PEACH BOTTOM TOWNSHIP
YORK, PENNSYLVANIA

ORDINANCE NO. _____-2026

AN ORDINANCE AMENDING ORDINANCE NO. 71-1, KNOWN AS THE PEACH BOTTOM TOWNSHIP ZONING ORDINANCE FOR THE REGULATION OF DATA CENTERS

WHEREAS, Peach Bottom Township, York County, Pennsylvania, ("Township") is a second-class township duly organized and existing under the Second-Class Township Code, 53 P.S. § 65101 et seq.; and

WHEREAS, Land Use within the Township is subject to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq. ("MPC"); and

WHEREAS, pursuant to Article VI of the MPC, the Township has adopted a Zoning Ordinance, 71-1; and

WHEREAS, the Township's Board of Supervisors desires to amend its Zoning Ordinance to include regulations for Data Centers.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, as follows:

Section 1: Section 204.2 USES BY SPECIAL EXCEPTION is hereby amended by inserting "14. Data Center (see Section 339B)" after 13. Principal Solar Energy Systems (see Section 339A) in the list of Principal Uses.

Section 2: PART V. GENERAL INTERPRETATION, SECTION 501 Specific Words and Phrases, is hereby amended as inserting the following within the existing list in alphabetic order:

COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) - The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

DATA CENTER – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

The term Data Center, as used within Section 339B, shall include the Data Center Principal Building, Data Center Accessory Structures, Data Center Electrical Substation, and/or Data

Center Equipment when located on the same Parcel or when located within any off-site easements or parcels when developed as part of the Data Center, unless otherwise specified.

DATA CENTER ACCESSORY USE – Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; 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 holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. 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 ELECTRICAL SUBSTATION – A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

DATA CENTER PRINCIPAL BUILDING – A building that contains the office and/or data storage functions of a Data Center.

FOOTCANDLE – Enough light to saturate a one-foot square with one lumen of light.

SENSITIVE RECEPTORS – Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer.

Section 3: Part III, Section C is hereby amended by adding "Section 339B Data Centers" and shall include the following:

SECTION 339B. DATA CENTERS

The following requirements shall apply to all Data Centers. In the event that any of the following regulations are found to be in conflict with regulations found elsewhere in the Peach Bottom Zoning Ordinance, the most restrictive regulations shall be applied, unless otherwise stated.

A. Building Placement and Orientation

(1) All principal and accessory structures associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged.

(2) Buildings shall be sited and oriented to:
   a. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Receptor areas.
   b. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.
   c. Accommodate adequate parking.
   d. Minimize impacts to natural resources.
   e. Incorporate appropriate stormwater management practices.

(3) Data Center campuses containing more than one building are encouraged to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

(4) Connection to and exclusive use public sewer and public water is encouraged, notwithstanding any water reclamation, recycling, and/or re-use process to occur within the Data Center.

(5) A Data Center may be developed only on a Parcel that is a minimum of fifty (50) acres.

(6) The Data Center Principal Building, Data Center Electrical Substation, and/or Data Center Equipment if any, when added together, may not exceed sixty percent (60%) of the total size of the Parcel.

B. Maximum Height

The maximum building height for Data Centers shall be sixty (60) feet.

C. Setbacks

(1) All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least two hundred (200) feet from all property lines.
   a. Should the property abut a Sensitive Receptor, the set back must be at least one thousand (1000) feet from the Sensitive Receptor boundary.

(2) Parking lots for Data Centers shall be set back at least fifty (50) feet from public road rights-of-way, and one hundred (100) feet from all property lines.

D. Parking Requirements

A minimum of 1 parking space per employee on the largest shift is required, plus an additional 3 visitor spaces.

E. Off Street Loading

A minimum of one loading space is required. Loading spaces/bays are only permitted to be located on one façade of the Data Center Principal Building.

