

EAST VINCENT TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025-____

“DATA CENTER CAMPUS”

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST VINCENT TOWNSHIP BY AMENDING CHAPTER 27 (ZONING), PART 28 (IMU – INDUSTRIAL MIXED USE DISTRICT), SECTION 2802 (USE REGULATIONS) SUBSECTION 5 (USES BY SPECIAL EXCEPTION) TO ADD NEW PARAGRAPH B TO ALLOW A DATA CENTER CAMPUS USE BY SPECIAL EXCEPTION; AND FURTHER AMENDING CHAPTER 27 (ZONING), PART 28 (IMU – INDUSTRIAL MIXED USE DISTRICT) TO ADD NEW SECTION 27-2806 (SPECIAL PROVISIONS FOR DATA CENTER CAMPUS DEVELOPMENT) TO PERMIT A DATA CENTER CAMPUS USE BY SPECIAL EXCEPTION IN COMPLIANCE WITH THE SPECIFIC CRITERIA AND STANDARDS SET FORTH IN NEW SECTION 27-2806 (SPECIAL PROVISIONS FOR DATA CENTER CAMPUS DEVELOPMENT).

The Board of Supervisors of the Township of East Vincent does hereby ENACT Ordinance No. 2025-____ and ORDAIN as follows:

SECTION I. - Amendment to Code

The Codified Ordinances of East Vincent Township, Chapter 27 (Zoning), Part 28 (IMU – Industrial Mixed Use District), Section 2802 (Use Regulations) Subsection 5 (Uses by Special Exception) are hereby amended to add new Paragraph B as follows:

B. Data Center Campus (“DCC”) in compliance with the procedures, standards, and criteria contained in Section 27-2804 as modified and supplemented by Section 27-2806. For the avoidance of any doubt, Aa DCC shall not be permitted in any zoning district other than the IMU – Industrial Mixed Use District and shall not be combined with any other principal use except a public park and recreation use or municipal use. For the avoidance of doubt, a DCC shall not include: an SMR (as defined in Section 27-2806); a power generation source except as permitted under Section 27-2806; or a nuclear reactor of any kind (including those similar to Three Mile Island and The Limerick Generating Station).

SECTION II. - Amendment to Code

The Codified Ordinances of East Vincent Township, Chapter 27 (Zoning), Part 28 (IMU – Industrial Mixed Use District) are amended to add new Section 27-2806 (Special Provisions for Data Center Campus Development) to permit a Data Center Campus use by special exception in compliance with the specific criteria and standards set forth in new Section 27-2806 (Special Provisions for Data Center Campus Development) as follows:

§27-2806. Special Provisions for Data Center Campus Development

1. *Purpose. Data centers require significant energy, water, and land resources, which may impact public infrastructure, natural resources, and the Township’s rural character. Data centers commonly use large-scale backup power supplies and require large-scale cooling systems that, if not properly, designed, engineered, manufactured, installed and/or maintained, can create noise, air quality and other environmental concerns. The Township has a responsibility to protect the public health, safety, and welfare of its residents by establishing environmental, performance and other standards, including, but not limited to, limits on noise, water use, energy demand, and monitoring, reporting, and enforcement mechanisms to ensure compliance with Township ordinances and state and federal law, and consistent with Pennsylvania’s Clean Energy Goals, Chester County’s Landscapes3 planning framework, and the Township’s Path Forward, Mission Statement and Vision Statement. The Township recognizes that the protection of resident quality of life — including peace, quiet, clean air, and safe water — is a compelling governmental interest that justifies the adoption of these regulations.*

2. *Definitions. For purposes of this §27-2806, the following definitions shall apply:*
 - A. *APPLICANT means the person or entity who/that submits an application for a special exception for the design, engineering, construction, operation and maintenance of a DCC in the IMU District. “Applicant” includes the original Applicant’s successors and assigns.*

 - B. *APPROVE, APPROVED, APPROVAL-*
 - (1) *When used in context with “the Board”, “the Board of Supervisors”, or “the Township”- the act of approval by the Township Board of Supervisors through a motion, resolution or ordinance, as the case may be, that is acted upon and passed by the Board during a public meeting.*

 - (2) *When used in context with Township Manager or any Township consultant including, but not limited to, the “Township Engineer”, “Township Arborist”, “Township Stormwater Engineer” - the act of approval by the Township Manager or, as the case may be, such that consultant, in writing.*

 - C. *DETERMINE, DETERMINES, DETERMINED, DETERMINATION*

- (1) *When used in context with review and related actions by the Township or the Township Engineer, Township Stormwater Engineer, or Township Arborist, a review or related action resulting in a conclusion in writing by it/them.*

D. DIRECT, DIRECTED

- (1) *A direction in writing to proceed as stated therein, compliance with which is mandatory.*

E. OWNER or OWNER/OPERATOR

- (1) *The person or entity who/that owns the tract on which the DCC is to be built and is responsible for the design, engineering, construction, operation and maintenance of the DCC and all obligations relating thereto stated in this §27-2806 and elsewhere in the Township's Code and as required by any conditions on a special exception and/or land development approval.*

F. TO THE SATISFACTION OF

- (1) *A determination (see DETERMINATION).*

G. TOWNSHIP

- (1) *East Vincent Township, a municipality of the second class, unless the context in a particular Section refers to actions to be performed in which case "Township" means East Vincent Township acting through its Township Manager and personnel. However, when used in any way in connection with determinations, decisions and/or approvals, "Township" shall mean in each instance the Board of Supervisors.*

H. DATA CENTER:

- (1) *A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of (i) computer, communications, and/or data processing equipment, and equipment for handling, storing, and backing up the data necessary for the operation of a business or organizational entity; ~~(ii) data center accessory uses as defined below; (iii) data center equipment ("DCE") as defined below; (iv) data center accessory uses and DCE when located on the same tract or assemblage of adjacent parcels developed as a unified development; (v) cogeneration equipment and related pumps, conduit, piping, and other equipment to be used for transporting heat or other power sources for use in heating or generating power for other buildings; and (vi) all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed~~*

~~for the construction, support, operation, repair, maintenance, and/or protection of the data center and its surroundings.~~

I. DATA CENTER CAMPUS ("DCC"):

(1) A DCC includes all of the structures real estate owned, controlled, leased or otherwise occupied primarily as for the use and purpose as Data Center(s), including: which comprises the development of (i) Data Center(s); ; (ii) Data Center Accessory Uses as defined below; (iii) Data Center Equipment ("DCE") as defined below; and (iv) all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance, and/or protection of the Data Center(s) and/or the DCC.~~Data Center Accessory Uses; DCE; Backup Generators; all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance, and/or protection of a Data Center and its surroundings; and preserved land and undeveloped land comprising the tract upon which the DCC is built.~~ For the avoidance of doubt, none of the the following may be included in a DCC:

(a) Any fossil fuel based power generation system, (accept any Backup Generator, defined below), including, but not limited to, any power plant fueled by coal, natural gas, combined or single cycle power plant, or natural gas linear generation system, or any other fossil fuel based energy generation system.

