EARL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-__2___

AN ORDINANCE OF THE TOWNSHIP OF EARL, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EARL, CHAPTER 27 ENTITLED "ZONING", TO ALLOW FOR AND PROVIDE REGULATIONS FOR DATA CENTER USE AS A CONDITIONAL USE WITHIN THE I - INDUSTRIAL DISTRICT

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq*., enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, the Board of Supervisors of the Township of Earl desires to amend the Code of the Ordinances of the Township of Earl to protect the welfare of the public, by amending zoning regulations found at Chapter 27 of such Code to provide for and regulate Data Center Use as a Conditional Use in the I - Industrial District of Earl Township.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Earl, Berks County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code and the Pennsylvania Municipalities Planning Code, as follows:

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Earl, Berks County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code and the Pennsylvania Municipalities Planning Code, as follows:

SECTION 1. The Code of Ordinances of the Township of Earl, Chapter 27 entitled "Zoning", Part 3 entitled "Definitions", Section 302 entitled "Specific Terms" is hereby amended to add the following definitions:

> Data Center. A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and/or communications equipment and related equipment for the handling, storing, and backing up the data necessary for the operation of a business or organizational entity. This use shall also include processing for artificial intelligence and machine learning applications, cryptocurrency mining, blockchain transaction processing, and server farms. Data Center may also include Data Center Equipment and/or Data Center Accessory Uses when located on the same tract or assemblage of adjacent parcels developed as a unified development. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. Unified development means a single land development plan.

Data Center Equipment (DCE) and Data Center Accessory Uses. The utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security necessary for a Data Center when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center. Unified development means a single land development plan.

Holiday. The following days: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

PUC. The Pennsylvania Public Utility Commission.

SECTION 2. The Code of Ordinances of the Township of Earl, Chapter 27 entitled "Zoning", Part 7 entitled "I - Industrial District", Section 703 entitled "Conditional Uses" is hereby amended to add Subsection 703.K which shall read in its entirety as follows:

K. Data Center (See §1237.)

SECTION 3. The Code of Ordinances of the Township of Earl, Chapter 27 entitled "Zoning", Part 7 entitled "I - Industrial District", Section 705 entitled "Area and Dimensional Requirements for Uses and Principal Structures Permitted by Right" is hereby amended to be entitled "Areas and Dimensional Requirements for Uses and Principal Structures permitted by Conditional Use", and the first paragraph of this Section is amended to read in its entirety as follows:

> All uses and principal structures erected or altered for any use permitted as a conditional use shall conform to the following requirements, unless more specific regulations exist for a use permitted by conditional use is set forth in Part 11 entitled "General Regulations":

SECTION 4. The Code of Ordinances of the Township of Earl, Chapter 27 entitled "Zoning", Part 12 entitled "Performance Regulations", is amended to add a new Section 1237 entitled "Data Center" which shall read in its entirety as follows:

§1237. Data Center.

A. Dimensional Regulations.

1. Where there is a conflict between this Subsection and any other section or subsection of this chapter, the provision of this Subsection shall apply.

2. The maximum height for any Data Center shall be 45 feet, with an additional 15 feet permitted for roof-mounted equipment, including but not limited to such as cooling and ventilation systems, HVAC units and cooling towers.

3. The maximum height for any Data Center Equipment and Data Center Accessory Uses shall comply with the dimensional regulations of the district where the parcel is located.

4. Each Data Center building shall not exceed 100,000 square feet in area.

5. No more than three (3) Data Center buildings shall be permitted in one (1) Data Center development.

6. The minimum lot area for any Data Center shall be 15 acres.

7. The Data Center, Data Center Equipment and Data Center Accessory Uses shall be setback at least 100 feet from any lot line and any ultimate right-of-way, although the parking and loading/unloading areas, and driveways may be no less than 15 feet from any lot line.

8. Notwithstanding the foregoing, the Data Center, Data Center Equipment and Data Center Accessory Uses shall be setback at least 250 feet from any dwelling and from the boundary of any residential zoning district (WAC and HR).

