

EAST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025-____

“DATA CENTER AND ENERGY TECHNOLOGY 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 AND ENERGY TECHNOLOGY 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 AND ENERGY TECHNOLOGY CAMPUS DEVELOPMENT) TO PERMIT A DATA CENTER AND ENERGY TECHNOLOGY 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 AND ENERGY TECHNOLOGY CAMPUS DEVELOPMENT).

The Board of Supervisors of the Township of East Vincent does hereby ENACT 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) to add new Paragraph B as follows:

B. Data Center and Energy Technology Campus as provided in § 27-2806 and subject to full compliance with the provisions thereof.

SECTION II. - Amendment to Code

The Codified Ordinances of East Vincent Township, Chapter 27 (Zoning), Part 28 (IMU – Industrial Mixed Use District) to add new Section 27-2806 (Special Provisions for Data Center and Energy Technology Campus Development) to permit a Data Center and Energy Technology 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 and Energy Technology Campus Development) as follows:

§27-2806. Data Center Standards and Criteria

- 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 installed and 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. Data Center and Energy Technology Campus Use.** *A Data Center and Energy Technology Campus (“DCET”) shall be permitted by special exception in IMU – Industrial Mixed Use District when approved by special exception and in compliance with the procedures, standards, and criteria contained in Section 27-2804 and this Section 27-2806. In the event of a conflict or inconsistency between procedures, standards, and/or criteria contained in Section 27-2804 and any of those stated in this Section 27-2806 or any other provision of the Township Zoning Code, this Section 27-2806 shall control.*
- 3. Definitions.** *For purposes of this §27-2806, the following definitions shall apply:*

DATA CENTER:

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. Unless otherwise agreed by the Board of Supervisors, a Data Center design must meet or exceed the Uptime Institute Tier 4 or equivalent standards.

DATA CENTER AND ENERGY TECHNOLOGY CAMPUS ("DCET"):

A DCET includes all of the real estate owned, controlled, leased or otherwise occupied which comprises the development of Data Center(s); 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 DCET is built.

DATA CENTER ACCESSORY USES:

Ancillary uses which are secondary or otherwise incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, office and security buildings or structures; energy generation systems used or intended to be used to supply power to the Data Center during normal operations; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water cooling or holding facilities; 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. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations. Data center accessory use structures shall comply with the height limits specified in this §27-2806.

DATA CENTER EQUIPMENT ("DCE"):

Equipment related to the Data Center Use or Data Center Accessory Use including, but not limited to, utility facilities, utility lines, power generation stations, electrical substations, pump stations, water towers, mechanical equipment,

cooling systems, and 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, and all other facilities, equipment, parts, systems, conduit, piping, structures, appurtenances and materials needed for any one or more of the functions, uses or purposes stated in the definitions of "DATA CENTER," "DATA CENTER AND ENERGY TECHNOLOGY CAMPUS," and/or, as the case may be "DATA CENTER ACCESSORY USES" as stated above when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center.

Specific examples of DCE include but are not limited to the following:

Backup Generators: Natural Gas, diesel, hydrogen fuel cells UPC, Power Storage System, other non-coal equipment, or other non-bituminous equipment used to generate electricity during a power outage or similar emergency. Backup 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.

Power Generation Plant: A power generation plant fueled by natural gas, combined or single cycle power plant, or natural gas linear generation, fuel cell, or similar non-oil based, non-coal-based, or non-bituminous-based power generation systems and equipment, which creates electricity to be used on the DCET Campus, sold to or by a utility company, or in some combination of sale or purchase.

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 DCET 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.

SENSITIVE RECEPTORES

Buildings or structures occupied for any of the following uses: residential uses, schools, preschools, daycare centers (adult or child), long term care facilities, retirement and nursing homes, community centers, places of worship, parks with active recreation improvements (excluding trails), campgrounds and dormitories.

SMALL MODULAR REACTOR

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. An SMR must be of a design fully licensed and permitted by the NRC (Nuclear Regulatory Commission).

4. Area and Bulk Regulations. *The area and bulk regulations set forth in §27-2803 shall apply to a DCET except as follows:*

A Minimum tract size: 20 acres.

