

TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026 01

**AN ORDINANCE OF THE TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE MAXATAWNY TOWNSHIP ZONING ORDINANCE OF 2012, AS AMENDED, BY ADDING, MODIFYING OR REVISING ARTICLE II-DEFINITIONS, ARTICLE IV-DISTRICT REGULATIONS AND ARTICLE V- SUPPLEMENTARY REGULATIONS TO PROVIDE FOR DATA CENTERS.**

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 Maxatawny desires to amend the Maxatawny Township Zoning Ordinance of 2012, as amended, to add, modify and/or revise Article II-Definitions and to add, modify and/or revise Article IV- District Regulations, Article V- Supplementary Regulations, to provide for Data Centers.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article II entitled “Definitions”, Section 202 entitled “Specific Terms” is amended to add the following definitions:

Data Center: A building or group of buildings, which are occupied primarily by computers, information technology facilities, storage components, telecommunication networks and/or related equipment that is utilized to process, transmit, transfer, enhance, duplicate, salvage and/or store data at a single location or shared with other off-site locations. A data center shall not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on a property, such as servers associated with institutional, commercial or office uses. Data Centers may also include crypto currency mining, block-chain transaction processing, and server farms. Data Center shall include Data Center Equipment.

Data Center Equipment: All supporting components, structures and/or equipment for a data center, which may include, but not limited to: utilities; utility lines; administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; domestic and non-contact cooling water and waste-water treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); redundant data communications connections; and security features, provided such data center equipment are located on the

same tract. This does not include public utility infrastructure upgrades that may be required for the proposed Use.

SECTION 2. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article IV entitled “District Regulations”, is amended to add the following section:

408.4(w) Data Center subject to Section 599-C of this Zoning Ordinance

SECTION 3. The Maxatawny Township Zoning Ordinance of 2012, as amended, Article V entitled “Supplementary Regulations”, is amended to add the following section:

**Section 599-C: Data Centers**

- (A) Permitted Uses: A Data Center, as defined under Section 202 of this Zoning Ordinance, shall be permitted by Conditional Use within the Industrial (I) Zoning District, subject to the provisions specified by this Zoning Ordinance.
- (B) Area and Utility Requirements: The following provisions shall apply to a data center:
  - (1) All principal and accessory uses associated with Data Centers, which shall include the proposed buildings and all related impervious surfaces required for the Data Center use shall comply with the following requirements:
    - (a) Minimum Lot Area: 10 acres
    - (b) Minimum Lot Width: 300 feet
    - (c) Minimum Lot Depth: 500 feet
    - (d) Minimum Front Yard Setback: 100 feet
    - (e) Minimum Rear Yard Setback: 100 feet
    - (f) Minimum Side Yard Setback: 100 feet
    - (g) Maximum Building Height: 50 feet
    - (h) Maximum Building Coverage: 30 percent
    - (i) Maximum Lot or Impervious Coverage: 50 percent
  - (2) The uses shall be located at least 500 feet from a principal building occupied by an existing residential, institutional or educational use.
  - (3) The uses shall be located at least 200 feet from a designated residential zoning district, which shall include the A-R, R-1, R-2 and NC Zoning Districts.
  - (4) The Data Center shall be serviced by public or on-lot sanitary sewer facilities, which shall be planned in accordance with the most recent

update to the Maxatawny Township Sewage Facilities Plan as well as any ordinances adopted by Maxatawny Township.

- (5) The Data Center shall be serviced by public or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Maxatawny Township.
- (6) All other utility provisions serving the Data Center shall be planned and installed in accordance with the specifications of the public utility provider supplying service. Unless otherwise required by the utility company or authority providing service, the utility services shall be installed underground.