F. Noise/Vibration

(1) Noise

a. The Community Noise Equivalent Level (CNEL) at the boundary of the property containing a Sensitive Receptor shall not exceed 58 dBA.

b. The CNEL at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dBA.

c. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.

d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.

e. A noise reduction barrier or device may be required at the discretion of the zoning officer when it is inconclusive that noise level tests do not conform to acceptable noise levels.

f. Any proposal for a Data Center shall include pre-construction, interim, and post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound, including low-frequency (250 Hz and below), mid-frequency (250-2000 Hz), and high-frequency (2000 Hz and above) noise. The sound study shall identify compliance with Section 339B.F, as applicable.

i. The preliminary sound study for the Data Center shall be submitted with the special exception application and recommend the sound reducing materials or systems to meet the above-mentioned sound limits.

ii. The interim construction sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center

iii. A post-construction sound study shall be submitted prior to a certificate of occupancy being issued for the Data Center building. The sound study shall be conducted by an Institute of Noise Control Engineering (INCE) Board Certified Engineer and shall be subject to review and approval by an engineer selected by the Township. If it is determined that there is a violation of the sound limits, then the owner of the Data Center shall promptly remediate the violation to achieve compliance with the above-mentioned sound limits. Failure to remediate a violation of the sound limits

may result in further penalties or actions as stated in Section 339B.Z.

iv. The owner of the Data Center shall conduct an annual sound study to ensure compliance with this section, to begin one year after the certificate of occupancy is issued and at any time so requested by the Township. This annual sound study shall also include data on low-frequency (250 Hz and below), mid-frequency (250-2000 Hz), and high-frequency (2000 Hz and above) noise created by the Data Center.

(2) Vibration

a. No construction activity or Data Center operation shall cause ground vibration levels to exceed a peak particle velocity (PPV) of 0.2 inches per second measured at the nearest property line or at any point on an off-site structure.

b. Vibration Monitoring Requirements

i. For any Data Center located within 1,000 feet of any residential use or zone, or any Sensitive Receptor, the applicant shall submit pre-construction and post-construction vibration studies prepared by a qualified professional to establish baseline conditions and demonstrate compliance. The pre-construction vibration study must be submitted at the time of application for a special exception. The initial post-construction vibration study must be submitted no later than six (6) months after issuance of the certificate of occupancy.

ii. The Township may require continuous or periodic vibration monitoring during the construction, commissioning, and initial operation to verify compliance, to be completed at the owner of the Data Center's cost.

c. All ground-mounted mechanical, electrical, and power generation equipment shall be mounted on anti-vibration foundations, isolation pads, or equivalent devices designed to minimize vibration transmission to the ground and nearby structures.

(3) The limitations of Section 339B.F.1. herein shall not apply to any Sensitive Receptor that is established adjacent to the Data Center after the date of issuance of a certificate of occupancy for the applicant's operation.

G. Negative Impacts

Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

H. Safety

(1) The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The

containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

a. The Data Center owner must prove compliance with the National Fire Protection Association (NFPA) Relevant Standards. Any Data Center application must be submitted to the nearest Fire Chief for review and comment. Proof of compliance must be provided to the Township upon request during any phase of application through occupancy/operation.

(2) Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with NFPA Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

(3) The Data Center owner will be responsible for providing any specialized fire-fighting equipment and training required for the local emergency services to safely and adequately respond to any and all emergencies that may occur at the Data Center, which shall include conducting annual meetings with local emergency response, providing updated maps of the Data Center, and conducting annual training with the emergency response teams that will respond to the Data Center.

(4) All Data Centers and associated electrical transmission or distribution equipment shall comply with the exposure limits established by the Institute of Electrical and Electronics Engineers (IEEE) Standard C95.6 and the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, as adopted or updated from time to time.

a. Electromagnetic Field (EMF) levels shall not exceed 2 milligauss (mG) above ambient background levels, measured at the nearest property line or at any point accessible to the general public.

b. Measurements shall be taken by a qualified professional using calibrated instrumentation and consistent with recognized IEEE or ICNIRP measurement protocols.

c. If required by the Township, the Data Center applicant shall provide pre-construction baseline measurements and post-construction measurements demonstrating compliance with these Section 339B.H standards.

(5) Data Centers shall be designed, operated, and maintained so as not to cause electromagnetic interference with radio, television, telecommunications, or other electronic equipment on nearby properties. Any interference complaints verified by the Township shall require prompt corrective action by the owner. Failure to correct may result in penalties as stated in Section 339B.Z.