(b) Any biomass burning based energy generation system.

(c) Any anaerobic digester based energy generation system.

(a)(d) Any "nuclear reactor" or "small modular reactor" as those terms are defined in 10 CFR 50.2, as may be amended or revised from time to time.

J. DATA CENTER ACCESSORY USES:

(1) Ancillary uses which are secondary or otherwise incidental to a Data Center use, which are located within the DCC. Examples of Data Center Accessory Uses including, but are not limited to: administrative, logistical, fiber optic, storage, office and security buildings or structures; renewable energy generation systems uses that are used or intended to be used to supply power to the Data Center DCC during normal operations or as backup power sources; sources of electrical power

~~including, but not limited to, batteries and generators used to provide temporary power supply uses (for when the main source of power is interrupted); electrical substation uses; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water cooling or holding facilities (including, but not limited to, closed-loop water cooling systems); pump stations; water towers; external environmental controls (emission controls, noise pollution controls, environmental impact monitoring); internal environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, cogeneration equipment and related piping and appurtenant equipment and structures, provided that 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.~~ Data Center accessory use structures shall comply with the height limits specified in this Section §27-2806.

K. DATA CENTER EQUIPMENT ("DCE"):

- (1) Equipment related to the Data Center Use or Data Center Accessory Use that is located within the DCC. Examples of DCE include~~ing, but are~~ not limited to, utility facilities, utility lines, fiber optic lines, Backup Generators (defined below), Renewable Energy Power Generation Source (defined below) stations, domestic and non-contact cooling water and wastewater treatment facilities; water cooling or holding facilities (including, but not limited to, closed-loop water cooling systems); pump stations; water towers; external environmental controls (emission controls, noise pollution controls, environmental impact monitoring); internal environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, fencing and building(s), offices and office building(s), cogeneration equipment and related piping and appurtenant equipment and structures, electrical substations, pump stations, water towers, mechanical equipment, cooling systems, heating air conditioning and ventilation system units ("HVAC") sound control systems, fire suppression systems, and environmental controls (emission controls, noise pollution controls, environmental impact monitoring), redundant/backup power supplies, redundant data communications connections, security operations systems, and all other facilities, equipment, parts, systems, conduit, piping, structures, buildings appurtenances and materials needed for any one or more of the functions, uses or purposes stated in the definitions of "DATA CENTER," "DATA CENTER CAMPUS," and/or, as the case may be, "DATA CENTER ACCESSORY USES" (except as expressly excluded by said definitions). ~~as stated above when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center.~~ Specific, defined, examples of DCE include, but are not limited to, the following:

- (a) Backup Generators: Natural Gas, hydrogen fuel cells UPC, Power Storage System, other non-coal equipment, or ~~other non-bituminous equipment~~ a Renewable Energy Power Generation Source that is used to generate electricity during a power outage ~~or similar emergency~~. Backup ~~g~~Generators may be used only during periods of outages, natural disasters or similar "emergency events" for power generation and for regular reliability testing and exercising.
- (b) Renewable Energy Power Generation Source: A power generation source, with or without a power storage system including, but not limited to, photovoltaic panels, solar thermal systems, wind turbines (bladeless only), and geothermal systems. Renewable Energy Power Generation Source shall not include anything expressly excluded from the definition of "Date Center Campus", above. a power plant fueled by natural gas, combined or single cycle power plant, or natural gas linear generation, or similar fossil fuel based or biomass based energy generation system (all of which are excluded from the definition of DCC).
- (c) Power Storage System: A power storage system and the infrastructure systems and processes used to efficiently store, distribute and manage the power generated within the DCC Campus. Power Storage System may also include a BESS (Battery Energy Storage System), which provides support to the local, regional or overall power grid by storing energy during off-peak hours and releasing it back into the grid as demand warrants.

L. DAYTIME AMBIENT SOUND

(1) Existing measurable noise levels, measured at a minimum of 5 equidistance points around the perimeter property line of a tract upon which a DCC is proposed, using an ANSI/ASA S1.4-2014/IEC 61672 (as may be updated from time to time) Class 1 sound meter, or equivalent sound meter, described and identified as the average decibel, weighted (dBA) at each location over a 2 week period from 7:00 AM to 7:00 PM but excluding periods of extreme weather (wind greater than 15 MPH, snow, thunderstorms, hail, heavy rain and the like) and times of construction activity.

M. NIGHTTIME AMBIENT SOUND

(2)(1) Existing measurable noise levels, measured at a minimum of 5 equidistance points around the perimeter property line of a tract upon

which a DCC is proposed, using an ANSI/ASA S1.4/IEC 61672 Class 1 sound meter, or equivalent sound meter, described and identified as the average decibel, weighted (dBA) at each location over a 2 week period from 7:00 PM to 7:00 AM but excluding periods of extreme weather (wind greater than 15 MPH, snow, thunderstorms, hail, heavy rain and the like) and times of construction activity.

L.N. SENSITIVE RECEPTERS

- (1) Buildings or structures occupied for any of the following uses existing as of the date of acceptance of a special exception application for a DCC by the Township: residential uses, schools, preschools, daycare centers (adult or child), hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, public parks with active recreation improvements, campgrounds and dormitories. For the avoidance of any doubt, that certain facility known as the Southeastern Veterans Center, as currently used, is a Sensitive Receptor.

M. SMALL MODULAR REACTOR

~~(1) A small modular reactor (SMR) is a class of small nuclear fission reactors, designed to be built in a factory, shipped to operational sites for installation and then used to power buildings or other commercial operations. SMR designs include pressurized water, generation IV, thermal-neutron reactors, fast neutron reactors, molten salt, and gas-cooled reactor models, as examples.~~

3. Area and Bulk Regulations. Section 27-2803 shall not apply to a DCC. Instead, the following Area and Bulk Regulations shall apply to DCCs:

A. Minimum tract size: 20 acres.

B. Maximum aggregate impervious coverage: 50% of tract area.

C. Maximum aggregate gross building and ground mounted DCE equipment coverage ("Building Coverage"):

(1) Up to a maximum of 50,000 square feet or 40% of gross tract area, whichever is less, if all proposed DCC buildings are not designed and constructed to meet the standards of the Leadership in Energy and Environmental Design (LEED) certification program.