B Maximum impervious coverage: 55% of tract area.

C Maximum gross building coverage: 40% of tract area, subject to the maximum gross building size, below.

D Maximum building height (feet) for a building housing a data center shall be 90 feet.

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

F Maximum gross building size (all buildings, in total): 300,000 square feet.

(1) The maximum gross building size may be increased up to the maximum allowable building coverage for the tract by receipt of 1 TDR for every 4,000 square feet of building size. For example, a 40-acre tract has a maximum allowable building coverage of 609,840 square feet, which would require the receipt of 78 TDRs ($609,840 \text{ sq ft} - 300,000 \text{ sq ft} = 309,840 \text{ sq ft} / 4000 \text{ sq ft} = 77.46$ TDRs, rounded up to 78 TDRs).

(2) If after a reasonable search, an applicant for a proposed data center 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, said fee in lieu shall be guided by the fair market value of TDRs in the Township.

G Minimum Building Setbacks:

(1) Building setbacks (feet) shall be at least as follows:

a) 400 feet from any lot line for adjoining tracts of residential uses;

b) 300 feet from an ultimate right-of-way for any dedicated, publicly maintained street;

c) 50 feet from any lot line for adjoining tracts of nonresidential uses;

d) 400 feet from any Sensitive Receptors.

In the event of a conflict between any of the other building setbacks set forth in subsections G.(1) a) through c) and subsection G.(1) d), the building setback set forth in subsection G.(1) d shall control.

H Minimum Parking, Driveway, Loading and Truck Idling Setbacks:

(1) Parking, loading and driveway setbacks shall be at least as follows:

a) 50 feet from any lot line for adjoining tracts of residential uses;

b) 30 feet from the ultimate right-of-way of any public street and any other lot line for adjoining tracts of nonresidential uses.

2) Truck Idling location setbacks shall be at least as follows:

a) 400 feet from any lot line for adjoining tracts of residential uses;

b) 400 feet from any Sensitive Receptors;

c) 50 feet from any lot line for adjoining tracts of nonresidential uses;

d) 30 feet from the ultimate right-of-way of any public street.

I Buffering. DCET's shall include the following buffers:

(1) Screening Buffer: a permitter buffer encircling the DCET buildings comprised of natural material (including, but not limited to, trees, shrubs and berms), having a minimum width of 30 feet, 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.

(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.

J Additional development standards for DCET(s) shall include the following:

(1) DCE shall not be located between any principal DCE building and any arterial or a collector street.

(2) DCE shall be separated from any adjacent tracts of residential uses by a principal DCET building or walled enclosure.

(3) Ground-mounted DCE shall not be located in any primary front yard of a DCET and must be screened with a softening buffer.

(4) SMR's are not permitted as part of a DCET and shall not be considered DCE. Additionally, Nuclear Reactors similar to Three-Mile Island and The Limerick Generating Station are expressly excluded from the definition of an SMR and are not permitted as part of a DCET.

(5) The parking required for a DCET is not expressly provided for in Township Zoning Code Section 17-1709. Therefore, in accordance with Section 17-1709.E., the applicant proposed in DCET shall have the burden of presenting evidence of the parking needs for the proposed DCET 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. Large truck parking and unloading areas must also be provided.

(6) A DCET use may not be combined with any other use on the same tract except a public park and recreation use or municipal use.

5. Master Plan.

A An applicant shall submit, as part of an application for a special exception for a DCET, a sketch plan identifying all parcels intended to be developed

as part of a DCET. If a special exception is granted for DCET, parcels may only be added or removed from the DCET by special exception.