(6) Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,

b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,

c. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,

d. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and

e. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.

I. Lighting

(1) Horizontal Surfaces
For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

(2) Non-Horizontal Surfaces
For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, façades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

(3) Adjacent Residential Uses
The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.

(4) Adjacent Non-Residential Uses
The illumination projected from any property onto a non-residential use shall at no time exceed 0.5 initial footcandle, measured line-of-sight from any point on the receiving property.

(5) Glare
Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

(6) LED Lights
LED light sources shall have a correlated color temperature that does not exceed 3000K.

(7) Luminaires
Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.

(8) Lighting After Hours

Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. On/off control shall be by an astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, either the use of dimming circuitry to lower illumination levels by at least 50% after 11 PM or after regular business hours, or the use of motion sensor control, shall be permitted.

J. Perimeter Fencing/Security

Fences shall not exceed ten (10) feet in height above ground and shall be of high-quality design and materials.

K. Power Lines and Data Center Electric Utility Substations

(1) Data Center Electric Utility Substations must include year-round opaque landscaping or a screen wall a minimum of ten (10) feet in height to minimize visual impact.

(2) Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center Principal Building so they are screened from public view and must not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.

(3) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below shall be buried.

L. Emergency Contact Information

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

(2) All information, including any changes or updates, required in Section 339B.L(1) shall also be sent to the Peach Bottom Township Secretary.

M. Sensitive Receptors

(1) Loading docks, truck entries, and truck drive aisles shall be oriented away from abutting Sensitive Receptors.

(2) Loading docks, truck entries, and truck drive aisles shall be located away from nearby Sensitive Receptors. Screening as described in Section 339B.N(1) shall be provided.

N. Buffer Yards and Screening

All Data Center operations shall provide buffer yards and screening along all property boundary lines, except for areas of ingress and egress into the site.

(1) Service Areas - Loading bays, refuse collection areas, and service entrances shall be screened from view from existing or planned public roads, Sensitive Receptors, and residential zoning districts. Screening shall include year-round landscaping or a screen wall of an appropriate height to eliminate visual impacts.

(2) Mechanical/Electrical Equipment Screening

a. Ground-Mounted

i. All ground-mounted equipment shall be completely screened behind an opaque wall or fence. When the equipment is located between buildings, a combination of walls and gates may be used at the openings between buildings.

ii. When in or adjacent to an industrial use or zoning district, ground-mounted equipment screening is only required from any existing or planned public road.

iii. Ground-mounted equipment is prohibited in any required setback.

b. Roof Top

i. All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet. Roof-top equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.

ii. Roof top equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.

(3) Buffering

a. Data Center sites abutting Sensitive Receptors or collector/arterial roads must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm abutting Sensitive Receptors is fifty (50) feet, and abutting collector/arterial roads is thirty (30) feet.

i. Where the combined footprint of the principal structure or structures is less than 100,000 square feet:

a. A minimum 300-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare

center, hospital, place of worship, designated park, or public open space.

b. A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.

ii. Where the combined footprint of the principal structure or structures is between 100,000 square feet and 250,000 square feet:

a. A minimum 400-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.

b. A minimum 50-foot buffer yard shall be provided along all other property lines.

iii. Where the combined footprint of the principal structure or structures exceeds 250,000 square feet:

a. A minimum 500-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.

b. A minimum 50-foot buffer yard shall be provided along all other property lines.

iv. Utilities shall be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.

v. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the Peach Bottom Township Zoning Hearing Board.

vi. Buffer yards along roadways shall be measured from the street right-of-way line.

vii. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.

viii. Buffer yards shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.

ix. The buffer yard shall include a dense landscape buffer consisting of the following:

a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.

b. One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.

c. One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.

d. Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.

x. The landscape buffer shall be located along the outer edge of the buffer yard.

xi. Plant material within buffer plantings shall meet the following requirements:

a. Be resistant to diesel exhaust.

b. Be native plants to the location of the area.

c. Not identified on the most current DCNR invasive species or watch lists.

d. Be hardy within USDA hardiness Zones 6(b).

e. Shall be planted on the top and the exterior of any berm in order to provide effective screening.

f. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.

g. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

h. The plantings shall be arranged to provide a complete visual screen of the property at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.

i. Plantings are required to be maintained in good health. Any planting that dies must be replaced within twenty (20) days.

xii. The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements.

