 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 energy sources and 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, documentation of the energy utility interconnection approval process, and provide the following:

(i) Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.

(ii) Documentation that a transmission security agreement has been signed by all necessary parties.

(iii) The date that the electric utility provider provided for the proposed energization of the data center.

(b) If the Data Center intends to use backup generators, the following criteria shall apply.

(1) Backup electric power generators serving the Data Center, Data Center Equipment, and Data Center Accessory Uses shall be fueled by natural gas only. Natural gas shall be supplied by a PUC regulated natural gas distribution company through local distribution mains; bulk storage of natural gas on site is not permitted.

(2) The applicant shall design and locate the emergency energy generation systems to avoid noise, vibration, and to limit visual prominence to adjacent properties. Backup generators shall be enclosed or screened on all sides by a visually opaque barrier at least ____ feet in height, set back at least _____ feet from any property line abutting a residential use, and shall not be roof-mounted on any façade facing a public road or residential use.

(3) The emergency generation shall be used only at the following times:

(i) When the primary source of energy is not available due to an emergency outage.

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(ii) Routine maintenance testing shall be restricted to the hours of 10:00 a.m. through 4:00 p.m. Monday through Friday. Non-emergency operation of each generator for testing and maintenance shall be limited to a maximum of 50 hours per calendar year, or such lower limit as may be necessary to comply with state and federal air permits and shall not occur during periods when the Air Quality Index for the area is "Unhealthy" or worse, except as required during a grid-declared emergency.

(4) 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 Township with the address of the website where the notices required by this Section are published.

(5) Generator inventory. The applicant shall submit an inventory or all existing and proposed backup electric power generators to be utilized, and include number, make/model, rated electrical output (kW/MW), maximum heat input (MMBtu/hr.), exhaust stack height, and maximum proposed hours of operation (emergency and non-emergency) for each unit.

(5) Generator operation for economic dispatch, peak shaving, or sale of electricity to the grid is prohibited.

(6) Air emissions and compliance. All backup generators and other onsite combustion sources associated with a Data Center shall comply with applicable federal and state air-quality regulations, including but not limited to the Pennsylvania Air Pollution Control Act and the federal Clean Air Act, and shall obtain all required PaDEP and EPA approvals and permits prior to operation.

(7) Monitoring and reporting. The operator shall maintain records of generator testing and emergency operations hours and submit annual summary reports to North Coventry Township, and install ambient air-quality monitors (e.g., NO2 and PM2.5) at or near all property boundaries.

(c) Alternative Independent Water and Energy Systems. Any independent, energy generation system designed or used to supply water and power directly to a Data Center during normal operations, including Closed Loop, geothermal, solar, or other energy generating systems, shall be considered part of the Data Center use. If such systems are proposed to be added at a later time, any Conditional Use approval granted must be amended at that later time to allow for such use. Such systems require an independent review by Township consultants to ensure the safety of such systems and compliance with the applicable standards of this Chapter, all other applicable chapters of the Code of the Township, and all applicable federal, state, and local regulations. To the extent these alternative systems safely reduce the strain on local resources, such alternative systems

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may be encouraged provided they are shown to satisfy the regulations set forth in Section 370-25 of this Chapter and all other conditional use requirements.

F. Emergency management.

(1) The applicant shall submit an Emergency Response Plan (ERP) addressing fire suppression, battery incidents that may trigger an emergency or cause harm to the environmental, fuel management, evacuation, emergency contact protocols, hydrant and water supply adequacy, and site access, prepared by a qualified professional. If the Data Center is located within an Emergency Planning Zone (EPZ) established for an operating nuclear power plant, the ERP shall additionally identify and address the facility's location within the EPZ and demonstrate coordination with the applicable municipal, county, and State radiological emergency preparedness and response plans, including applicable evacuation, shelter in place, emergency notification, access, and continuity of operations procedures. The ERP shall be consistent with, and shall not conflict with, the applicable Radiological Emergency Response Plan (RERP) and other emergency plans established by the responsible governmental authorities and the Township.

For purposes of this Paragraph F, the term qualified professional shall mean an individual who, through a combination of education, professional licensure or certification where required, specialized training, and relevant experience, has demonstrated competence in the design, evaluation, preparation, or review of emergency response plans addressing the specific hazards and systems present at the proposed Data Center facility, including, fire detection and suppression, fire and smoke containment, hazardous-material containment, ventilation and smoke-control systems, emergency evacuation, electrical systems, battery energy storage systems, fuel storage and handling, and associated fire, explosion, toxic-gas, and electrical hazards. The individual shall have experience appropriate to the size, complexity, technology, and hazards of the proposed Data Center facility, and shall be authorized to make or approve professional judgments within the individual's area of competence. A “qualified professional” may consist of a team of qualified professionals provided that the team collectively possess the qualifications necessary to address all hazards and systems required to be covered by the ERP.