B The sketch plan for the DCET shall meet the following criteria:

- (1) the location of all proposed uses, accessory uses, preserved land, data center(s), data center accessory uses, DCE, backup generator power storage, energy generation stations, substations, cooling and heating equipment, water supply, storage and management systems, fuel supply, storage and management systems, wastewater treatment system(s), waste disposal systems, infrastructure of any kind, and the location of any building or structure. shall be shown;*
- (2) proposed public and private roadways, conservation areas, floodplains, steep slopes, relationships to other properties, proposed setbacks, proposed buffers and landscaping (including buffering of all ground mounted DCE), proposed sidewalks, proposed emergency access locations shall be shown. An adequate second means of ingress and egress for emergency access to the site, acceptable to the Township Engineer, must be depicted and provided;*
- (3) a boundary and topographic survey plan signed and sealed by a Pennsylvania-licensed surveyor shall be included;*
- (4) soils, wetland and waterway delineation maps and plans shall be included.*

6. Economic Impact Analysis.

A An applicant shall submit, as part of an application for a special exception for a DCET, an economic impact analysis, which shall include the following criteria:

- (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;*
- (2) a good faith estimate of the revenues generated by the DCET 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.*

7. Traffic impact analysis.

A An applicant shall submit, as part of an application for a special exception for a proposed DCET, a traffic impact analysis, prepared by a professional traffic engineer suitable to the Township, meeting the following criteria:

(1) Traffic impact on all roadways, intersections and interchanges within at least a one-half-mile radius of the site. The analysis radius may be expanded as a condition of special exception approval by the Zoning Hearing Board.

(2) Description of traffic characteristics of the proposed development.

(3) Traffic volumes for average daily traffic at peak hours, before and after proposed development, including through residential areas.

(4) Source of trip generation rates used.

(5) Origin and destination analysis of projected traffic.

(6) Documentation of on-site and off-site improvements proposed to mitigate any adverse impacts.

(7) Parking demand for the DCET, including parking for employees, deliveries, independent contractors, visitors and large truck deliveries.

(8) All other information, findings, conclusions and recommendations necessary to produce a complete analysis in compliance with generally accepted traffic engineering principles and practices.

B Potential traffic hazards and/or congestion identified by the traffic impact analysis shall be avoided and/or mitigated in compliance with generally accepted traffic engineering principles and practices to the satisfaction of the Board of Supervisors.

8. Water and Sewer.

A A DCET shall not be approved without sufficient water supply and no DCET shall be approved that demonstrates a likelihood of adverse impacts on existing drinking water wells in the vicinity of the DCET.

B As part of an application for a special exception for a proposed DCET, an applicant shall submit an analysis of raw water needs (groundwater or

surface water) for a proposed DCET, from either private or public sources, conducted by certified hydrologist, acceptable to the Township, indicating quantity of water required for the DCET operation, including any seasonal variations thereof.

C As part of an application for a special exception for a proposed DCET, an applicant shall provide a water feasibility study to determine if there is an adequate supply of water for the proposed DCET and to estimate the impact of the DCET on existing wells within two thousand five hundred (2,500) feet of all external property lines of the DCET tract. At a minimum, the water feasibility study(s) shall include the following information:

- (1) calculations of the projected water needs;*
- (2) a geologic map of the area with a radius of at least one mile from the site;*
- (3) the location of all existing and proposed wells within 2,500 feet of the proposed DCET property boundary, with a notation of the capacity of all high-yield wells;*
- (4) the location of all streams within 2,500 feet of the site and all known point sources of pollution;*
- (5) based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;*
- (6) a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table;*
- (7) identification of how water will be recycled or released into surrounding water bodies and the environmental impact of each release;*
- (8) a statement of the qualifications and the signature(s) of the person(s) preparing the study.*

D An applicant seeking a special exception for a DCET shall, prior to the construction of a DCET, provide proof of review and approval from the Delaware River Basin Commission for:

- (1) water withdrawals of 100,000 gallons per day (gpd) or more over any 30-day average from any source or combination of sources within the applicable River Basin;*
- (2) any consumptive water use of 20,000 gpd or more over any 30-day average from any other water source.*