(C) General Data Center Requirements

- (1) The Data Center shall comply with Section 501.10 Environmental Performance Standards. An environmental impact assessment report shall be submitted to Maxatawny Township, with the Conditional Use Application and Land Development Plan Application, to assess potential environmental and ecological impacts associated with the Data Center, and to demonstrate compliance with applicable requirements. The report shall provide emphasis on: hydrological and hydrogeological resources; air quality; exterior illumination; noise and vibration control; ecological habitats; biodiversity corridors; agricultural preservation and protection initiatives; stormwater best management practices; and other related issues. All mitigation efforts shall be approved by Maxatawny Township and/or the regulatory agencies with jurisdiction.
- (2) The exterior storage of equipment and/or supplies shall be prohibited.
- (3) The Data Center shall not pose a threat to the health, safety and/or general welfare of any property or use within Maxatawny Township. Where appropriate, the landowner or developer shall design, construct, and implement appropriate safeguards.
- (4) The landowner or site manager shall maintain information regarding the nature of the on-site activities and operations, the types of materials to be stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials.
- (5) A Traffic Impact Study shall be required to assess transportation impacts on adjacent roads, intersections and/or other areas designated by Maxatawny Township. The Transportation Impact Study shall evaluate trip generation impacts considering mobility and accessibility for the proposed use considering all hours of operation. Prior to the commencement of the Traffic Impact Study, the Applicant shall consult with the Maxatawny Township Engineer and Zoning Officer to determine the required study area.

- (6) A Utility Impact Assessment Report shall be completed to assess potential impacts associated with utility service required for the Data Center. The Report shall provide emphasis on sanitary sewage disposal; water supply; surface and groundwater depletion impacts; energy supply considering peak service demands; alternative energy supply options; telecommunication and transmission interference; and other related issues.
- (a) Electromagnetic fields and radio-frequency emissions generated by the facility shall not exceed FCC, IEEE, or ICNIRP public exposure limits at or beyond the property lines.
- (7) The following provisions shall specifically apply to the water supply volumes, consumption, conveyance, discharge and recovery impacts that are associated with the Data Center and/or Data Center Equipment:
- (a) If public water supply is to be utilized as part of the use and/or operation, a letter from the public water supply company is required to certify it is capable of providing an adequate supply of water for the projected water supply demands, the methods of conveyance and the discharge of wastewater within the aquifer.
- (b) If on-lot water supply is to be utilized via surface water or groundwater, a Hydrologic Report and/or Hydrogeological Report shall be completed and submitted to Maxatawny Township and the Pennsylvania Department of Environmental Protection to demonstrate that the projected water supply demands will not create any adverse impacts to existing uses located within 2,000 feet of the proposed Data Center property and water supply. These reports shall include and consider dynamic drawdown tests, well recovery observations, and quality control assessments that shall be applied during pre-development and post-development conditions.
- (c) If a community or on-lot water supply system is utilized, a permit shall be issued by the local, state and/or federal agencies with jurisdiction.
- (d) In any case, hydrogeologic analysis for the proposed Data Center shall be required as part of the Conditional Use Application or Land Development Application. Standards for the test shall include the following minimums: At least 2 test wells, but not less than the minimum number of wells that will be used for the proposed Data Center, shall be required. On site monitoring wells shall be required, and all existing wells within 2000-feet of the site shall be monitored during the required preliminary testing. The study shall test for project maximum

proposed demand. Hydrogeologic analysis shall include draw down testing on all wells within the study area, and the analysis shall consider normal and drought conditions. Testing minimum duration shall be 72-hours. All testing shall be completed on site; “tabletop” studies without corresponding field analyses shall not be accepted.

- (e) As part of the Conditional Use Application, Maxatawny Township may request additional testing methods or reports to demonstrate that the proposed Data Center shall not adversely impact the properties within the defined aquifer.
  - (f) The Data Center shall comply with the guidelines established by the Delaware River Basin Commission.
- (8) The Data Center shall include; solar panels; wind turbines; energy efficient best management practices; and other innovative energy conservation approaches.
  - (9) Buildings used for Data Centers shall be LEED certified, silver minimum.
  - (10) The applicant shall depict the locations and dimensions of all on-site circulation improvements, which shall demonstrate safe vehicular and pedestrian movements on the property. The use of sidewalks, crosswalks, and pedestrian paths shall be integrated as part of the design.
  - (11) The data center shall be designed to comply with the noise and vibration controls specified by Maxatawny Township. In addition, the data center shall comply with the following requirements:
    - (a) A preliminary sound study for the Data Center and associated Data Center Equipment shall be conducted as part of the Conditional Use Application. The preliminary sound study shall recommend sound reducing materials or systems to meet required sound limits using generally accepted criteria.
    - (b) A preliminary vibration analysis shall be conducted as part of the Conditional Use Application. Report shall be provided with Conditional Use Application and Land Development Application.
    - (c) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center and data center equipment depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction documents and building design for the data center.