(2) Up to a maximum of 100,000 square feet or 40% of gross tract area, whichever is less, if all proposed DCC buildings are designed and constructed to meet the standards of the LEED certification program.

- (3) Up to a maximum of 300,000 square feet or 40% of gross tract area, whichever is less, if all proposed DCC buildings are designed and constructed to meet the standards of the LEED Silver certification program and receive LEED Silver certification.
- (4) For Building Coverage in excess of 300,000 square feet, all proposed DCC buildings must be designed and constructed to meet the standards of the LEED gold certification program and achieve LEED Gold certification. ~~and a~~ Additionally, Applicant must purchase 1 TDR for every 4,000 square feet of Building Coverage above and beyond 300,000 SF of proposed building coverage, rounded up to the nearest TDR. For example, a 40-acre tract has a maximum Building Coverage of 696,960 square feet. This would require the purchase of 100 TDRs ($696,960 \text{ sq ft} - 300,000 \text{ sq ft} = 396,960 \text{ sq ft} / 4000 \text{ sq ft} = 99.24 \text{ TDRs}$, rounded up to 100 TDRs). If after a reasonable search, an Applicant for a proposed DCC is not able to obtain sufficient TDRs to reach the proposed Building Coverage (not to exceed 40% of the tract area), the Applicant may, subject to approval and acceptance by the Board of Supervisors, pay a fee in lieu of TDRs to obtain the maximum building coverage. Such fee in lieu shall be guided by the fair market value of TDRs in the Township and Commonwealth of Pennsylvania.

D. Maximum height for buildings, equipment and human-made structures other than buildings: ~~60-50~~ feet, inclusive of any superstructure or appurtenance mounted on or above the roof, including, but not limited to, bulkheads, water towers and roof-mounted DCE. Maximum height for buildings shall be measured from the lowest point of the existing grade prior to any construction or pre-construction earth moving to the highest point of the building, equipment or human-made structure.

E. Minimum lot width at the building line (feet): 250.

F. Minimum front, side and rear yards: ~~50-100~~ feet to the property line, as may be increased by building setbacks and separations set forth in Section 27-2806.5.G or buffering requirements set forth in Section 27-2806.4.A.

G. Minimum Building Setbacks:

- (1) 500 feet from any lot line for adjoining tracts of residential uses;
- (2) 300 feet from an ultimate right-of-way for any dedicated, publicly maintained street (building to ultimate right-of-way);
- (3) ~~50-100~~ feet from any lot line for adjoining tracts of nonresidential uses (including public parks);
- (4) 800 feet from any Sensitive Receptors (building to building).

H. Minimum Parking, Driveway, Loading Setbacks:

- (1) *Parking, loading and internal roadway and driveway setbacks: at least ~~50~~100 feet from any lot line.*

I. Security Fencing

(1) Security Fencing may be located in the Screening Buffer and/or front, rear and side yards but shall be set back at least 75 feet from any lot line of any adjoining tract.

(~~1~~)⁽²⁾ Security Fencing shall not exceed 8 feet in height and shall not be topped with barbed wire, razor wire or any similar material.

J. Truck idling

- (1) *Truck idling shall not be permitted for more than 5 minutes and may only occur in spots signed and designated for truck idling.*

- (2) *Truck Idling spot location setbacks shall be at least as follows:*

(a) *500 feet from any lot line for adjoining tracts of residential uses;*

(b) *800 feet from any Sensitive Receptors (spot to building);*

(c) *~~50~~100 feet from any lot line for adjoining tracts of nonresidential;*

(d) *~~30~~100 feet from the ultimate right-of-way of any public, dedicated street (building to ultimate right-of-way).*

4. *Additional Design Standards. The Design Standards set forth in Section 27-2804 shall apply; provided, however, in the event of any inconsistency or conflict between the provisions of Section 27-2804 and this Section 27-2806, this Section 27-2806 shall control. In addition, the following Design Standards shall apply to a DCC:*

A. *Buffering. A DCC shall include the following buffers:*

- (1) *Screening Buffer: a perimeter buffer encircling the DCC buildings comprised of natural material (including, but not limited to, trees, shrubs and berms), having a minimum width of ~~50 feet~~ 100 feet ~~when adjacent a residential property~~, with such material arranged in a certain specified depth, height and density to help block the view from one side to another during all seasons of the year and to reduce the transmittal of noise and odors between the sides. The screening buffer may be installed within*

the setbacks. The screening buffer may include existing vegetation, though the applicant shall supplement plantings to achieve a 4-season opaque buffer to the satisfaction of the Township Engineer and Township Arborist. At the Township's option, a public trail may be constructed in the Screening Buffer area.

- (2) *Softening Buffer: a buffer comprised of natural and/or man-made material arranged at the base of exterior (adjacent parcel or right-of-way facing) building façades and ground mounted DCE to ease and soften the view of the façade(s) and ground mounted DCE.*

B. Parking. The parking required for a DCC is not expressly provided for in Township Zoning Code Section 17-1709. Therefore, in accordance with Section 17-1709.E:

- (1) *The Applicant shall have the burden of presenting evidence of the parking needs for the proposed DCC use; provided, however, the minimum number of parking spaces provided shall be at least equal to the maximum number of employees and contractors on-site at any one time, plus 10% for visitors (or not less than 10 parking spaces for visitors, whichever is greater), plus parking spaces sufficient to accommodate regular deliveries by courier and small box truck.*
- (2) *Large truck parking and unloading areas must also be provided to the satisfaction of the Township Traffic Engineer.*

C. Water and Sewer.

- (1) *A DCC must be served by a public water system. The Applicant shall demonstrate, to the satisfaction of the Township Engineer, (i) the anticipated water usage by the DCC and (ii) that sufficient capacity currently exists (or will exist) to serve the needs of the DCC. The DCC shall not be designed or operated (including cooling systems) to draw on private wells.*
- (2) *The DCC shall be designed to include a closed-loop water circulation system(s) to cool DCC processing equipment or parts or, in the alternative, such other technology and systems to minimize DCE sound emissions from DCC cooling equipment and the DCC's use of water, acceptable to the Township's Engineer.*
- (3) *A DCC must be served by a public wastewater and sewage treatment system. The Applicant shall demonstrate, to the satisfaction of the Township Sanitary Sewer Engineer, (i) the anticipated sanitary sewer flows that likely will be generated by the DCC and (ii) that sufficient capacity currently exists (or will exist) in the wastewater and sewage*

treatment system's sewer conveyance and treatment plant(s) to convey and treat the DCC's wastewater.