O. Water and Water Feasibility Study

(1) Water may be sourced by well for potable water uses only (i.e. for use in bathrooms, kitchens, and hand sinks) and not for cooling of Data Center equipment or any other use. If the Data Center uses water in the cooling or maintenance of its equipment, the water must be sourced directly from the Susquehanna River.

(2) Prior to the commencement of the special exception hearing, the applicant shall provide a Water Feasibility Study, prepared by a qualified professional, which shall include:

a. A determination that there is an adequate supply of water for the proposed Data Center

b. An estimate of the impact of the Data Center on the existing public water system and/or adjoining private wells located within one-half (1/2) mile of the Data Center

i. Initial sampling shall be taken from no less than four (4) private wells located within one-half (1/2) mile of the Data Center that establishes a baseline level, pre-construction, for any substance required by a Pennsylvania Department of Environmental Protection (PA DEP), Bureau of Clean Water, Discharge Monitoring Report, Appendix J.

ii. Data Center owner shall identify and report any system(s) used for any non-potable uses (see Section 339B.O.1) and report any potential contaminants that may result from the system(s).

c. Documentation from the municipal or public utility that it will supply the water needed for the Data Center

d. Proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:

i. Water withdrawals of 100,000 gallons per day or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin; or

ii. Any consumptive water use of 20,000 gallons per day or more over a 30-day average from any water source.

e. Identification and use of any water reclamation, recycling, and/or re-use processes to occur, including the gallons per day to be reclaimed, recycled, and/or re-used.

(3) Data Center owner shall be responsible for the compliance with all applicable state and federal water quality standards and regulations governing the water use and discharge at the Data Center.

(a) Data Center owner must apply for a PAG-03 General Permit or National Pollutant Discharge Elimination System (NPDES) General Permit through the Pennsylvania Department of Environmental Protection, Bureau of Clean Water and maintain the same during the life of the Data Center.

(b) Any reporting or documentation required to maintain the permit must be available to Peach Bottom Township and its officers upon request.

(4) In the event that any water accessed from the aquifer by surrounding Peach Bottom Township residents does not meet the standards of the Pennsylvania Department of Environmental Protection, or applicable federal standards, due to the negligent or intentional conduct of the Data Center, its agents or employees, or the contaminants identified per Section 339B.O.2.b.ii above are found in a private well at an unsafe level, the Data Center owner shall provide potable water to the affected residents of Peach Bottom Township until the water standards are met.

P. Building Colors and Aesthetic Standards

(1) External building materials should be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

(2) Data Centers are encouraged to not have blank exterior walls on any side of a building. There should be adequate fenestration as well as horizontal and vertical breaks every 35 lineal feet. Rooflines should have variation throughout.

(3) Data Centers are recommended to include a main entrance feature that is differentiated from the remainder of the building façade by a change in material, pattern, texture, color, or accent material. The feature should also project or recess from the adjoining building plane.

(4) All building façades should include:

a. A change in the façade for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and

b. Windows, doors, or similar fenestration design features such as faux windows, which must be distributed horizontally and vertically across the façade and comprise a minimum of 30 percent of the individual façade.

(5) Loading bays that face adjacent public views should be screened from view.

(6) Equipment used for cooling, ventilating, or powering the facility, including emergency power generators and other emergency power supply equipment, when located closer to an adjacent public road or adjacent residential use than a principal building, should be contained within an enclosed building or be encompassed on three sides by an opaque barrier extending at least 12 inches in height above the mechanical equipment and screen from view with dense vegetation.

(7) Any proposal for Data Center shall include architectural depictions of the proposed building and associated structures and equipment as viewed from all lot lines and street lines.

Q. Emergency Responders

The applicant shall coordinate with the Peach Bottom Emergency Management Coordinator and the Fire Chief of the Delta-Cardiff Volunteer Fire Company to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Delta-Cardiff Volunteer Fire Company Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems as needed to meet compliance.