9. Data Center Equipment shall be located in the rear yard only.

10. Any Data Center building shall be setback at least 50 feet from any other Data Center building.

11. The Data Center cooling system shall be a closed-loop liquid-based system. An air-cooled system shall not be the primary cooling system. Closed-loop cooling systems shall be designed and maintained to minimize the risk of leaks, including the use of corrosion-resistant materials, appropriate pressure controls, and leak-detection systems where liquid cooling is routed in or near IT spaces. Routine maintenance activities, including periodic flushing, cleaning, and replacement of closed-loop cooling fluids, are permitted, provided that all drained fluids and flush water are collected and removed from the site for proper off-site treatment or disposal in accordance with applicable environmental regulations. Any drainage of fluids from the cooling system shall be removed from the site for disposal. Any condensate from the cooling system shall be captured and removed from the site for disposal. In no case shall cooling system drainage of fluids or condensate from the cooling system be discharged into the sanitary sewer or stormwater system of the Data Center, or allowed to enter stormwater facilities, surface waters, or groundwater. Outdoor portions of the closed-loop cooling system containing glycol or other chemical additives shall be provided with secondary containment or equivalent measures to prevent uncontrolled discharge to soil or stormwater systems in the event of a line or equipment failure.

12. Backup electric power generators serving the Data Center, Data Center Equipment, and Data Center Accessory Uses shall be fueled by natural gas only.

Natural gas shall be supplied by a PUC regulated natural gas distribution company through local distribution mains; bulk storage of natural gas on site is not permitted.

13. Any large-scale stationary battery systems (including, but not limited to, uninterruptible power supply systems and battery energy storage systems) associated with the Data Center, Data Center Equipment, and Data Center Accessory Uses shall be designed, installed, and maintained in accordance with applicable fire, building, and electrical codes, including provisions for ventilation, explosion protection, and containment of spills and leaks of electrolyte. The Data Center, Data Center Equipment, and Data Center Accessory Uses must use a "Secondary Containment" system designed to capture 100% of the water used during an 8-hour fire suppression event to prevent toxic runoff from entering any storm sewer system, waters of the Commonwealth, wetland areas, or other groundwater sources.

14. Where reasonably practicable, the site design shall incorporate means to contain and manage fire-fighting runoff from areas housing large battery systems so as to minimize the potential for uncontrolled discharge of contaminated water to stormwater facilities, surface waters, or groundwater

15. Data Centers shall be located at least 1,000 feet from any school, cemetery, church, licensed daycare, or designated historic structure (as identified in the Comprehensive Plan), and at least 1,000 feet from any Data Center on another property.

B. Fire Safety and Emergency Response. An Emergency Response Plan shall be prepared by a qualified professional to be reviewed and approved by the Township Building Code Official and the Fire Chief(s) of the local fire company(ies). Such Plan shall include detailed information regarding fire suppression, containment, ventilation and evacuation, as well as access and hydrant locations, as applicable. In reviewing the adequacy of the Fire Safety and Emergency Response Plan, the following shall be considered, in addition to Building Code requirements:

1. Use of fire-resistant rated construction materials.

2. Location of IT equipment and restricted access to it.

3. Openings and penetrations.

4. Aisle containment and hot air systems.

5. Limitation of materials in and around IT equipment.

6. Construction of IT materials.

7. Design and installation of automatic fire protection systems, such as sprinkler systems or gaseous extinguishing systems.

8. Automatic detection systems.

9. Portable extinguishers and hose lines.

10. Staff training.

11. Any on-site battery storage systems.

12. Emergency and recovery procedures.

13. Maintenance and auditing plan for fire safety.

C. Fire Lanes. Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations and dimensions of these lanes are subject to review by the Township Building Code Official and the Fire Chief(s) of the local fire company(ies).

D. Knox Box. A Knox Box or similar rapid entry system shall be provided for emergency and fire protection access, with the type, location, and specifications to be satisfactory to the Township Building Code Official and the Fire Chief(s) of the local fire company(ies).

E. Emergency Site Access. The Data Center shall have an adequate means of secondary ingress and egress suitable for emergency vehicles in accordance with the standards of the I – Industrial District and as approved by the Township Engineer, the Township Building Code Official, and the Fire Chief(s) of the local fire company(ies).

