

**ROBESON TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_ - 2026**

**AN ORDINANCE OF ROBESON TOWNSHIP, BERKS COUNTY,  
PENNSYLVANIA, AMENDING THE ROBESON TOWNSHIP ZONING  
ORDINANCE OF 2021, AS AMENDED, IN ORDER TO ESTABLISH  
RULES AND REGULATIONS GOVERNING DATA CENTER USES.**

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 Robeson Township Board of Supervisors recognize the need to plan for modern infrastructure-intensive and employment-generating land uses in appropriate locations within the Township, while preserving rural character, agricultural lands, and established residential areas; and

WHEREAS, the Robeson Township Board of Supervisors find that permitting Data Center(s) only by Conditional Use within the Township's GI General Industrial District ensures that each proposal is evaluated on a site-specific basis, with full consideration of cumulative impacts, infrastructure capacity, emergency services, and compatibility with surrounding land uses while allowing the Supervisors to impose conditions of approval which further the purposes of the Pennsylvania Municipalities Planning Code and the Township's Zoning Ordinance (as defined below) and mitigate potential adverse effects of such Data Center(s) on the public health, safety, and welfare of the community; and

WHEREAS, the Robeson Township Board of Supervisors further find that the adoption of detailed, objective, and enforceable performance standards governing Data Center(s) is necessary to ensure that Robeson Township retains regulatory control, protects public health, safety, and welfare, and fulfills the Township's planning obligations and goals; and

WHEREAS, the Board of Supervisors of Robeson Township now desires to amend the Robeson Township Zoning Ordinance of 2021, as amended, to establish rules and regulations governing Data Center(s) uses.

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

SECTION 1. Section 202 entitled "Specific Terms" of The Robeson Township Zoning Ordinance of 2021, as amended, is amended and supplemented to add the following definitions:

Data Center: A building or structure or group of buildings or structures, which are primarily designed and used for the housing, operation and maintenance of

- (a) Minimum Lot Area: 20 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: 40 percent
  - (i) Maximum Lot or Impervious Coverage: 60 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 500 feet from a designated residential zoning district.
  - (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 Robeson Township Sewage Facilities Plan as well as any ordinances adopted by Robeson Township or regulations of Robeson Township Municipal Authority.
  - (5) All Data Center uses shall be serviced by public water supply facilities, which shall be consistent with any plans and ordinances adopted by Robeson Township or regulations of Robeson Township Municipal Authority. Verification of adequate public water supply shall be provided by the applicant as part of the conditional use proceeding.
  - (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.

(B) General Data Center Requirements: All required reports shall be presented for review in advance of the required conditional use application:

- ii. Adverse impacts. A statement of any adverse impacts which cannot be avoided.
  - iii. Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations. 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.
  - iv. Mitigation steps. Listing of steps or structural controls proposed to minimize damage to site before and after construction.
- (2) The exterior storage of equipment and/or supplies shall be prohibited.
  - (3) 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.
  - (4) A Traffic Impact Study shall be required to assess transportation impacts on adjacent roads, intersections and/or other areas designated by Robeson Township. The Traffic 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 Robeson Township Engineer and Zoning Officer to determine the required study area.
  - (5) 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

capacity is available, and the Data Center will be served. ~~Known impacts on electric rates or availability for others uses directly attributable to the data center project should be noted.~~

- (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) Public water supply is to be utilized as the primary water source by all data center uses and 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 plan for discharge of wastewater within the aquifer, including expected volume of discharge and treatment of pollutants.
  - (b) If on-lot water supply is to be utilized via surface water or groundwater as an emergency back-up water source only, a Hydrologic Report and/or Hydrogeological Report shall be completed and submitted to Robeson 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. The reports shall include proof of review by the Delaware River Basin Commission.
  - (c) If public 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. 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

- (d) 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.
  - (e) 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.
  - (f) 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.
  - (g) An as-built vibration analysis may also be required by Robeson 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.
  - (h) 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.
  - (i) The sound studies hereunder shall also evaluate the noise with respect to the above regulations when the power is out.
  - (j) The sound studies hereunder shall be conducted using Sound Level Meters described in ANSI S1.4-2014, and generally accepted criteria. The costs for the interim and as-built noise studies shall be posted as a security prior to recordation of the final plan.
- (9) 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

- (17) A Data Center 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) As part of the Conditional Use Application, the Applicant shall establish a plan to mitigate community impacts and resolve other matters implicating the health, safety, and general welfare of the community.
- (18) The Data Center shall have an adequate means of secondary ingress and egress suitable for emergency vehicles in accordance with the standards of the Robeson Township and as approved by the Township Engineer, the Township's Fire Commissioner, and local Fire Chiefs.
- (19) The applicant/owner shall provide for all costs associated with emergency training for police, fire, and emergency responders concerning the protection and safety of the Township and its residents in the event of an emergency at the site.

use, nor adversely affect ground water supplies of the same.

(C) ~~Discontinued Use / Decommissioning: An estimated cost associated with Decommissioning shall be presented for review in advance of the required conditional use application:~~

(1) ~~At the time of application, the operator shall submit a Decommissioning Plan prepared by a qualified professional. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.~~

(2) ~~The facility owner or operator shall, at its expense, 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 within twelve (12) months of cessation of data center operations, or upon notice of abandonment by data center operator, or after six (6) months of no notable electric use either from the electrical grid or onsite electrical generation facilities. As a condition of the issuance of a permit for the data center use, the operator shall obtain from the utility company receiving electrical energy from the data center an agreement to notify the Township within thirty (30) days whenever solar energy is no longer being delivered to the utility company from the data center. Decommissioning shall include removal in their entirety of solar arrays, support equipment, buildings, electrical components and lines, roads, foundations, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the governing body approves that the access roads or other land surface areas not be restored.~~

(3) ~~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 municipality for review and approval after the first year of operation and every fifth year thereafter. The facility owner or operator 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~~

decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the municipality to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the facility owner or operator when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

SECTION 4. The Robeson Township Zoning Ordinance of 2021, 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 The Robeson Township Zoning Ordinance of 2021, as amended, upon enactment.

SECTION 5. 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 Robeson Township, Berks County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**BOARD OF SUPERVISORS OF  
ROBESON TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Member