R. Environmental Impact Assessment

(1) An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual and submitted to the Peach Bottom Township Zoning Hearing Board prior to the commencement of the special exception hearing. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the Peach Bottom Township Zoning Hearing Board to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

(a) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.

(b) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner of the facility shall have anti-idling signs prominently posted in areas where 5 or more trucks may park or congregate.

(c) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, if they exist.

i. Any potential public nuisance should also consider pre-construction, construction, and post-construction time

ii. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) not otherwise identified by this Ordinance and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

(d) An evaluation of the potential impacts of the proposed use, both positive and negative, with mitigation measures for any negative impact, upon:

i. Emergency services and fire protection,

ii. Sewage disposal,

iii. Solid waste disposal,
iv. School facilities and school district budget,
v. Municipal revenues and expenses

(e) A stormwater management plan will be required.

(f) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the boundaries of the property.

(g) Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

(h) Additional considerations. The following shall also be addressed:
i. Alternative analysis. A description of alternatives to mitigate the impacts.
ii. Adverse impacts. A statement of any adverse impacts that cannot be avoided or mitigated.
iii. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
iv. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

(i) Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
i. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
ii. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
iii. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

(j) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

(k) A PA-Share Report to ensure that the Data Center will not disrupt important or protected Pennsylvania heritage or archeological sites.

(l) Energy Management Report. Plans must include anticipated energy management information system report pursuant to ISO 50001 Energy Management Systems Standard (EMIS) or comparable standard. Reports

and documentation related to the Data Center's EMIS shall be available to the Township upon request at any time during the life of the Data Center.

S. Green Building Techniques

Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

(1) Site Design.
   a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes
   b. Minimize land disturbance
   c. Maximize tree preservation
   d. Minimize impervious surfaces
   e. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

(2) Energy/Resource Efficiency.
   a. Orient buildings to take advantage of passive cooling and daylight opportunities
   b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible
   c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours
   d. Utilize reclaimed water for cooling, if available
   e. Encourage systems that limit the use of finite natural resources and their disposal
   f. Encourage fuel storage that limits impacts on the environment from potential spills
   g. Install water-efficient landscape materials
   h. Utilize LED exterior/interior lighting
   i. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

T. LEED Certification

LEED certification is strongly encouraged, as well as the installation of roof-mounted accessory solar energy systems.

U. Woodland Disturbance

Woodland disturbance, including alteration or removal of any hedgerows, shall be minimized. No portions of tree masses, tree lines, hedgerows, or individual freestanding trees measuring six (6) inches or greater in diameter at breast height (DBH) shall be removed unless it is clearly necessary to effectuate the proposed development. In no case shall more than 50% of any existing tree masses, tree lines, hedgerows, or individual freestanding trees with six (6)-inch or

greater DBH be removed. For purposes of this subsection, a woodland is defined as a tree mass or plant community in which tree species are dominant or codominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., six (6)-inch or greater DBH) covering an area of .25 of an acre or more, or consisting of more than 50 individual trees six (6) inches or greater DBH, shall be considered a woodland.

V. Threatened and Endangered Species

(1) PNDI
A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the Peach Bottom Township Zoning Hearing Board.

(2) Compliance
The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

W. Riparian Forest Buffer Area

Data Centers subject to the requirements of this Section must satisfy the stricter of the requirements of this Section, or of 25 Pa. Code 102.14, Riparian Buffer Requirements.

(1) For purposes of this Section, a riparian buffer is an area of permanent vegetation along a waterway that is left undisturbed to allow for the natural succession of native vegetation. A riparian forest buffer is a type of riparian buffer that consists predominantly of native trees, shrubs, and forbs, providing at least 60% uniform canopy cover.

(2) Where the project site contains, is along, or is within 150 feet of a perennial or intermittent river, stream, or creek, lake, wetland, floodplain, pond, or reservoir, whether natural or artificial, the use will be subject to the requirements of this Section and shall, in accordance with the requirements of this subsection, do one of the following:
   a. Protect an existing riparian forest buffer.
   b. Convert an existing riparian buffer to a riparian forest buffer.
   c. Establish a new riparian forest buffer.

