Perkasie Borough
Planning Commission Meeting
May 27, 2026

AGENDA

1. Meeting Convenes – 7:00 PM
2. Pledge of Allegiance
3. Approval of Minutes from April 22, 2026
4. Public Forum
5. Old Business
6. New Business

   Discussion Item: Draft Data Center Ordinance Regulations and Recommendations
7. Other Business
8. Adjournment

Minutes of Meeting
Perkasie Planning Commission
April 22, 2026

620 W. Chestnut Street
Perkasie, PA 18944

Attendance:
Planning Commission:

Maureen Knouse
Heather Nunn
Mairi Schuler
Mary McKay
Dave Weaver
Dale Schlegel
Kim Bartells (Absent)
Patrick Freeman
Quinten Baker

Borough of Perkasie:

Cassandra L. Grillo, Borough Zoning Officer
Judy Stern Goldstein, Borough Planner
Timothy Wallace, Borough Engineer
Attorney Brenden Callahan, Borough Solicitor

Call to Order

Chairperson Dale Schlegal called the meeting to order at 7:01 PM. The Pledge of Allegiance was recited. A quorum was present, and business before the Commission was acknowledged.

Approval of Minutes
Upon a motion by Maureen Knouse, and seconded by Quinten Baker, the Planning Commission meeting minutes of March 25, 2026, were unanimously approved.

New Business

Sketch Plan Application – 135 S. Main Street

Gavin Laboski, representative for the applicant Elan Shermin, presented a sketch plan application for 135 S. Main Street. The proposal included a request to rezone a portion of the property from the R-1A Single Family Residential District to the R-2 Two Family Residential District. The sketch plan proposed three new duplex dwelling buildings at the rear of the property, along with associated parking, stormwater facilities, and site improvements. The proposed plan showed 36 parking spaces where only 21 parking spaces were required for the existing and proposed use. The additional parking area would be available for surrounding property owners.

The applicant provided background information regarding the existing residential conversion on the property and discussed key project considerations, including stormwater management and parking. The applicant’s representatives also addressed comments contained in the review letters.

Members of the Planning Commission expressed general concern that the site appeared “tight” with a significant amount of proposed development on the property.

Judith Goldstein stated the plans needed to show the zoning area requirements for both the Residential Conversion use and the proposed three duplex use. Ms. Goldstein also stated that a landscape plan showing buffering for headlight glare would need to be provided. Additional comments included showing a turnaround area for garbage trucks, delivery trucks, and snow removal vehicles, as well as sidewalks connecting the parking areas to the buildings. Mr. Laboski agreed that the information would be provided with the next submission.

Tim Wallace stated the parking lot would need some type of easement if it were to remain open for public parking. Mr. Wallace also recommended the applicant coordinate with the adjacent property owner where a portion of the stormwater system would require repair to assist with stormwater improvements. Mr. Wallace further stated that each duplex would need to demonstrate individual side yard setbacks.

Chairperson Schlegal questioned how tenant parking spaces would be separated from the public parking area. Mr. Shermin stated that tenant parking would be designated with markings.

Mr. Baker asked what the proposed building renderings would look like and whether patios would be included.

Dave Weaver asked what the apartments would look like and what the anticipated rental costs would be. Mr. Shermin stated each building would contain two three-bedroom apartments approximately 1,370 square feet in size.

Additional comments included concerns regarding parking configuration, emergency vehicle access, and available open space for tenants. Further discussion included the need to address area and dimensional comments as well as clarification regarding the proposed public parking.

Public Comment

Several neighboring residents provided comments regarding the proposed development, including:

- Requests for additional landscaping, including boxwoods, ornamental trees, shrubs, hedges, groundcovers, low-voltage lighting, and residential walkways.
- Questions regarding available green space for future tenants.
- Concerns related to traffic circulation, a single site entrance, and vehicle headlights impacting neighboring homes.
- Concerns regarding flooding and requests for fencing to buffer adjacent properties.
- Concerns regarding additional traffic, emergency vehicle access, and construction noise during nighttime hours.