- (4) In the event a proposed DCC requires any upgrade or expansion to either a public water supply system or public sewer conveyance and treatment system, or both, the cost of the design, permitting, construction and installation thereof shall be borne by the Applicant.

D. Sound, Noise and Vibration Limits. The sound and vibration emitting from a DCC shall, unless excluded hereby, in every instance be limited as follows:

- (1) Maximum decibel level for ~~broadband~~ any noise measurable with a Class 1 sound meter described in ANSI S1.4-2014/IEC61672, or equivalent sound meter:

(a) ~~60 dB(A) from 7:00 AM to 7:00 PM: 45 dB(A) or Daytime Ambient plus 3 dB(A), whichever is greater. on Mondays through and including Fridays.~~

(b) ~~50 dB(A) from 7:00 PM to 7:00 AM: 40 dB(A) or Nighttime Ambient plus 3 dB(A), whichever is greater. on Mondays through and including Fridays and all day on Saturdays, Sundays and holidays.~~

~~(2) Maximum decibel level for a pure tone, cyclically varying sound, or repetitive impulsive sound: 45 dB(A).~~

~~(3) Maximum decibel level for an impulse (the duration of less than one second with an abrupt onset and rapid decay), including metal-to-metal impact or exploding impacts: 80 dB(A).~~

~~(4) Maximum decibel level for ultrasound (above 20 KHz) frequencies and infrasound (below 16 hertz): 100 dB(A).~~

~~(5)~~(2) No vibration generated by the DCC that is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the property lines of the DCC.

~~(6)~~(3) Excluded from the foregoing are:

- (a) generators and other back-up power systems in operations during periods of emergency power due to power outages and testing of those generators and other back-up power systems; provided, however, generators and other back-up power systems shall not be tested between 7:00 PM and 7:00 AM and, in the event of a power outage, the DCC must

reestablish compliance with the sound limits set forth above, within three (3) hours of the restoration of power to the DCC;

(b) vehicle(s) traveling to and from the DCC;

(c) lawn care and landscaping equipment;

(d) sounds for emergency preparedness and response (such as, but not limited to, fire alarms, evacuation sirens);

(e) sounds caused by natural disaster or other force majeure events; and

(f) temporary occurrences by express permission of the Board of Supervisors or Township Manager.

(4) *All buildings and any external equipment that may at any time generate noise or vibrations shall be designed with noise/vibration attenuating materials. In addition, external equipment that may at any time generate noise or vibrations shall be designed with enclosures, equipment, screening or buffering to mitigate transmittal of noise and vibrations beyond the property lines of the DCC so as to, at a minimum, comply with the maximum noise limits set forth in this Section 27-2806.*

~~(7)~~(5) *Sound and vibration measurements under this Section 27-2806.4.D. shall be conducted at a minimum of 5 equidistant points around the perimeter of the tract upon which the DCC is proposed, using Class 1 sound level meters described in ANSI S1.4-2014/IEC61672 (as may be updated from time to time) and vibration level measuring equipment capable of measuring vibration described in ANSI S3.18-2002/ISO 2631-1-1997 (as may be updated from time to time), using criteria that are generally accepted by the professional acoustical engineering profession, such as the Acoustical Society of America (“ASA”) or Institute of Noise Control Engineering of the United States of America (“INCE-USA”).*

E. Lighting Standards.

(1) *The Lighting Standards set forth herein are based upon the principles promulgated by DarkSky International. All outdoor Luminaires and Luminaire installations shall comply with federal and state law; applicable county and municipal codes; applicable energy and building codes; product safety labeling; and the requirements of this Section 27-2806.4.E., and shall be subject to the permit and inspection requirements of East Vincent Township.*

(2) Unless otherwise specified in this Section 27-2806, all lighting installed for an outdoor use shall not exceed ~~25% more than~~ the Light Level recommended by the applicable ANSI/IES Lighting Standard.

~~(3)~~ Unless otherwise specified herein, Luminaires emitting more than 1,000 Lumens shall be ~~f~~Fully ~~S~~shielded and shall emit no more than 5% of their total Lumen output above 80 degrees from Nadir, ~~except:~~

~~(4)~~ ~~Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot; and,~~

~~(5)~~~~(3)~~ ~~Directional Luminaires used for façade illumination that are shielded and aimed to hit their target such that the light is contained by architectural elements.~~

~~(6)~~~~(4)~~ Unless otherwise specified in this Section 27-2806, Light Trespass shall meet the following:

(a) Luminaire light sources shall not be visible from ~~federal or state designated wilderness,~~ natural areas, habitat, or ~~reserves~~~~the Schuylkill River~~, and Light Trespass in any event shall measure no greater than 0.1 Lux;

(b) Light Trespass onto Waters of the Commonwealth or United States shall measure no greater than 1 Lux; and,

(c) Light Trespass onto residential use property shall measure no greater than 1 Lux.

~~(7)~~~~(5)~~ Non-essential outdoor lighting, including but not limited to landscape and decorative lighting elements and ~~S~~seasonal ~~L~~ighting shall be extinguished during between 10 PM and sunrise, or 7 AM (whichever comes earlier).

~~(8)~~~~(6)~~ Luminaires activated by motion detection shall automatically turn off or return to their dimmed state no more than [5] minutes after activity is no longer detected.

~~(9)~~~~(7)~~ Unless otherwise specified herein, the maximum allowable correlated color temperature (CCT) for outdoor Luminaires is 3000 K; however, CCT exemptions are allowed if a public safety need is documented, as demonstrated to the satisfaction of the Township.

~~(10)~~~~(8)~~ For purposes of this Section 27-2806.4.E, the following additional definitions shall apply:

~~ANSI: American National Standards Institute.~~

(a) ANSI/IES Lighting Standards: Applicable outdoor lighting standards and metrics include but are not limited to:

~~1) RP-2: outdoor retail spaces~~

~~2) 1) _____ RP-7: outdoor industrial areas~~

~~3) 2) _____ RP-8: roadway and parking facilities~~

~~4) RP-43: outdoor pedestrian areas~~

~~(11)~~(9) ALAN (artificial light at night): Light that is created from human technology, rather than a naturally occurring process. Also known as anthropogenic lighting.