- (d) An interim vibration analysis shall be conducted during the building permit process based upon the proposed user or users of the Data Center and data center equipment depicted on the building plans.
  - (e) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center and the associated Data Center Equipment prior to the final escrow release of the municipal improvements' agreement required as part of the project Land Development approval.
  - (f) An as-built vibration analysis may also be required by Maxatawny Township for any suspected noise or vibration violations. If it is determined by the as-built vibration analysis that there is a violation of the ordinance limits, then the owner or occupant of the data center shall promptly remediate the violation into compliance.
  - (g) All exterior speakers, microphones or intercom systems shall be designed so that the messages, music or other sounds are not audible at any street line or property line.
- (12) The use and related activities shall not emit noise, glare, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat and/or other perceptible or objectionable nuisances that would impact neighboring properties or be noticeable at or beyond the property line.
  - (13) All hazardous waste, toxic waste, infectious waste, and other similar items, posing potential health risks, shall be discarded in a manner specified by local, state and federal laws.
  - (14) All permitted trucks, trailers and commercial vehicles stored on the property shall be arranged to provide access to emergency management equipment.
  - (15) If a Data Center proposes to generate commercial truck traffic or provide for commercial truck parking in excess of required loading spaces, the Data Center shall than comply with Section 592 of this Ordinance.
  - (16) Driveways and drive aisles shall be designed with adequate turning radii to allow tractor-trailers and fire equipment to complete turning maneuvers within their designated lanes.
  - (17) A Data Center containing more than 50,000 cumulative square feet of gross floor areas shall provide a landscaped buffer yard or area along the perimeter of the property, which complies with the following design options:

- (a) A sixty (60) foot wide earthen berm with a raised elevation of eight (8) feet shall be required in areas that do not have a natural buffer or concentration of mature trees.
  - (b) Where an existing natural buffer with concentration of mature trees is used to satisfy the requirements of this section, such area and vegetation therein shall be perpetually preserved and maintained as part of a landscaping or woodland protection easement.
  - (c) A combination of an earthen berm, landscaping screen, fencing or natural buffer may be considered provided that the selected materials provide a natural or visual buffer.
  - (d) The types of materials utilized within the landscaped buffer yard and the designated width of the landscaping buffer shall be subject to the review and approval of the Board of Supervisors as part of the Conditional Use Application and/or Land Development Plan Application.
  - (e) The site shall be designed, developed and operated with consideration of the cultural heritage of the community. As part of the Land Development Plan and/or Conditional Use Application, the Applicant shall establish a plan to mitigate community impacts and resolve other implications presented by the Planning Commission. All such efforts shall consider the health, safety, and general welfare of the community.
- (18) The site shall be designed and operated to consider emergency management operations and response services.
  - (19) The Applicant for a Data Center shall develop an emergency response plan and a hazard mitigation plan, which shall be considered as part of the Conditional Use Application.

SECTION 4. The Maxatawny Township Zoning Ordinance of 2012, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of such Zoning Ordinance upon enactment.

SECTION 5. Repealer. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

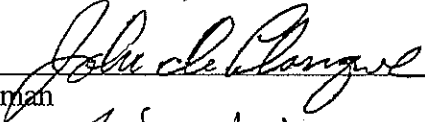
SECTION 6. Severability. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or 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.

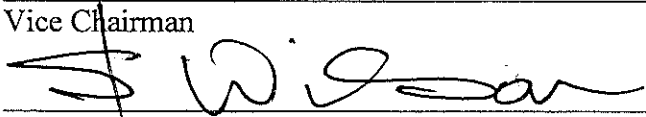
SECTION 7. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

**ENACTED AND ORDAINED** as an Ordinance of Maxatawny Township, Berks County, Pennsylvania, this 15<sup>th</sup> day of April, 2026.

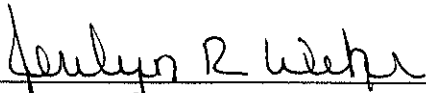
**BOARD OF SUPERVISORS OF  
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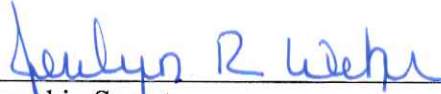
ATTEST:

  
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2026-01 adopted by the Board of Supervisors of Maxatawny Township, Berks County, Pennsylvania at a public meeting held on April 15, 2026, pursuant to notice as required by law.

Dated: April 15, 2026

  
Township Secretary