(3) Where a riparian forest buffer exists, it shall be left intact to meet the width requirements in subsections (6) and (7). An existing riparian forest buffer need not be altered to establish individual Zones 1 and 2 under subsection (9).

(4) Riparian buffers that consist predominantly of native woody vegetation that do not satisfy the composition requirements for a riparian forest buffer in subsection (1) or the width requirements in subsections (6) and (7) shall be enhanced or widened, or both, by additional plantings in open spaces around existing native trees and shrubs to provide at least 60% uniform canopy cover for the required width and shall be composed of zones in accordance with subsection (9).

(5) On sites without native woody vegetation, a riparian forest buffer providing at least 60% uniform canopy cover shall be established to meet the width requirements in subsections (6) and (7) and be composed of zones in accordance with subsection (9).

(6) The width of the riparian forest buffer shall be a minimum of 100 feet on each side of the water body as measured from the top of the bank. The boundary of the buffer shall follow the natural streambank or shoreline.

(7) Measured within the 100-foot buffer, the following additional distances shall be added to the minimum width of the riparian forest buffer:
   a. 10 feet if the average slope is 10-15%,
   b. 20 feet if the average slope is 16-17%,
   c. 30 feet if the average slope is 18-20%,
   d. 50 feet if the average slope is 21-23%,
   e. 60 feet if the average slope is 24-25%, or
   f. 70 feet if the average slope exceeds 25%.

(8) In the case of the presence of a nontidal wetland or vernal pond wholly or partially within the riparian buffer area, an additional 25 feet shall be added to the width of the riparian forest buffer area for that portion of the buffer area along the wetland, floodplain, or pond.

(9) A new riparian forest buffer or a converted riparian forest buffer shall be composed of zones as follows:
   a. Zone 1 shall begin at the top of the streambank or normal pool elevation of a lake, pond, or reservoir and occupy a strip of land 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian tree species identified in Appendix C.1 of the PA Department of Environmental Protection Guidance Document 394-5600-001, entitled Riparian Forest Buffer Guidance.
   b. Zone 2 shall begin at the landward edge of Zone 1 and occupy an additional strip of land a minimum of 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian trees and small tree/shrub species identified in Appendix C.1 of the PA Department of Environmental Protection Guidance Document, 394-5600-001, entitled Riparian Forest Buffer Guidance.

(10) No earth disturbance, land development, or storing or stockpiling of materials shall occur within the riparian forest buffer area.

(11) In the management of riparian buffers, noxious weeds and invasive species shall be removed or controlled to the greatest extent possible.

(12) Existing, converted, and newly established riparian buffers, including access easements, must be protected in perpetuity through deed description, conservation easement, permit conditions, or any other mechanisms that ensure the long-term functioning and integrity of the riparian buffer.

(13) The riparian buffer shall be designated on the final subdivision and/or land development plan.

X. **Solar**

(1) All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.

(2) Any portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index of not less than 78. This shall be the minimum solar reflective rating of the roof material for the life of the building.

(3) On buildings over 250,000 square feet, prior to the issuance of a certificate of occupancy, the Peach Bottom Township Zoning Hearing Board shall ensure rooftop solar panels are installed and operated in such a manner that they will supply as much power as needed to operate the facility as is feasible.

Y. Cooling

(1) A Data Center shall utilize the best available cooling technology as determined at the time of the site plan approval. For the purposes of this Ordinance, best available cooling technology shall mean the cooling system or combination of systems that:

a. Achieves the lowest reasonably achievable Power Usage Effectiveness.
b. Minimizes potable water consumption, prioritizing water-efficient technologies.
c. Demonstrates commercial availability and proven feasibility for Data Center applications.
d. Produces the least environmental impact, considering energy demand, water use, waste heat potential, and local climatic conditions

Z. Fees and Penalties

(1) Annual Impact Fee

The owner of a Data Center shall enter into an Agreement with the Township requiring and committing the owner to pay the Township an annual sum of $100,000 for each Data Center payable before January 15th of each calendar year during commercial operation of the Data Center with the first payment due in full upon issuance of a certificate of occupancy. The required payment shall be adjusted automatically, every year after 2026, at the end of each subsequent year to reflect changes in the Consumer Price Index-Seasonally Adjusted U.S. City Average, For All Items, For All Urban Consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics during the previous year.