F. Emergency Roof Access. The Data Center shall have both interior and exterior roof access for emergency services as approved by the Township Engineer, the Township Building Code Official, and the Fire Chief(s) of the local fire company(ies).

G. Emergency Services Training. The Data Center shall provide, or cause to be provided, at the expense of the owner or operator of the Data Center, training for the firefighters and fire company leadership of the local fire company(ies) and EMS personnel or ambulance service providers operating within the Township, on an annual basis, regarding the specialized firefighting and EMS skills needed to manage electrical equipment, battery storage units, natural gas, and backup generators in the event of a fire or EMS emergency.

H. Emergency Services Equipment. The Data Center shall provide to the local fire company(ies) and to EMS personnel or ambulance service providers operating within the Township any specialized or supplemental firefighting and EMS equipment needed to address the emergency services requirements of the Data Center.

I. Sound levels shall be maintained at a level that does not exceed the standards established by this section. Where there is a conflict between this Subsection and any other section or subsection of this chapter, the provision of this Subsection shall apply.

1. Equivalent Continuous Sound Level Limits (5-minute L_{Aeq} and L_{Ceq}) - The sound levels (5-minute, A and C weighted equivalent continuous sound levels, L_{Aeq} and L_{Ceq}) as measured at any location on a receiving property, shall not exceed the limits in the following table, as measured with a Type 1 sound level meter, and measured according to ANSI/ASA S1.13-2020 and ANSI/ASA S12.18-1994 (R2009) methodologies (or the most recent revisions). Sound levels shall be measured by a qualified acoustical consultant. Regardless of the zoning classification of the noise source, the noise emitted by any source shall not exceed the limits for any property and corresponding zoning classification onto which it propagates, except as exempted below.

Equivalent Continuous Sound Level Limits (5-minute LAeq and LCeq)

Zoning District or Use of Receiving Land Use	**Day (7:00 a.m. to 7:00 p.m.)**	**Night 7:00 p.m. to 7:00 a.m., Sundays and Holidays**
Residential/School, Cemetery, Church, Licensed daycare, or Designated Historic Structure	50 dB(A) / 60 dB(C)	45 dB(A) / 55 dB(C)
Recreational/Commercial	60 dB(A)	55 dB(A)
Industrial/Manufacturing	67 dB(A)	65 dB(A)

2. Maximum Sound Level Limits (Slow Response LASmax and LCSmax) - The Maximum Sound Levels (Slow Response, A- and C-weighted maxima) as measured at any location on a receiving property, shall not exceed the limits in the following table, as measured with a Type 1 sound level meter, and measured according to ANSI/ASA S1.13-2020 and ANSI/ASA S12.18-1994 (R2009) methodologies (or the most recent revisions). Sound levels shall be measured by a qualified acoustical consultant. Regardless of the zoning classification of the noise source, the noise emitted by any source shall not exceed the total limits for any property and corresponding zoning classification onto which it propagates, except as exempted below.

Maximum Sound Level Limits (Slow Response LASmax and LCSmax)

Zoning District or Use of Receiving Land Use	**Day (7:00 a.m. to 7:00 p.m.)**	**Night 7:00 p.m. to 7:00 a.m., Sundays and Holidays**
Residential/School, Cemetery, Church, Licensed daycare, or Designated Historic Structure	60 dB(A) / 60 dB(C)	55 dB(A) / 55 dB(C)

Maximum Sound Level Limits (Slow Response LASmax and LCSmax)

Zoning District or Use of Receiving Land Use	Day (7:00 a.m. to 7:00 p.m.)	Night 7:00 p.m. to 7:00 a.m., Sundays and Holidays
Recreational/Commercial	65 dB(A) and dB(C)	60 dB(A) and dB(C)
Industrial/Manufacturing	65 dB(A) and dB(C)	60 dB(A) and dB(C)

3. When required in accordance with this chapter or any other chapter of the Township Code, a sound study(s) shall be conducted.