- E At the request of the Township, which the Township can request at any time after special exception approval for a DCET (up to 1 time every 12 months), the owner/operator shall fund a water feasibility study to be conducted on behalf of the Township by an entity selected by the Township in its sole discretion, to determine the impact of the continued operation of the DCET, or any change or expansion in operation thereof.*
- F A DCET must be served by public sewer, and an analysis must be provided indicating the sanitary sewer flows that will be generated by the DCET and demonstrating sufficient capacity (or increase in capacity) in the sanitary sewer conveyance and treatments system serving the DCET.*
- G Any cost of increasing conveyance or capacity in the public water system or any cost of increasing capacity in the sanitary sewer conveyance system or treatment plant necessary for a DCET shall be borne by the DCET applicant.*

9. Electric Use.

- A The applicant for a special exception for DCET shall provide an interconnection agreement from the applicable electric service provider indicating that the necessary capacity is available, and the DCET will be served. Known impacts on electric rates or availability for other uses directly attributable to the DCET project shall be set forth in the agreement, and any costs to residential customers within the Township will be offset (that is, paid for) by the DCET owner.*
- B Additionally, the applicant for special exception for a DCET shall demonstrate that power consumption by the DCET will be approved by the applicable utility and shall be secured by financial security required by said utility prior to the start of any DCET construction*

10. Tree and Tree Replacement Standards.

- A Up to sixty percent (60%) of existing trees (including woodlands) are permitted to be cleared if the following conditions are met:
 - (1) A woodland buffer of at least one hundred (100) feet in depth shall be preserved (or, if not in existence, planted) and maintained adjacent to all exterior property boundaries of the DCET adjoining tracts of residential uses and thirty (30) feet in depth adjacent to all exterior property boundaries of the DCET adjoining tracts of nonresidential uses and public street right of ways. The woodland buffer may be combined with and include a screening buffer. The woodland buffer shall include a diversity of species and sizes of plantings (including trees and shrubs).**

- (2) *The total caliper of the cleared trees shall be replaced to the satisfaction of the Township Arborist. For example, the removal of one twelve-inch caliper tree could be replaced with four three-inch caliper replacement trees, three four-inch caliper replacement trees, two six-inch caliper replacement trees, or a single twelve-inch caliper replacement trees. Additionally, the Board of Supervisors may accept, at its discretion, a fee-in-lieu of replacement trees.*
- (3) *All trees under subsection (b) shall be replaced in kind by species or may be replaced with native trees listed the Township's Subdivision and Land Development Ordinance, to the satisfaction of the Township Arborist.*
- (4) *An applicant shall provide a forest management and reforestation plan, in narrative form, to perpetually maintain and manage the health of the woodland buffer, screening buffer and, to the extent applicable, existing woodlands, to the satisfaction of the Township Arborist.*
- (5) *At the request of the Township, which the Township can request at any time after special exception approval for a DCET (up to 1 time every 24 months), the owner/operator shall 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, to determine the health of the woodland buffer, screening buffer and other plant material on the DCET, and to determine if any adjustments or revisions should be made to the forest management and reforestation plan*

11. Environmental Impact Study.

A As part of an application for a special exception for a proposed DCET, an applicant shall submit an environmental impact study in accordance with all the terms, conditions and provisions of Section 27-2804.10 through and including Section 27-2804.10.E, which shall be performed by an environmental engineer suitable to the Township. In addition to Section 27-2804.10 through and including Section 27-2804.10.E, the environmental impact study shall meet the following criteria:

- (1) *Assess potential impacts of operation, maintenance, and/or repair or trouble-shooting of the DCET (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 DCET and those adjacent to the DCET; storage of oil-based or other combustible materials; and release of gasses and/or other contaminants into the air, ground, surface water or groundwater. Environmental impacts that are identified in the study shall be prevented or, as the case may be, mitigated in accordance with a plan that is approved in writing by the Board of Supervisors upon recommendation of the Township Engineer and the Township Stormwater Engineer.

(2) identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at on the DCET.

(3) Identify environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

12. Sound; Sound Study; Generator Operation.

A The sound generated by the DCET shall in any instance be limited to a maximum daytime decibel level of 65 dB(A) or 10 dB(A) above, ambient noise, whichever is greater, from 7:00 AM to 8:00 PM on Mondays through and including Fridays and a maximum decibel level of 50 dB(A) from 8:00 PM to 7:00 AM on Mondays through and including Fridays and all day on Saturdays, Sundays and holidays, excluding periods of emergency power due to power outages and testing of back-up power systems. Decibel levels shall be measured from each of the property lines of the DCET. Additionally, no vibration generated by the DCET that is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the property lines of the DCET. Generators and back-up power systems which generate noise in excess of the limits set forth, above, shall not be tested between 8:00 PM and 7:00 AM.