~~Candela (cd): The unit of measure for luminous intensity.~~

~~(12)~~(10) _____ CCT (correlated color temperature): The measured color appearance of light emitted by a light source described using a nominal value stated in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear “warm white,” similar to standard incandescent bulbs. High CCTs (4000 K and higher) appear “cool white” or “blue.”

~~(13)~~(11) _____ Fully Shielded: A Luminaire designed or shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.

~~(14)~~(12) _____ IES (Illuminating Engineering Society): An ANSI-recognized Standards Development Organization.

~~(15)~~(13) _____ ~~ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.~~

~~(16)~~(14) _____ Illuminance: Measured in Lux or footcandles, the total luminous flux incident at a point on a surface.

~~(17)~~(15) _____ Light Level: The maintained Luminance or Illuminance value.

~~(18)~~(16) _____ Light Pollution: ALAN traveling into areas where it is not needed or wanted. This can be in the form of Light Trespass, glare, or atmospheric sky glow.

~~(19)~~(17) Light Trespass: ALAN illuminating past property lines without permission. Unless specified otherwise, light trespass limits are measured at any location along a property line both horizontally at the ground plane facing upward and vertically at 1.5 meters (5ft) above grade with the meter aimed toward the light source in question.

~~(20)~~ Lighting Zones: ~~An ANSI/IES/DarkSky system describing the luminous environment and related lighting conditions based on land uses and expected tasks. These range from natural and intrinsically dark zones to very bright zones.~~

~~(21)~~(18) Lumen (lm): A unit of measure of the luminous flux of a light source.

~~(22)~~(19) Luminaire: A complete lighting unit, including the light source, housing, optics, electronics, and other necessary components for the purpose of providing outdoor illumination.

~~(23)~~(20) Luminance: The intensity of light emitted from a surface per unit area in a given direction.

~~(24)~~(21) Lux (lx): The SI metric system unit of measure for Illuminance.

~~(25)~~(22) Nadir: A downward vertical vector directly beneath a luminaire, opposite to zenith.

~~(26)~~(23) Non-essential: Lighting that is not directly associated with the physical safety of motor vehicle and pedestrian threats, including but not limited to: landscape lighting, illuminated signage or advertising after business hours, façade lighting, vacant sports fields, and Seasonal Lighting.

~~(27)~~ Seasonal Lighting: ~~Outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.~~

~~Security Lighting~~: ~~Illumination used specifically to protect people, property, and infrastructure from criminal threat.~~

~~(28)~~ Shielding: ~~A Luminaire design, optical intervention, or physical accessory (such as a louver) preventing light emission from traveling into a particular area, angle, or region.~~

F. Natural Resource Conservation. Applicant shall comply with the provision of Township Zoning Code Chapter 15 (“Natural Resource Conservation”). In addition, the following provisions shall apply.

(1) “Forest”, as used in this Section 27-2806.4.F., shall mean a forested community of at least 0.5 acres (except as and to the limited extent for a Forest classified as Group III below) that:

(a) consists of (i) one or more varieties of trees in the community forming an open canopy or fragmented canopy covering at least 25% of an acre and (ii) trees in the community having at least a 6-inch caliper diameter at breast height (“DBH”) total of 300 inches of DBH per acre; and,

(b) contains an understory of shrubs, groundcover or other understory plants and vegetation; and,

(c) falls into one of the following four categories:

1) Grade I Forest (High Value)

a) Contiguous areas of one acre or more with:

i. at least 70% native canopy cover and either:

a. presence of mature canopy trees (average DBH at least 18 inches); or

b. Forest interior habitat (minimum 300 ft. from any edge); or,

b) a forest that supports habitat for species of concern (that is, a forest within 50 feet of a field-verified Pennsylvania Natural Diversity Inventory Environmental Review Tool reported habitat); or,

c) a forest located within riparian buffers, steep slopes (at least 15%), or groundwater recharge zone.

2) Grade II Forest (Moderate-Value)

- a) Contiguous areas of 0.5 acres or more with at least 50% native canopy cover and has any one or more of the following:
 - i. trees with an average DBH greater than 10 inches; or,
 - ii. transitional successional woodlands with regenerating canopy; and/or,
 - iii. provides partial riparian or slope stabilization functions.
- 3) Grade III Forest (Low-Value /Disturbed)
 - a) Contiguous area of less than 0.5 acres with canopy dominated by invasive or non-native species (greater than 50%) and contains one or more of the following:
 - i. severely fragmented patches; or,
 - ii. extensive edge effects, storm damage, or poor regeneration; and/or,
 - iii. low habitat value and limited ecological services.
 - 4) In the event that a Forest meets the criteria set forth in Sections 1.a. and 1.b., but does not meet the criteria set forth in Sections 1.c.1, 1.c.2 or 1.c.3, it shall be considered a Grade III Forest.
 - 5) Preservation Requirements:
 - a) Grade I Forest.
 - i. Preservation required to the maximum extent practicable; and, in no event less than preservation: 90% of Grade I forest located on the tract.
 - ii. Disturbance only permitted for essential infrastructure with a no-alternative analysis demonstrated to the Township's satisfaction.

iii. Where removal occurs, reforestation must occur in accordance with the provisions of this Section 27-2806.4.F.

b) Grade II Forest

i. Minimum preservation: 70% of Grade II Forest located on the Tract.

ii. Fragmentation must be minimized.

iii. Buffers around retained stands required (minimum of 25 feet).

iv. Where removal occurs, reforestation must occur in accordance with the provisions of this Section 27-2806.4.F.

c) Grade III Forest.

i. Minimum preservation: 30% of non-invasive trees within limit of disturbance.

ii. Where removal occurs, reforestation must occur in accordance with the provisions of this Section 27-2806.4.F.