4. The sound limits contained in this subsection shall not apply to the following noise source:

   a. Sounds for emergency preparedness and response, or sounds created by emergency backup power supply during times of power outage; however, compliance with the sound limits specified herein shall be re-established within three hours of the cessation of such event or restoration of power.

   b. Work to provide, repair, or replace electricity, water or other public utilities involving public health or safety.

   c. Normal and legally permitted residential activities customarily associated with residential use.

   d. Domestic power tools.

   e. Temporary activities involving construction and demolition activities.

   f. Agriculture.

   g. Motor vehicle operations on public streets. Such noise shall be regulated by Pennsylvania Transportation Regulations governing established sound levels.

   h. Public celebrations or activities authorized by the Township.

   i. The unamplified human voice.

J. Noise Study. The applicant shall provide a Noise Study conducted by a professional acoustical expert concluding that the Data Center, Data Center Equipment, and Data Center Accessory Uses will comply with the Noise Control regulations above, including applicable decibel limits, low-frequency noise, tonal noise, humming, vibration-related noise, and similar sound impacts, and what noise reduction materials, systems or other improvements are proposed for that purpose. The Noise Study shall also evaluate the noise with respect to the above regulations when the power is out. The Noise Study shall

be conducted using Sound Level Meters described in ANSI S1.4-2014, and generally accepted criteria. The Noise Study shall occur in the following phases:

1. Preliminary Noise Study – A preliminary Noise Study for the Data Center, Data Center Equipment, and Data Center Accessory Uses shall be filed with the conditional use application and propose the noise reduction materials, systems or other improvements to meet the above noise control regulations.

2. Interim Noise Study – An interim Noise Study shall be filed during the building permit review process based upon the proposed user or users of the Data Center as depicted on the building plans. The noise reduction materials, systems or other improvements recommended by the interim Noise Study shall be incorporated into the construction plans for the Data Center.

3. As-Built Noise Study – An as-built Noise Study shall be filed no more than 6 months after issuance of the Certificate of Occupancy for the Data Center and 50% occupancy of the Data Center. This study must be completed and approved prior to the final escrow release for any land development phase. The as-built Noise Study shall only be performed after the Data Center is operational. An as-built Noise Study may also be required thereafter by the Township upon request. If the Township determines that a violation of the above noise control regulations has occurred or is occurring, then the owner, operator, or user of the Data Center shall promptly remediate the violation into compliance with the aforesaid sound limits.

All costs associated with the Noise Study at its various phases shall be borne by the applicant. The costs for the interim and as-built noise studies shall be posted as part of the financial security for the land development plan approval prior to recordation of the final plan

K. Vibration Control. No Data Center, Data Center Equipment, and Data Center Accessory Uses shall cause, suffer, or permit any vibration, which is discernible to the human sense of feeling, beyond the property on which the use is located.

L. Electric. The applicant shall provide with the conditional use application an interconnection agreement from the electric service provider indicating that capacity is available, and the Data Center, Data Center Equipment, and Data Center Accessory Uses will be served. Known impacts on electric rates or availability for others uses directly attributable to the Data Center, Data Center Equipment, and Data Center Accessory Uses shall be noted.

M. Electrical Disturbance. No Data Center, Data Center Equipment, and Data Center Accessory Uses shall cause, suffer, or permit electrical disturbance adversely affecting the operation of any equipment located beyond the property on which the use is located.

N. Electrical Power. Data Center, Data Center Equipment, and Data Center Accessory Uses shall be designed and operated so that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., as to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed in accordance with the landscaping requirements herein. On-site electrical power generation may be used only for temporary, emergency energy generation; the primary source of electrical energy shall be a regionally interconnected transmission and distribution electrical grid.

O. Public Water Service. Data Center, Data Center Equipment, and Data Center Accessory Uses shall be served by public water. No on-lot well may be used for water supply.

P. Public Sanitary Sewer Service. Data Center, Data Center Equipment, and Data Center Accessory Uses shall be served by public sanitary sewer service.

Q. Utility Extension Costs. All costs associated with the extension, installation, upgrade, or improvement of water, sanitary sewer, natural gas, electric, telecommunications, or other utility lines or facilities necessary to serve the Data Center, Data Center Equipment, and Data Center Accessory Uses shall be borne by the applicant.