(a) The ERP shall: Be reviewed and accepted by the local fire department, police department, and emergency management services as part of the conditional use process;

(b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

(c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site; require at least one secondary access road suitable for emergency purposes into the site;

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(d) Ensure that all first responders receive adequate training specific to the installed system; and

(e) 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 and compliance with applicable provisions in Section 370-25 of this Chapter.

(g) Any Data Center 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 or its successor standard as adopted by the Township, and must include fire suppression 6 systems designed specifically for battery storage.

(2) No Data Center shall be approved unless the applicant demonstrates that the Emergency Response Plan satisfies the specific requirements of § H.(1) above, the International Fire Code and Building Code, and NFPA 855, and has been accepted by the fire department under § H.(1)(a) above.

(a) In reviewing the adequacy of the Fire Safety and Emergency Response Plan, the following shall be considered, in addition to Building Code requirements:

i. Use of fire-resistant rated construction materials.
ii. Location of IT equipment and restricted access to it.
iii. Openings and penetrations.
iv. Aisle containment and hot air systems.
v. Limitation of materials in and around IT equipment.
vi. Construction of IT materials.
vii. Design and installation of automatic fire protection systems, such as sprinkler systems or gaseous extinguishing systems.
viii. Automatic detection systems.
ix. Portable extinguishers and hose lines.
x. Staff training.
xi. Any on-site battery storage systems.
xii. Emergency and recovery procedures.
xiii. Maintenance and auditing plan for fire safety.

(3) Fire Lanes. Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations and dimensions of these lanes are subject to review and approval by the Fire Marshal of North Coventry Township.

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(4) Emergency Site Access. The Data Center shall have an adequate means of secondary ingress and egress suitable for emergency vehicles in accordance with the standards of the _____District as approved by the Township Engineer and the Fire Marshal of North Coventry Township.

(5) Emergency Roof Access. The Data Center shall have both interior and exterior roof access for emergency services as approved by the Township Engineer and the Fire Marshall of North Coventry Township.

(6) Emergency Services Training. The Data Center shall provide, or cause to be provided, at the expense of the Data Center, training for the firefighters and fire company leadership of the designated Fire Department and EMS personnel of North Coventry Township, on an annual basis, regarding the specialized firefighting and EMS skills needed to manage electrical equipment, battery storage units, natural gas, and backup generators in the event of a fire or EMS emergency.

(7) Emergency Services Equipment. The Data Center shall provide the designated Fire and EMS provider any specialized or supplemental firefighting and EMS equipment needed to address the emergency services requirements of the Data Center. Where specialized firefighting or EMS equipment is necessary because of the project, the Board of Supervisors may require the applicant to provide such equipment or funding, provided the requirement is supported by written findings identifying the project-specific need.

G. Wildlife and Pollinator Protection

(1) All required landscaping, berms, buffers, riparian zones, and preserved open space shall use native, pollinator friendly plantings consistent with the Pennsylvania BMP Manual and PA Natural Heritage Program guidelines. No turf grass or invasive species shall be permitted; planting must achieve at least 70% coverage of pollinator – host/forage species within five years.

(2) Lighting shall comply with the Township Lighting standards within Chapter 320 of the SALDO, and additionally: a maximum 2700K color temperature, full cut-off, motion activated only after 10:00 p.m. (except safety required) and designed to prevent disruption and adverse impact to nocturnal pollinators and migratory birds per International Dark Sky Association guidelines.

H. Construction Plans.

(1) 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 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

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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.

I. Regulatory Reporting and Environmental Impact Assessment

(1) The Applicant shall submit, as part of the conditional use application and throughout the permitting, land development, operation, and decommissioning of the Facility, copies of all reports, submissions, and other documents required to be submitted to any Commonwealth of Pennsylvania regulatory agency having jurisdiction over the Facility, including, but not limited to, the Pennsylvania Department of Environmental Protection (PA DEP). Such documents shall be submitted to the Municipality concurrently with, or within ten (10) days following, their submission to the applicable regulatory agency.

(2) Applicant shall submit, with the conditional use application, a comprehensive assessment that assesses all:

(a) effects on ecosystems, stormwater, and water resources;

(b) air quality and emissions;

(c) energy consumption, greenhouse gas, and all thermal impacts; and;

(d) infrastructure implications, including waste, heat, and traffic.

The applicant must identify the impact, quantify it where practicable, identify the proposed mitigation, and commit to implementing that mitigation as a condition of conditional use approval. (3) The assessment shall quantify, to the extent practicable, the Facility's anticipated and maximum demands for electricity and water, including annual and peak electricity demand, annual and maximum-day water demand, the anticipated source of water supply, wastewater generation, and any consumptive use of water. The Applicant shall identify measures proposed to minimize water consumption, protect water resources, reduce energy demand, prevent any thermal heat impact, and mitigate impacts associated with the Facility's utility demands.