Economic Development Plan Update

Representatives from Gilmore & Associates presented an update regarding the Borough’s Economic Development Plan. The presentation included discussion on the

purpose of the plan, funding opportunities, goals and objectives, and key recommendations.

A motion was made by Heather Nunn to recommend forwarding the Economic Development Plan to Borough Council for adoption. The motion was seconded by Mr. Baker. All were in favor.

Other Business

Ms. Grillo shared informational materials and news articles regarding data centers for future ordinance discussion.

Adjournment

With no further business before the Planning Commission, the meeting adjourned at approximately 8:50 PM.

_____
Heather Nunn - Secretary

BOROUGH OF PERKASIE

INTER-OFFICE MEMORANDUM

MEMORANDUM

To: Perkasie Borough Planning Commission
From: Cassandra Grillo, Zoning Officer / Code Enforcement Administrator
Date: May 20, 2026
Re: Discussion – Data Center Ordinance Drafting

At the May 18, 2026 Borough Council Meeting, Council authorized the Planning Commission to begin discussions and provide recommendations regarding a draft ordinance for Data Center uses within Perkasie Borough.

The purpose of tonight's discussion is to determine the direction the Planning Commission would like to take regarding the regulation of Data Center uses and to outline the key components of a draft ordinance for Borough Council's review at the June 15, 2026, Council Meeting.

In your packet is a copy of the Montgomery County and Chester County Data Center Ordinance Guide, which was released to assist municipalities in developing regulations for Data Center uses. The guide generally recommends that Data Centers be regulated as Conditional Use and be limited to Heavy Industrial zoning districts. It also recommends enhanced buffering and setbacks from residential uses, along with regulations addressing potential impacts related to noise, lighting, traffic, energy demand, water usage, and emergency services.

Several neighboring municipalities, including East Rockhill Township, West Rockhill Township, and Lower Southampton Township, have already started reviewing or adopting regulations related to Data Centers.

East Rockhill Township specifically permits Data Centers within it's I-1 and I-2 Zoning Districts, which contain parcels that are adjacent to or partially located within Perkasie Borough.

What is a Data Center: A data center is a building that serves as a hub for storing, processing, and sending digital information. These buildings often look like warehouses or large office buildings and contain rows of specialized equipment such as servers, routers, and storage systems connected by high-speed fiber optic cables. Data centers support many everyday services, including websites, apps, streaming, banking, and business operations. They can vary widely in size, from small facilities of about 5,000 square feet to large campuses covering several million square feet with multiple buildings.

There are several types of data centers based on how they are used. **Enterprise data centers** are owned and operated by a single company for its own needs and were more common in the past. Today, many new facilities are built as standalone operations and fall into categories such as **retail data centers**, where companies rent space and services from an operator; wholesale

data centers, where large users lease space and power but manage their own equipment; and **hyperscale data centers**, which are massive facilities built by major technology companies to handle large-scale services like cloud computing and artificial intelligence. Another growing type is **edge data centers,** which are smaller facilities located closer to users to improve internet speed and performance. These different types can vary greatly in size and energy use, with the largest facilities often exceeding 100,000 square feet and requiring significant electrical capacity.

Attached to this memo are sample ordinances from East Rockhill Township, West Rockhill Township, and Lower Southampton Township, along with a comparison table to assist with discussion. And the Montgomery County and Chester County Data Center Guide.

Below are the topics for the Planning Commission to discuss and provide recommendations on:

1. **Data Center and Accessory Use Definitions**
    - All three sample ordinances contain generally similar definitions. However, Lower Southampton Township specifically excludes incidental office servers typically found in financial institutions, hospitals, and standard office settings.
2. **Accessory Use Definitions and Co-Located Power Generation**
    - The sample ordinances include similar accessory uses such as administrative offices, storage buildings, and utility structures. However, Lower Southampton Township excludes primary energy generation as an accessory use.
    - The Planning Commission should discuss whether co-located power generation facilities should be regulated separately from the principal Data Center use.
3. **Appropriate Zoning Districts for Data Centers Within the Borough**
    - The I-1 Industrial District may be the most appropriate zoning district for this use. A copy of the Borough Zoning Map highlighting this district is attached for review.
4. **Approval Process Requirements**
    - Conditional Use vs. Special Exception
5. **Development Standards**
    - Minimum lot size
    - Building setbacks
    - Building height
    - Buffering and screening requirements
6. **Noise, Lighting, and Operational Performance Standards**
    - The sample ordinances generally refer to existing performance standards contained within their current zoning ordinances. Most also require studies or documentation to verify compliance with noise, lighting, and operational standards.
7. **Utility and Infrastructure Impacts**
    - Electric demand

- Backup generators
- Water usage and cooling systems

8. **Traffic and Parking Regulation**
9. **Construction Management Requirements**
10. **Emergency Response and Public Safety Coordination**

Please review the attached Montgomery/Chester County Data Center Ordinance Guide, East Rockhill Township, West Rockhill Township, and Lower Southampton Township ordinances prior to the meeting to help provide comments and recommendations for discussion.

Thank you.

Enclosed Supporting Documents:
East Rockhill Township Ordinance
West Rockhill Ordinance
Lower Southhampton Ordinance
Comparison Table
Perkasie Borough General Performance Standard Code
Montco Guide to Data Centers

Topic (Montco Guideline Category)	East Rockhill Township	Lower Southampton Township	West Rockhill Township
Use Right	Conditional Use in I-1 and I-2 Districts	Permitted By Right in Industrial District	Special Exception in PI Planned Industrial District
Zoning District	Industrial-1 and Industrial-2	Industrial District only	PI Planned Industrial only
Definition of Data Center	Includes co-location, cryptocurrency mining, blockchain processing, server farms	Similar definition; excludes incidental office servers	Similar to East Rockhill including crypto/blockchain/server farms
Accessory Use Definition	Broad list including substations, cooling towers, water facilities, utility lines, security structures	Similar broad list; expressly excludes primary energy generation systems	Similar broad list of utilities and support infrastructure
Accessory Uses Permitted	By right	Permitted with principal use	By right
Minimum Lot Size	50 acres	Not specified beyond industrial district standards	25 acres
Lot Width	Not specified	Not specified	350 feet minimum
Maximum Building Height	45 feet inclusive of rooftop equipment	60 feet inclusive of rooftop equipment	35 feet inclusive of rooftop equipment
Setbacks	200 feet from all property lines for buildings/equipment	200 feet from residential districts/sensitive receptors	Parking setbacks: 150 ft residential / 100 ft nonresidential
Sensitive Receptor Definition	Not specifically defined	Explicitly defined (schools, daycare, worship, parks, dormitories, etc.)	Not specifically defined
Landscape Buffer	Not specifically detailed for data centers	25-foot buffer with evergreen, canopy, ornamental trees, shrubs	General landscaping standards only
Screening Requirements	Utility infrastructure concealed if visible from residences	Extensive screening for rooftop/mechanical equipment; berms/fences allowed	Glare/visibility standards; conceal substations if visible

Topic (Montco Guideline Category)	East Rockhill Township	Lower Southampton Township	West Rockhill Township
Fencing Standards	Not detailed	No chain-link along roads; no barbed wire unless screened	Not detailed
Noise Standards	Sound assessment required; emergency/testing exempt	Must comply with Township noise ordinance	Sound assessment by acoustic engineer required; testing exempt
Noise Methodology	ANSI S1.13-2020 at property line	Not specified	ANSI S1.13-2020 at property line
Parking Requirements	1 space/8,000 SF or 1 per employee, whichever less	Same standard	Not specifically stated beyond code compliance
Loading Requirements	1 loading dock minimum	Not specified	1 loading dock minimum
Utility Review / Capacity Study	Extensive utility review and capacity demonstration required	Requires utility certification and DRBC review thresholds	Requires utility will-serve letters and engineering analysis
Water Requirements	Public utilities preferred; DRBC review required over 100,000 gpd	Detailed water feasibility study requirements	DRBC review and utility review required
Wastewater Requirements	Utility analysis and improvements required	Detailed wastewater review required	Utility review and sewer feasibility required
Power Supply Standards	Exhaustive efforts for on-lot generation before utility connection	Utility provider certification required	Encourages behind-the-meter solar generation
On-Site Energy Generation	Fire Chief approval and annual recertification	Treated as separate use	Extensive solar integration and energy generation standards
Solar Requirements	None	None	Mandatory rooftop, canopy, wall, and accessory structure solar “to maximum extent feasible”
Underground Utilities	Encouraged where practical	Not specified	Required where practical