R. Water Study. The applicant shall submit with the conditional use application an analysis of raw water needs (groundwater or surface water) from public sources, indicating quantity of water required. The applicant shall submit documentation that the public authority will supply the water needed.

S. Hydrological. The applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity, and that if public water is being used, that the Data Center's use will not impact water quantity, water pressure, or water or sewer availability to other customers, and will not cause or contribute to an increase in water or sewer rates for other customers. The water feasibility study shall include the following information at a minimum:

1. The projected water demands of the Data Center;

2. The source of the water used;

3. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire control);

4. The long-term safe yield of the water source;

5. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;

6. A geologic map of the area with a radius of at least one mile from the site;

7. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all wells;

8. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;

9. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table; and

10. A statement of the qualifications and the signature(s) of the person(s) preparing the study. The study shall be prepared by a qualified licensed engineer or geologist.

11. The Township reserves the right, at Applicant's cost, to retain qualified professionals to review water impact studies and plans.

The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects proposing withdrawal of water or consumptive water use above DRBC thresholds then in effect.

T. Pollution Prevention and Control (PPC) Plan. Prior to commencing operations, Data Center, Data Center Equipment, and/or Data Center Accessory Uses subject to this Section shall prepare and implement a Pollution Prevention and Control (PPC) Plan. The PPC Plan shall be submitted to the Township as part of the permit application process. The Plan shall include, at a minimum:

1. Facility description, including a description of all operational activities, chemical use, waste generation, and stormwater exposure pathways.

2. Inventory of all regulated substances stored or used on-site, including quantities, storage methods, and Safety Data Sheets (SDS) for each substance.

3. Identification of pollution sources, including fueling operations, cooling tower blowdown, transformer fluids, fire suppression agents (including PFAS-containing agents), batteries, and wastewater discharges;

4. Best Management Practices (BMPs) to minimize or eliminate pollutant exposure, including:

a. Covering or enclosing chemical storage and transfer areas;

b. Implementing spill kits at all fuel transfer and storage locations;

c. Routing all contaminated stormwater through oil/water separators or equivalent treatment prior to discharge;

d. Proper management and disposal of all hazardous and universal wastes (e.g., batteries, fluorescent lamps, used oil).

5. Cooling system chemical management, including identification of any biocides, corrosion inhibitors, or other chemicals introduced into cooling water, and procedures for managing and limiting blowdown discharge to the publicly owned treatment works (POTW) in compliance with applicable pretreatment standards;

6. Stormwater management measures, consistent with any applicable NPDES permit or MS4 requirements;

7. Spill response and incident notification procedures consistent; and

8. Training and personnel responsibilities, including designation of a facility Pollution Prevention Coordinator.

Plan Review and Updates. The PPC Plan shall be reviewed and updated annually and upon any material change in facility operations, chemical use, or site conditions.

U. Air-quality and generator-specific standards. The following standards shall apply to Data Center, Data Center Equipment, and Data Center Accessory Uses:

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

2. Generator inventory. The applicant shall submit an inventory of all existing and proposed generators and other onsite combustion sources, including number, make/model, fuel type, rated electrical output (kW/MW), maximum heat input (MMBtu/hr), exhaust stack height, and maximum proposed hours of operation (emergency and non-emergency) for each unit.

3. Run-time limitations. Non-emergency operation of each generator for testing and maintenance shall be limited to a maximum of 100 hours per calendar year, or such lower limit as may be necessary to comply with state and federal air permits,

and shall not occur during periods when the Air Quality Index as calculated by the EPA for the area is "Unhealthy" or worse, except as required during a grid-declared emergency.

4. Prohibited uses of generators. Use of backup generators for economic dispatch, peak-shaving, or other non-emergency power generation shall be prohibited unless specifically authorized under applicable air permits and approved by the Board as part of the conditional use, taking into account cumulative community air-quality impacts.

5. Stack design and location. Generator exhaust stacks shall be designed and located to promote dispersion away from nearby residential properties and from any school, cemetery, church, licensed daycare, or designated historic structure (as identified in the Comprehensive Plan). Stacks shall extend above adjacent rooflines and shall be oriented, to the maximum extent feasible, away from existing dwellings, schools, and similar uses on neighboring parcels.