(2) Penalties and Relief

Notwithstanding any other provision of the Peach Bottom Township Zoning Ordinance, including Section 417, in the event that there is a violation of any provision of this Section 339B. Data Centers, the Township shall notify the owner of the Data Center of the violation in writing and the actions needed to remedy the violation, and the timeframe when such remedy must occur. If the violation is not corrected within such time period, the Township may take any and all actions to compel compliance including but not limited to injunctive relief and/or monetary fines at an amount established by the Peach Bottom Township Zoning Ordinance. Should legal action be necessary to compel compliance, venue shall be located in the York County Court of Common Pleas or the Federal District Court of the Middle District of Pennsylvania. The Township shall be entitled to recover all attorneys' fees, costs, and expenses to compel compliance.

AA. Decommissioning

(1) Decommissioning is defined within this Section 339B as when a Data Center is deemed to have ceased operations when data processing or storage functions (or all server operations) have been discontinued for a continuous period of twenty (20) months, and the owner fails to demonstrate to the Peach Bottom Township Zoning Hearing Board in writing that good-faith efforts are underway to resume operations within a reasonable time.

(2) At the time of application, a Data Center applicant shall submit a decommissioning plan, to be updated and resubmitted every five (5) years after first issuance of the certificate of occupancy, which must include:

a. Identification of conditions or events that trigger decommissioning.
b. Proposed methods and schedule for removal or beneficial reuse of all structures, equipment, foundations, fencing, impervious surfaces, utility lines, and associated infrastructure
c. Methods for disconnection, capping, or removal of utilities (electric, telecommunications, water, sanitary, storm) and site stabilization
d. Schedule for completing decommissioning and site restoration, including final grading, re-vegetation or landscaping, debris removal, and final inspection
e. Site restoration plan showing how disturbed areas will be re-graded, impervious surfaces addressed, and vegetation established
f. Cost estimate prepared, sealed, and signed by a Professional Engineer licensed in Pennsylvania
g. Identification of responsible party(ies), including name, address, contact information, and a statement accepting responsibility for decommissioning
h. Statement of how financial security will be maintained and updated over time

(3) Financial Security shall be posted, in a form acceptable to the Township solicitor (e.g., performance bond or irrevocable letter of credit).

a. The financial security shall equal 110% of the estimated decommissioning cost, without adjustment for salvage value of any equipment.

b. Security shall remain in effect for the life of the facility and shall be adjusted every five (5) years or sooner upon request by the Township.

(4) All above-ground and below-ground structures, equipment, foundations, fencing, and associated impervious surfaces shall be removed unless the Township Board of Supervisors approves a reuse plan. Below-ground foundations shall extend to a minimum of three (3) feet below final grade unless approved otherwise.

(5) All utilities shall be properly disconnected and capped per applicable codes and standards.

(6) Disturbed areas shall be re-graded to stable slopes and stabilized with sod, groundcover, or native vegetation until fully established. Buffers and screening shall be restored, if required.

(7) All hazardous or regulated materials must be removed and disposed of according to applicable federal, state, and local laws, including PA DEP regulations, with proof of disposal submitted to the Zoning Hearing Board.

(8) Upon completion, a Certificate of Restoration shall be submitted to the Zoning Hearing Board. The Township Engineer may inspect and verify completion before releasing financial security.

(9) The Township may exercise rights under the security to complete decommissioning and restoration and recover additional costs form the owner, successors, or assigns. If the owner fails to complete decommissioning and restoration, the Township may draw on the security and undertake the work, recovering any additional costs in accordance with the Pennsylvania Municipalities Planning Code and Township Ordinances.

Section 4: Any Ordinance inconsistent with any of the provisions of this Ordinance is repealed to the extent of the inconsistency only.

Section 5: In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and remain in full force and effect.

Section 6: This Ordinance shall become effective five (5) days following its enactment by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania, as provided by law.

BE IT ORDAINED AND ENACTED, this _____ day of _____, 2026.

ATTEST:

PEACH BOTTOM TOWNSHIP
BOARD OF SUPERVISORS

_____
Secretary

By: _____
Chairman