Topic (Montco Guideline Category)	East Rockhill Township	Lower Southampton Township	West Rockhill Township
Emergency Access / Fire Review	Fire Chief approval required	ERP required with fire department review	Fire Chief approval required
Battery Storage Standards	General safety plan only	NFPA 855 compliance required	Safety plan and Fire Chief approval required
Environmental Standards	Air pollution, vibration, glare, heat controls required	Limited direct environmental standards	Extensive environmental controls including heat and glare analysis
Heat / Thermal Controls	Heat must be imperceptible beyond lot lines	Not addressed	Heat not perceptible beyond lot lines
Construction Hours	7am–8pm Mon-Sat; extensions possible	Not specified	More restrictive: weekdays 7am–6pm; limited Saturdays; no Sundays
Phased Development	Permitted	Not addressed	Permitted
Individual Site Plans	Required for each phase	Not addressed	Required for each phase
Decommissioning	Not addressed	Not addressed	Required with financial security
Aesthetic Standards	General lighting standards only	Façade articulation/design requirements	Solar integration doubles as aesthetic treatment
Consistency with Montco Guide	Strong utility/environmental review; less robust buffering/noise specifics	Closest to Montco model for buffering, receptors, ERP, aesthetics	Most aggressive sustainability/solar provisions; strongest decommissioning standards

ORDINANCE NO. 2026-___

AN ORDINANCE OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 27 OF THE EAST ROCKHILL TOWNSHIP CODE BY CREATING A NEW USE FOR DATA CENTERS; BY CREATING A NEW DEFINITION FOR SAID USE AND TERMS RELATING TO SAID USE; BY ADDING ADDITIONAL REGULATIONS FOR SAID USE; BY AMENDING A1 GENERAL FARMING USE TO DISTINGUISH IT FROM USES I11 AND I12; BY CONFIRMING THAT LANDSCAPERS ARE INCLUDED IN CONTRACTOR USE; BY AMENDING ALL TABLES OF USES TO PROVIDE FOR SAID USES; AND BY PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the East Rockhill Township Board of Supervisors has determined that reasonable regulations of the increasingly prevalent data center use would support the general health, safety, and welfare of East Rockhill Township;

WHEREAS, the East Rockhill Township Board of Supervisors has determined that agricultural uses governing general farming as a primary use must be distinguished from uses I11 and I12, which govern homestead animals that are only permissible as accessory uses to a residential use; and

WHEREAS, the East Rockhill Township Board of Supervisors has determined that landscapers are contractors and should be explicitly included in the contractor use to avoid confusion.

NOW, THEREFORE, the East Rockhill Township Code is hereby amended as follows:

ARTICLE I. DEFINITIONS

Chapter 27, Zoning, Part 2, Definitions, of the East Rockhill Township Code shall be amended with the inclusion of new definitions for the terms “Agriculture,” “Data Center,” “Data Center Accessory Uses/Structures” and “Data Center Equipment.” The terms shall be added alphabetically within Chapter 27, Part 2, and shall read as follows:

Agriculture.

The cultivating of the soil, and the raising and harvesting of the products of the soil, including, but not by the way of limitation, nurseries, horticulture and forestry, and animal husbandry. The term “Agriculture” shall not include agricultural entertainment uses.

Data Center.