6. Setbacks from any school, cemetery, church, licensed daycare, designated historic structure, or lot line. No generator or associated exhaust stack shall be located closer than 1000 feet from any school cemetery, church, licensed daycare, or designated historic structure (as identified in the Comprehensive Plan), 250 feet to any lot line for an existing residential use, or 150 feet from any other lot line, unless the applicant demonstrates through air-dispersion modeling that the project will not cause or contribute to an exceedance of applicable ambient air-quality standards at such locations.

7. Air-dispersion analysis. For any Data Center proposing an aggregate backup generation capacity exceeding 1 MW (=1,000,000 watts) or 10 MMBtu/hr(=10,000,000 Btu), the applicant shall submit an air-dispersion analysis prepared by a qualified professional, evaluating, at a minimum, nitrogen dioxide (NO2) and fine particulate matter (PM2.5) concentrations at surrounding properties and surrounding schools, cemeteries, churches, licensed daycares, or designated historic structures, considering simultaneous testing scenarios and cumulative impacts of other major permitted sources within at least a one-mile radius.

8. Monitoring and reporting. As a condition of approval, the Board may require the operator to maintain records of generator testing and emergency operation hours and to submit annual summary reports to the Township, and, for large campuses, to install ambient air-quality monitors (e.g., NO2 and PM2.5) at or near the property boundary.

V. Natural Gas. The Data Center, Data Center Equipment, and Data Center Accessory Uses shall have access to a natural gas supply to fuel backup energy needs.

W. Negative Impacts. No use or activity producing dust, smoke, fumes, glare, exhaust, heat, or ionizing or electromagnetic radiation shall be carried on above limits established by applicable law or regulation.

X. Parking. The Data Center, Data Center Equipment, and Data Center Accessory Uses shall provide two parking spaces per employee on site during the largest shift or 1 space per 500 square feet of building area, whichever is greater, plus an additional ten (10) visitor parking spaces.

Y. Traffic Study. A traffic impact study shall be submitted if required under Section 1508.C of the Zoning Ordinance.

Z. Off Street Loading. A minimum of one (1) loading bay is required. Loading bays shall be located on one facade of the Data Center principal building. These bays shall be designed to cause no obstructions to adjacent street traffic whether during backing and parking or parking and unloading. Sufficient area shall be provided to allow for emergency access around loading areas.

AA. Site Planning. Any generators, backup generators, and cooling units shall be located on the side of any Data Center principal building which has the least exposure to any residential use on another property.

BB. Emergency Contact Information. The Data Center owner/operator shall provide the Township, Berks County 911 Communications, and emergency service providers with current emergency contact information. Such information shall include, at minimum, the owner/operator's name, name of the owner/operator's representative, and the representative's cell phone number.

CC. Design Guidelines. The following design standards shall apply to Data Center development:

1. Principal building facades. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements every 100 feet: change in building height; building setbacks or recesses; fenestration; change in building material, pattern, texture, color; or use of accent materials. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.

2. Screening of mechanical and electrical equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical and electrical equipment shall be screened and noise mitigation effort shall be incorporated in such areas as determined during the Subdivision and Land Development process. This screening may be provided by a principal building or existing vegetation that will remain on the property or is within a landscaping/buffer easement on an adjacent property. Mechanical and electrical

equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

3. Landscaping and buffering. A buffer yard is required from a residential district (WAC and HR) or existing residential uses' property line within the required setback from said property line. This buffer yard shall consist of a berm and a dense screen of evergreen and deciduous trees. Landscaping shall be installed between the Data Center and road rights-of-way, and shall consist of at least one evergreen tree and one deciduous tree for every 20 feet of road frontage adjacent or frontage along an adjacent residential parcel, to the Data Center. Other than accessways, a berm averaging a minimum of 5 feet in height, shall be installed above the adjacent average ground level, with a maximum slope of 3:1, shall be installed along the frontage of the property and between the Data Center and any adjacent residentially zoned or residentially used properties. The required screening is to be placed on the berm or as otherwise necessary to provide an effective visual buffer. Fencing may be used to augment the required vegetative screening. The required screening shall be planted in a staggered manner, shall be native species, and shall have a mixture of varieties. All coniferous trees shall be a minimum of 6 feet in height at time of planting, and all deciduous trees shall not be less than 2-inch caliper at time of planting. Except as approved by the Township during the Subdivision and Land Development process, the required buffering shall be installed at the commencement of any construction of a Data Center. Planted materials shall be maintained, and shall be replaced as necessary when plant material dies or fails to flourish.