6) Inventory and Evaluation Standards.

a) Applicant shall include with its development plans a Forest Inventory Report prepared by a Registered Consulting Arborist or Certified Urban Forester, including:

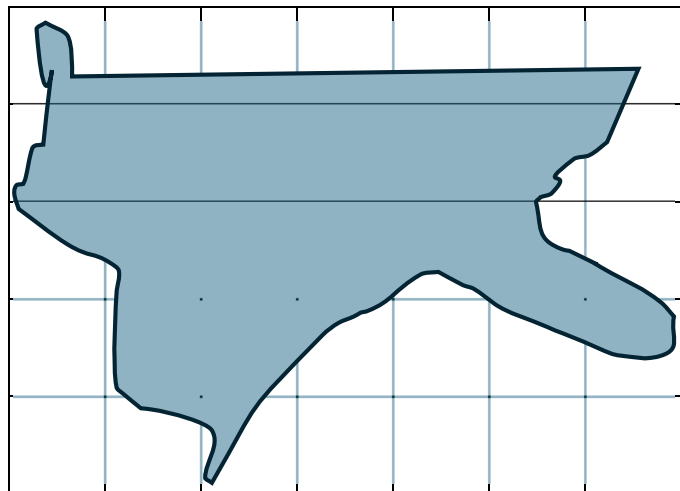
i. Species Composition: canopy, sub-canopy, understory, groundcover.

ii. Tree Data : DBH, basal area, density (trees/acre), age distribution.

iii. Forest Health: structural defects, disease, invasive presence.

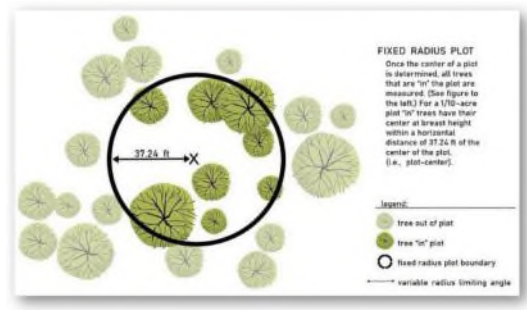
iv. Soil and Hydrology: slope stability, hydric soils, recharge areas.

- v. Ecological Connectivity: linkages to adjacent forest corridors, riparian networks, and wildlife habitat.
 - vi. Engineering - Mapping Requirements: GIS mapping with grade overlay, edge delineation, and limits of disturbance.
- 7) Tree Count and Sampling; Applicant may use either of the following:
- a) Applicant may overlay a tract with a one-acre square grid pattern and take actual tree counts in each grid square to determine the existence and type of Forest in each one-half acre section of the tract as such:



- i. Where two or more Forest types exist in a single square, the high-grade Forest type shall be applied for purposes of preservation and replacement set forth in this Section.
- b) In the alternative, sampling may be used to determine Forest existence and type as follows:
- i. conducted using 1/10 acre sampling plots.

- a. sampling plots shall be circular with plot sizes of 1/10 of an acre.
- c) size and number of sampling plots used in a Forest inventory will vary depending on the desired sampling intensity, average tree size, and spacing of trees within the stand but shall utilize 1/10 of an acre sampling in the areas with the most consistent tree coverage for a solid average, with a minimum of 3 sampling plots per acre required.
- d) For illustrative purposes:



8) Mitigation and Replacement Standards

- a) Tree Replacement Ratios. Tree replacement for all native trees of Forests having a 6 inch DBH or greater, as follows:
 - i. Grade I Forest Replacement: 4:1 inch DBH replacement (for every caliper-inch of native trees removed)
 - ii. Grade II Forest Replacement: 3:1 inch DBH replacement (for every caliper-inch of native trees removed)
 - iii. Grade III Forest Replacement: 2:1 inch DBH replacement (for every caliper-inch of native trees removed).
- b) Trees having less than a 6-inch DBH and invasive species do not require replacement.
- c) Replacement Tree Standards.
 - i. At a minimum, replacement trees shall be:

- a. an average of at least 2.5 inch DBH;
- b. nursery-grown;
- c. native species; and,
- d. no more than 10% of a single species in a replanting palette.
- ii. Whenever possible, planting density of replacement trees shall be 200 trees per acre or more, as determined by the Township Arborist.
- d) Alternative Mitigation Options. If on-site replacement is not feasible, the Board of Supervisors, in its sole discretion, may accept, in whole or in part:
 - i. a fee-in-lieu of on-site replacement; and/or,
 - ii. off-site mitigation in the form of reforestation within Township-owned open space and/or conservation easements and/or riparian corridors.

G. Utility Lines.

- (1) All utility lines, including any new electric distribution or transmission lines proposed to be installed on the DCC campus shall be, to the maximum extent possible, installed underground.*

H. Stormwater Management Standards.

- (1) The stormwater management standards set forth in Chapter 23 shall apply, except Section 23-309.4.B.(3). Instead, for areas that are impervious surfaces, predevelopment calculations shall assume all existing impervious surface area to be disturbed as "meadow" ground cover.*

I. No Additional Parcels.

- (1) If a special exception is granted for DCC, parcels may only be added or removed from the DCC by special exception.*

5. DCC Special Exception Application.

- A. An Application for Special Exception shall be filed with the Township Secretary on such forms as may be prescribed for said purpose. The form shall include:**

- (1) *the name and address of the Applicant;*
- (2) *the name and address of the owner of the tract upon which the DCC is proposed and evidence of authorization to act on behalf of the Owner and/or, as the case may be Owner-Operator of such tract if the applicant is other than a legal or equitable owner thereof;*
- (3) *a description and location of the tract on which the DCC is proposed, including applicable tax parcel number(s);*
- (4) *a statement of the present zoning classifications of the tract on which the DCC is proposed, any improvements thereon, and the present use thereof; and*
- (5) *a narrative description of the proposed use.*

B. A DCC Special Exception Application shall include a fee as prescribed by the Board of Supervisors by resolution.

~~*C. Additional Documentation.*~~

- ~~*(1) The DCC Special Exception Application shall include a 3D model or rendering meeting the requirements set forth in Section 27-2806.6.A., submitted in electronic format only.*~~
- ~~*(2) The DCC Special Exception Application shall include a Concept Plan meeting the requirements set forth in Section 27-2806.6.B., submitted in electronic format and hardcopy (10 copies).*~~

6. *DCC Special Exception Additional Submissions. To assist the Zoning Hearing Board in determining whether or not the criteria set forth in Section 27-2009 are met, an Applicant shall submit the following items.*

A. Three Dimensional ("3D") Modeling. A 3D model or rendering of the proposed DCC shall depict, in photorealistic form, the height, style and scale of the DCC, as built, and viewed from at least the following:

- (1) *Above the DCC;*
- (2) *the DCC property boundary (from at least four discernable viewpoints);*
- (3) *each intersection within 600 feet of the tract on which the DCC is proposed to be built; and,*
- (4) *such other viewpoints as chosen by the Applicant.*