A use, either on-premise or co-location, which is occupied primarily by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored; this shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A data center may include data center equipment.

Data Center Accessory Uses/Structures.

Ancillary uses or structures associated with data centers including 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 accessory uses/structures are located on the same tract.

Data Center Equipment.

Outdoor mechanical equipment adjacent to a data center that provides redundant power capacity to a data center.

ARTICLE II. DATA CENTER USE REGULATIONS

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 of the East Rockhill Township Code is hereby amended with the creation of a new use entitled "H19. Data Center" which shall read as follows:

H19. Data Center

A. Data Center Development. Data centers shall comply with this section and all applicable local, state, and federal regulations and laws..

B. Minimum Lot Size- 50 acres

C. Accessory Uses/Structures. Data center equipment shall be permitted by right in support of a data center. Data center accessory uses/structures shall be permitted by right in support of a data center. For purposes of the minimum distance between buildings, data center equipment and unoccupied data center accessory structures shall be deemed as auxiliary buildings that are not subject to the 12-foot setback between buildings required by Section 27-1708(c).

D. Sound. Chapter 6, Part 2 of the East Rockhill Township Code shall apply to a data center. Sound shall be measured 1.5 meters above ground at the property line per ANSI S1.13-2020 (American National Standard – Measurement of Sound Pressure Levels in Air). The applicant shall provide a sound assessment with its conditional use application for a data center establishing how it will comply with the above sound standards. The sound assessment will be performed by a professional acoustic engineer

that can demonstrate qualifications by delivery of a resume to the Township. Notwithstanding the foregoing provisions of this Section, all sound produced by: (i) required periodic testing of data center equipment, and (ii) emergency use of data center equipment are exempt from this Section and Chapter and shall be considered exceptions under Section 6-203 of the East Rockhill Township Code without a waiver request under Section 6-204.

E. Height. Data centers shall not exceed 45 feet in height. For purposes of determining the height of a data center or a building associated with data center accessory uses, projections through the roof of the building for items such as elevator towers, heating or cool units, parapet walls to screen rooftop equipment and protrusions, and other such items shall be counted.

F. Setbacks. All data centers, data center equipment, and data center accessory uses and structures except for parking shall be set back 200 feet from all property lines.

G. Parking. At least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser. No parking for a data center shall be located within one hundred (100) feet of a property line abutting a residential district or having a residential use nor within fifty (50) feet of any property line

H. Off Street Loading. A minimum of 1 off-street loading space/dock shall be provided for a data center.

I. Utility Review. The proposed use shall be serviced by public utilities. As part of the conditional use application, the applicant shall provide the Township:

    a. Demonstration of exhaustive efforts to provide for on-lot electricity generation prior to provide electricity for the use prior to connection to a public electricity provider.

    b. Demonstration of exhaustive efforts to provide for public water and sewage disposal prior to resort to on-lot production of water and/or on-lot sewage disposal.

    c. A will-serve letter by a public utility provider and/or a written assessment by a certified professional in the field of engineering and utility design has been made of the potential electrical, water, and/or sewer consumption of the proposed use which ensures that there is sufficient capacity available to serve the proposed use as well as the projected service needs for future growth.

    d. If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at their own expense, the necessary system improvements necessary to mitigate any limits or system constraints to accommodate the proposed use. The necessary system improvements shall conform to all specifications, procedures, and timelines required for the public utility such as the relevant provisions of the East Rockhill Township Code, including but not limited to Chapter 18, Sewers and Sewage Disposal, and Chapter 26, Water. If the necessary system improvements are determined by both the Township Engineer and the

respective public utility providers to be infeasible, then on-site water production and sewage disposal methods may be considered if developed in compliance with all Township ordinances.

e. The applicant shall provide proof of review and approval from the Delaware River Basin Commission for water withdrawals from ground water, impoundments, or running streams of 100,000 gallons per day or more over a 30-day average and for importation of water into or exportation of water out of the Delaware River Basin whenever the design capacity is 100,000 gallons per day or more.