(4) The Applicant shall identify the electrical generation, transmission, distribution, substation, utility, and other infrastructure improvements necessary to serve the Facility. The Applicant shall identify the anticipated costs and responsible parties for such improvements and shall demonstrate, to the extent within the Applicant's control, that costs attributable to infrastructure improvements necessary to serve the Facility will not be shifted to the Municipality or other existing utility customers.

J. Historic Resource Impact Assessment

(1) Where a proposed Data Center is located within the Historic Preservation Overlay District, the standards of this Article shall be supplemental to the requirements of the Historic Preservation Overlay District. Nothing in this article shall be construed to limit

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or supersede the requirements of the Historic Preservation Overlay District. Applicant shall submit a comprehensive assessment of historical resource impacts and mitigation measures as applicable.

M. Community Benefits Plan

(1) Community Benefits Plan. As part of any application for approval of a Data Center, the Applicant shall submit a Community Benefits Plan describing the measures proposed to provide tangible community benefits and to address the anticipated impacts of the Data Center on the Township and its residents. The commitments contained in an approved Community Benefits Plan shall become conditions of the conditional use approval and shall be binding upon the Applicant, property owner, and any successor owner or operator of the Data Center, as applicable.

The Community Benefits Plan shall address, as applicable, the following:

1. Local employment, workforce development, apprenticeship, and job-training opportunities;
2. Opportunities for local contractors, suppliers, and service providers to participate in construction and ongoing operations;
3. Support for local emergency services, including fire, emergency medical, and public safety services, where reasonably related to the impacts or risks associated with the Data Center;
4. Educational, technical training, scholarship, or workforce development programs benefiting Township residents;
5. Energy efficiency, renewable energy, environmental, or community resiliency initiatives;
6. Improvements or programs that mitigate impacts of the Data Center on surrounding properties and the community; and
7. Other voluntary monetary community benefit initiatives proposed by the Applicant.

(2) Community Engagement. The Applicant shall conduct at least one public meeting prior to final action on the application and shall provide the Township with a summary of comments received and responses to material community concerns.

(3) Annual Reporting. During operation of the Data Center, the owner or operator shall submit an annual Community Benefits Report to the Township identifying the status of the commitments contained in the approved Community Benefits Plan.

(4) Separate Agreement. The Applicant and Township may enter into a separate written Community Benefits Agreement addressing voluntary community benefit commitments, provided that such agreement is consistent with applicable Pennsylvania law and does not waive or replace any requirement of this Ordinance.

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N. Decommissioning

(1) The Data Center shall, at the expense of the property owner, complete decommissioning of the Data Center within six (6) months after the end of the useful life of the facility. The Data Center will be presumed to be at the end of its useful life if electrical consumption drops by more than fifty (50%) percent from its peak consumption for a continuous period of twelve (12) months. As a condition of the issuance of a permit for the Data Center use, the Data Center shall obtain from the utility company intended to provide electrical energy to the Data Center an agreement to notify the Township within thirty (30) days whenever electrical consumption drops by more than fifty (50%) percent from its peak consumption or in the alternative an agreement to provide regular updates (monthly, quarterly) on electric consumption to the Township by to permit the Township to monitor consumption Decommissioning shall include removal in their entirety of all electronic equipment, battery storage units, backup generators, and hazardous materials. An Electronic Waste Plan shall be submitted within the outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic e-waste, and related products that meet state and federal requirements. Materials and equipment removed from the Data Center shall be recycled or reused to the extent practically possible.

(2) An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval on or before the date a zoning permit is issued and every fifth year thereafter. The Data Center shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than one hundred twenty-five percent (125%) of Net Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Data Center, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance which is acceptable to the Township.

The surety or other issuing authority shall be required to notify the Township at least sixty days prior to any cancellation of the Decommission Funds. If the Data Center fails to maintain or renew the Decommission Funds for any reason such failure shall constitute a violation of the Zoning Ordinance and may constitute the basis for a cease and desist order imposed against the Data Center use (or any other enforcement remedy available to the Township) until such time as the Decommission Funds are replenished.

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If the Data Center fails to complete decommissioning within the required period, then the Township may take such measures as necessary to complete decommissioning. The issuance of a zoning permit for the Data Center use shall constitute agreement and consent of the Data Center, its successors and assigns, that the Township may take such action as necessary to complete decommissioning. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the Township to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the Data Center when the Data Center has demonstrated and the Township concurs that decommissioning has been satisfactorily completed.

SECTION 5. 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 North Coventry 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 6. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. Effective Date. This Ordinance shall be effective upon enactment as provided by law.

ENACTED AND ORDAINED this ___ day of _____, 2026.

ATTEST: **NORTH COVENTRY TOWNSHIP BOARD OF SUPERVISORS**

_____ **By:** _____

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