B. Concept Plan. A Concept Plan for the DCC shall include at least the following:

- (1) the location of all proposed uses, accessory uses, preserved land, Data Center(s), Data Center Accessory Uses, DCE, wastewater treatment system(s), waste disposal systems, proposed public and private roadways, infrastructure of any kind, and the location of any building or structure;*
- (2) dimensions between proposed DCC and adjacent properties and Sensitive Receptors, proposed setbacks, location of truck idling, proposed buffers and landscaping (including buffering of all ground mounted DCE), proposed sidewalks, proposed emergency access locations;*
- (3) a second means of ingress and egress for emergency access to the site;*
- (4) identification and size of all parcels intended to be developed as part of a DCC;*
- (5) a boundary and topographic survey plan sheet signed and sealed by a Pennsylvania-licensed surveyor; and,*
- (6) an existing features plan sheet, including but not limited to, woodlands, trees having diameter at breast height of 6 inches or more, floodplains, steep slopes, riparian buffers, soils, wetland and waterway delineation, buildings and manmade structures.*

C. Economic Impact Analysis ("EIA"). An EIA, shall include at least the following:

- (1) a good faith estimate of the costs that may be incurred by the Township related to infrastructure, emergency preparedness, administrative costs, police and fire protection; and,*
- (2) a good faith estimate of the revenues generated by the DCC, including revenues generated from real estate sales, real estate taxes and income taxes for the Township, school district in which the Township is located and County in which the Township is located.*

D. Traffic Impact and Parking Analysis ("TIA"). A TIA shall be prepared by a licensed traffic engineer, and shall include at least the following:

- (1) estimated parking demand for the DCC, including parking for employees, deliveries, independent contractors, visitors and large truck deliveries;*

- (2) traffic impact on all roadways, intersections and interchanges within at least a two-mile radius of the site of the DCC, which radius may be expanded and the expanded area re-studied as a condition of special exception approval by the Zoning Hearing Board;
- (3) description of traffic characteristics that likely will be created (i) during construction of the DCC and (ii) after the DCC is placed in operation such as estimate traffic volumes, turning movements, and levels of service at intersections, and potentially unsafe conditions existing prior to DCC development as well as any that may be reasonably expected to occur after proposed development;
- (4) estimated traffic volumes for average daily traffic at peak hours that likely will occur (i) during construction of the DCC and (ii) after the DCC is placed in operation;
 - (a) source of trip generation rates used if a source other than the Institute of Transportation Engineers (“ITE”) Trip Generation Manual (“TGM”) is used for estimates;
- (5) origin and destination analysis of projected traffic characteristics and volume;
- (6) likely vehicular routes that will be taken to and from the DCC;
- (7) all other information, findings, conclusions and recommendations necessary to produce a complete TIS in compliance with generally accepted traffic engineering principles and practices; and,
- (8) suggest action(s) to mitigate any anticipated reduction of level of service or other negative impact to traffic conditions resulting from the development as proposed.

E. Electric Use Analysis (“EUA”). The EUA shall be prepared by a qualified consultant and shall include at least the following:

- (1) anticipated power usage of the proposed DCC including:
 - (a) the amount of power expected to be used by the DCC, on average and at times of peak usage at:
 - 1) maximum capacity upon completion of each Data Center building houseing DCE; and,
 - 2) maximum capacity after full build-out of the DCC;

(2) *the amount of power expected to be generated by on-site Renewable Energy Generation Source, if any; and,*

(3) *estimated impacts on electric rates or power availability for other uses directly attributable to the DCC project.*

F. *Environmental Impact Analysis (“EIA”). The EIA shall be prepared by an engineer licensed to do business in the Commonwealth of Pennsylvania and shall include at least the following:*

(1) *assess potential impacts of operation, maintenance, and/or repair or trouble-shooting of the DCC (including, but not limited to, during periods of emergency power, fire, and fire suppression and control) on groundwater, nearby creeks and streams, the Schuylkill River, the air and the grounds of the DCC and those adjacent to the DCC; storage of oil-based or other combustible materials (if any); and release of gasses and/or other contaminants into the air, ground, surface water or groundwater.*

(2) *identify all potential stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides to be located on the DCC;*

(3) *identify potential environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, etc.); and,*

(4) *Proposed measures to prevent or, as the case may be, mitigate, negative environmental impacts identified by the EIA.*

G. *Prospective Sound and Vibration Study (“PSVS”). A PSVS shall be conducted by an acoustical engineer, licensed to do business in the Commonwealth of Pennsylvania, and shall at least include the following:*

(1) *assess the existing ~~ambient noise levels at the property lines of a proposed DCC measured using a sound level meter that is capable of measuring A-weighted decibels in accordance with applicable ANSI standards~~Daytime Ambient Noise and Nighttime Ambient Noise;*

(2) *identify and estimate noise, vibrations and other audible phenomena that may be created by operation of the DCC (including, but not limited to, during periods of emergency power, testing and maintenance, fire, and fire suppression and control);*

(3) *demonstrate anticipated compliance with the applicable sound limits set forth in this Section 27-2806; and,*

(4) where applicable, the PSVS be conducted using sound level meters described in ANSI S1.4-2014 [\(as may be updated from time to time\)](#), vibration level measures described in ANSI S3.18-2002/ISO 2631-1-1997 [\(as may be updated from time to time\)](#), and using criteria that are generally accepted by the professional acoustical engineering profession [such as the ASA or INCE-USA](#).

H. The Additional Submissions set forth in Section 27-2806.6.C. through G. shall be made to the Township at least 30 days prior to the scheduled hearing for a special exception for a proposed DCC.

7. DCC Special Exception Conditions of Approval. In the event the Zoning Hearing Board grants a special exception for a DCC, the following shall be included as conditions of approval:

A. Emergency Response Plan.

(1) The Applicant shall prepare and submit an Emergency Response Plan acceptable to the Township and local emergency management coordinator and Chester County emergency management coordinator. The Emergency Response Plan shall include detailed procedures for fire suppression, containment, ventilation, and evacuation of the DCC and procedures to be followed in the event of a natural disaster.

B. Woodland, Buffering and Landscaping Management and Monitoring.

(1) The Applicant shall provide a forest maintenance and reforestation plan, in narrative form, prepared by an urban forester or arborist, to the satisfaction of the Township Arborist, to perpetually maintain and manage the health of trees, [woodlandsForest](#), landscaping, screening buffer and other vegetation on the DCC.