B The following sound studies shall be conducted by the applicant or, as the case may be, owner or occupier(s) of the DCET:

(1) A prospective sound study shall be conducted by a professional acoustical engineer suitable to the Township and presented to the Zoning Hearing Board during the special exception hearing process. The study shall assess the existing ambient noise levels at the property lines of a proposed DCET and all noise, vibrations and other audible phenomena that may be created by operation of the DCET (including, but not limited to, during

periods of emergency power, testing and maintenance, fire, and fire suppression and control). Sound impacts that are identified in the study shall be prevented or, as the case may be, mitigated through use of sound attenuation and/or absorption panels, materials or systems on the interior and exterior of each building and on interior and exterior equipment (including, but not limited to, standby generators and related equipment) to the satisfaction of the Township Engineer and, as the case may be, sound consultant.

- (2) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the data center and associated DCE depicted on the building plans. The sound attenuation and/or absorption panels, materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the DCET.*
- (3) An as-built sound study shall be conducted 6 months after issuance of the certificate of occupancy for any data center and associated DCE prior to the final escrow release for any data center land development phase. If the as-built sound study shows that decibel levels exceed those stated above, then the owner or occupant of the DCET shall promptly add, and/or improve the sound attenuation and/or absorption panels, materials or systems and take such other actions as are necessary to comply with all the required decibel levels stated above. Additional as-built sound studies shall be conducted to confirm compliance with all the required decibel levels stated above.*

Where applicable, the aforesaid sound studies shall be conducted using sound level meters described in ANSI S1.4-2014 and using generally criteria that are generally accepted by the professional acoustical engineering profession. To measure the decibel levels stated above, a sound level meter shall be used that is capable of measuring A-weighted decibels in accordance with applicable ANSI standards.

- C From time to time, at the exclusive cost of the owner or occupant(s) of a DCET, upon request by the Township (up to one (1) time every twelve (12) months), the owner or occupant(s) of the DCET shall conduct a noise monitoring study (and submit the results to the Township at the conclusion thereof) which continuously monitors noise at the DCET property boundaries for period of two (2) weeks to determine if the DCET is complying with the sound limits set forth in Subsection 12.A, above. The*

results of said study shall be provided to the Township within fourteen (14) days of completion thereof.

- D In the event of a power outage, the DCET must reestablish compliance with the sound limits set forth in Subsection 12.A, above, within three (3) hours of the restoration of power to the DCET.*

13. Emergency Response Plan.

- A The applicant shall prepare and submit an Emergency Response Plan to the Township acceptable to the 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 DCET and procedures to be followed in the event of a natural disaster.*

14. Community Benefits Agreement.

- A As a condition of approval of a special exception for a proposed DCET, an applicant shall, to the satisfaction of the Board of Supervisors, enter into one or more written community benefit agreements (hereinafter, individually and collectively, "CBAs"). CBAs are intended to offset the impacts of DCET 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. To the end, the terms of a CBA may include, but are not limited to, preservation of one or more historic structures within the Township; creation of or improvements to public park and recreation facilities; first responder equipment and training; LEED certification for Data Centers or other DCET buildings; protection or preservation of natural resources (including, but not limited to, farmland, woodlands and waterways); monitoring of environmental conditions on and around the DCET tract; stream bank restoration; first responder training and equipment; public infrastructure improvements; mitigating impacts to the community identified in the traffic analysis, sound study(ies), environmental impact study, water feasibility study; and/or fees in lieu thereof.*

SECTION III. – Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held 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 Council 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 22nd day of September, 2025.

**BOARD OF SUPERVISORS OF
EAST VINCENT TOWNSHIP**

Attest: _____
Robert Zienkowski,
Secretary

By: _____
Craig Damon III, Chairman