4. Vegetative Screening. Any chain-link fence, barbed-wire fence, or similar security fencing shall be screened from adjoining properties and public rights-of-way by vegetative screening around the exterior perimeter of the fencing, except where such screening would interfere with access gates, driveways, required sight distance, or emergency access.

DD. Decommissioning. The Data Center shall, at the expense of the Data Center, complete decommissioning of the Data Center within six (6) months after the end of the useful life of the facility. The Data Center will be presumed to be at the end of its useful life if electrical consumption drops by more than fifty (50%) percent from its peak consumption for a continuous period of twelve (12) months. As a condition of the issuance of a permit for the Data Center use, the Data Center shall obtain from the utility company an agreement to notify the Township within thirty (30) days whenever electrical consumption drops by more than fifty (50%) percent from its peak consumption. Decommissioning shall include removal in their entirety of all electronic equipment, battery storage units, and backup generators. Materials and equipment removed from the Data Center shall be recycled or reused to the extent practically possible.

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

If the Data Center fails to complete decommissioning within the required period, then the Township may take such measures as necessary to complete decommissioning. The Township is granted the right to injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for amount of the excess, and to take all steps allowed by law to enforce such lien. The issuance of a zoning permit for the Data Center use shall constitute agreement and consent of the Data Center, its successors and assigns, that the Township may take such action as necessary to complete decommissioning. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the Township to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the Data Center when the Data Center has demonstrated and the Township concurs that decommissioning has been satisfactorily completed.

SECTION 5. The Code of Ordinances of the Township of Earl, Chapter 27 entitled "Zoning", Part 15 entitled "Administration and Enforcement", is amended to amend Section 1508 entitled "Traffic Impact Study", Letter "C." entitled "Applicability" to read in its entirety as follows:

C. Applicability.

1. Traffic Impact Study Required:

a. Abbreviated Traffic Impact Study. Whenever a proposed project will propose fifteen (15) or more lots or residential dwellings, or any non-residential land development generating greater than 50 but less than 100 new vehicle trips in

the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform an abbreviated traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development. The abbreviated traffic impact study shall include:

1. A capacity analysis report prepared under the supervision of a qualified and experienced transportation engineer.

2. The study area for the capacity analysis report shall only include all proposed intersections.

b. Comprehensive Traffic Impact Study. Whenever a proposed project proposes twenty-five (25) or more lots or residential dwellings, or any non-residential land development that will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform a comprehensive traffic impact study complying with all requirements of Section 1508. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development.

2. An application which requires a Traffic Impact Study shall not be considered complete until the Traffic Impact Study is submitted to the appropriate review body in accordance with the provisions of this Section.

3. The anticipated number of trips per day shall be determined through the use of Institute of Transportation Engineers' (ITE) Trip Generation Report (current edition). The proposed use or development shall be identified using the appropriate ITE land use code. When doubt exists, the applicant shall seek guidance from the Planning Commission.

SECTION 6. Repeal of Ordinances.

Any ordinance or part of ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 7. Severability.

If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 8. Effective Date.

This Ordinance shall become effective immediately after enactment, as provided by law.

SECTION 9. Code of Ordinances.

The Code of Ordinances, as amended, of the Township of Earl, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplementcd, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances upon adoption.

ENACTED AND ORDAINED as an Ordinance of Earl Township, Berks County, Pennsylvania, this 16 day of November, 2026.

BOARD OF SUPERVISORS OF
EARL TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

William H Mayer
Chairman

Vice Chairman

John Clemens
Member

ATTEST:

Janice Haller
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2026-2 adopted by the Board of Supervisors of Earl Township, Berks County, Pennsylvania at a public meeting held on November 11th, 2026, pursuant to notice as required by law.

Dated: 11/11/26

Janice Haller
Township Secretary