(2) At any time after special exception approval for a DCC (up to 1 time every 24 months), the Board of Supervisors or Township Manager may direct the Applicant or, as the case may be, the Owner or Owner-Operator, in writing, to fund a woodland and vegetation health study to be conducted on behalf of the Township by an entity selected by the Township in its sole discretion, the purpose of which shall be to assess and determine the health of the woodland buffer, screening buffer and other plant material on the DCC, and to determine if any adjustments or revisions should be made to the forest maintenance, management, and reforestation plan.

C. Additional Sound and Vibration Studies and Monitoring.

(1) An Interim Sound and Vibration Study ("ISVS") shall be conducted during the building permit process based upon the proposed user or

users of the Data Center and associated DCE depicted on the building plans. The sound and vibration attenuation and/or absorption panels, materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the DCC.

(2) *An As-Built Sound and Vibration Study (“ABSVS”) shall be conducted 6 months after issuance of the certificate of occupancy for each Data Center building housing DCE and prior to the final escrow release for any Data Center land development phase.*

(a) If the ABSVS shows that decibel or vibration levels exceed those stated above, then the Owner or, as the case may be, the Owner-Operator, shall promptly add, and/or improve the sound and vibration attenuation and/or absorption panels, materials or systems and take such other actions as are necessary to comply with all the required decibel and vibration levels stated above; and, thereafter, additional ABSVS’s shall be conducted to confirm compliance with all the required decibel and vibration levels stated above.

(b) In the event the ABSVS indicates noncompliance with the sound and/or vibration limits set forth in this Section 27-2806, and, after reasonable opportunity to address the excessive sound(s) and/or vibration, the DCC has not been brought into compliance with the sound and/or vibration limits set forth in this Section 27-2806, the Township may, at its option, revoke any certificate of occupancy issued for the DCC.

(3) *From time to time, at the exclusive cost of the owner or occupant(s) of a DCC, upon request by the Township (up to one (1) time every six (6) months), the Owner or, as the case may be, the Owner-Operator shall conduct a noise and vibration monitoring study (“NVMS”) (and submit the results to the Township at the conclusion thereof) ~~which~~.*

(a) An NVMS shall continuously monitor noise and vibrations at the DCC property boundaries for period of at least two (2) weeks to determine if the DCC is complying with the sound and vibration limits set forth in this Section 27-2806. The results of an NVMS shall be provided to the Township within fourteen (14) days after completion thereof.

(4) *Where applicable, the aforesaid sound studies (ISVS, ABSVS and NVMS) shall be conducted using sound level meters described in ANSI S1.4-2014 [\(as may be updated from time to time\)](#) and vibration detection methods described in ANSI S3.18-2002/ISO 2631-1-1997 [\(as may be updated from time to time\)](#). All such studies shall also employ criteria*

that are generally accepted by the professional acoustical engineering profession, such as the ASA or INCE-USA; measure decibel levels using a sound level meter that is capable of measuring A-weighted decibels in accordance with applicable ANSI standards; and measure the vibration levels in accordance with applicable ANSI standards.

~~D.~~

E.D. Electric Service.

- (1) Applicant shall demonstrate that power consumption by the DCC will be approved by the applicable utility and shall be secured by financial security required by said utility prior to the start of any DCC construction.
- (2) Applicant shall provide an interconnection agreement from the applicable electric service provider indicating that the necessary capacity is available, and the DCC will be served. Special assessments (if any) and known impacts on electric rates (if any) to users other than the DCC and directly attributable to the DCC project shall be set forth in the agreement, and any costs to residential customers within the Township will be paid by the Applicant, Owner or, as the case may be, the Owner-Operator.

F.E. Community Benefits Agreement.

- (1) Unless otherwise agreed by the Township, Applicant shall enter into one or more written community benefit agreements with the Township, subject to approval by the Board of Supervisors (hereinafter, individually and collectively, "CBAs") which are intended to offset the impacts of DCC developments on local resources and infrastructure including, but not limited to, environmental resources, historical resources, emergency responders (fire, emergency medical services and police), roads, sanitary sewer and local government administration, the cost of which shall be borne by the Applicant.
- (2) To that end, the terms of the CBAs may include, but are not limited to:
 - (a) preservation of one or more historic structures within the Township;
 - (b) creation of, or improvements to, public park and recreation facilities;
 - (c) first responder equipment and training;
 - (d) protection or preservation of natural resources (including, but not limited to, farmland, woodlands and waterways);

- (e) *monitoring of environmental conditions on and around the DCC tract;*
- (f) *stream bank restoration;*
- (g) *public infrastructure improvements or restoration thereof;*
- (h) *mitigating impacts to the community identified in the EIA, TIA, EUA, PSVS, ISVS ABSVS NVMS, or any other studies conducted in connection with the special exception application; and/or fees in lieu thereof;*
- (i) *use of non-lithium ion battery back-up power systems in lieu of natural gas generators to maintain operation of the DCC during power failures (for example but not limited to nickel-zinc and flow batteries) together with a recycling and disposal therefor;*
- (j) *development of a thermal energy network to support heating needs of nearby uses;*
- (k) *DCC design standards to meet or exceed the Uptime Institute Tier 4 or equivalent standards;*
- (l) *DCC decommissioning procedures; and,*
- (m) *in the event Applicant (or, as the case may be, the Owner or Owner-Operator) negotiates and obtains an electric rate that is lower than the rates charged to residential customers within the Township, to the maximum extent permitted by law, Applicant (or, as the case may be, the Owner or Owner-Operator) shall negotiate and [use its best efforts to](#) obtain the same rate for the residents of the Township and the Township, itself.*

8. *Conflicting Provisions. In the event of a conflict or inconsistency between procedures, standards, and/or criteria contained in Part 28 (Industrial Mixed Use), or any other provisions of the Township Code, and any of those set forth in this Section 27-2806, this Section 27-2806 shall control.*

SECTION III. – Severability

The provisions of this Ordinance are severable. If any section, sentence, clause, part or provision hereof is held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the

intent of the Township that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VI. – Repealer

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

ORDAINED AND ENACTED by the Board of Supervisors of East Vincent Township, Chester County, Pennsylvania, this ____ day of _____, 2025.

**BOARD OF SUPERVISORS OF
EAST VINCENT TOWNSHIP**

Attest: _____
Robert Zienkowski,
Secretary

By: _____
Craig Damon III, Chairman