J. Utility Lines. To the extent practical, utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a data center shall be placed underground. This requirement shall not apply if the utility company requires above-ground lines, or the placement of under-ground lines is not feasible. Utility lines to the substations from off-site may be placed above ground.

K. Emergency Access. As part of the conditional use application, it shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site. Written approval from the Fire Chief shall be provided demonstrating there is adequate emergency access, truck turning, fire suppression, fire hydrant availability on the site.

L. Outdoor Lighting. Section 27-1719 shall apply to a data center development. Outdoor lighting shall be determined by East Rockhill Township on a case-by-case basis pending actual needs to accommodate the data center.

M. Environmental Impacts. Environmental impacts associated with a data center shall be mitigated by demonstrating compliance with the following standards as part of the conditional use application:

a. Air pollution controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended, and the following standards:

i. Visible emissions. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.

ii. Hazardous air emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.

iii. Dust, fumes, smoke, vapors, gases, and odor. *See* Sections 6-301, 6-302, 6-304.

b. Vibration control. *See* Section 6-306.

c. Glare or heat control. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines. *See* Sections 6-303, 6-305.

d. Electrical power. Every use 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.

N. Construction Hours. Construction and related operation of heavy machinery, operating or permitting the operation of any tools, equipment or heavy machinery used in construction, drilling, or demolition work for a data center may occur between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Saturday. The Township may permit additional construction hours by administrative modification upon request by an applicant.

O. On-Site Energy Generation. Any form of on-site energy generation, including substations and fuel cell power stations, shall be approved by the Township Fire Chief. As part of the conditional use application, the applicant shall submit a safety plan for the on-site energy generation use to the satisfaction and approval of the Township Fire Chief. The property owner shall annually recertify the safety plan and allow for a site inspection by the Fire Chief or his designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.

P. Phased Development. A data center development may be developed in one or more phases.

Q. An individual site plan for each data center developed as part of a phased development shall be submitted to the Township prior to the issuance of any building permit. Copies of any applicable third-party permits shall be submitted to the Township prior to the issuance of any building permit. Applicable third-party permits may include, but are not limited to, highway occupancy permits, NPDES permits, and ESCGP permits.

ARTICLE III. ZONING DISTRICTS AND TABLE OF USES

1. Chapter 27, Part 13, Industrial-1 District, Section 27-1301.c of the East Rockhill Township Code related to principal uses permitted by conditional use in the Industrial-1 District shall be amended to add (8) H19 Data Center as a use permitted by conditional use.
2. Chapter 27, Part 14, Industrial-2 District, Section 27-1401.c of the East Rockhill Township Code related to principal uses permitted by conditional use in the Industrial-2 District shall be amended to add (6) H19 Data Center as a use permitted by conditional use.
3. Chapter 27, Attachment 1 is amended to reflect the changes set forth in this ordinance and is hereby replaced with the table of uses attached hereto and incorporated herein as ***Exhibit "A."***

ARTICLE IV. AGRICULTURAL USES

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 of the East Rockhill Township Code hereby amends subsection j. of use A-1, which shall read as follows, with the italicized language added:

j. The keeping and raising of livestock and poultry on parcels of land less than 10 acres in area shall be limited to the keeping and raising of two head of livestock or 100 fowl per one acre. *This use is separate and distinct from uses I11 and I12, which regulate the keeping of homestead animals that are only permissible as an accessory to a residential use. This A1 use governs the keeping and raising of livestock and poultry as agricultural operations that are a principal use.*

ARTICLE V. CONTRACTING USE AMENDMENT

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 of the East Rockhill Township Code hereby amends use H-5, which shall read in its entirety as follows with the italicized language added:

H5. Contracting. Contractor offices and shops such as building, cement, electrical, heating, *landscaping,* masonry, painting and roofing.

a. The buffer requirements of § 27-1905 of this chapter shall be met.

b. All materials and vehicles shall be stored within a building or an enclosed area which is properly screened.

c. Parking. One off-street parking space for each employee on the largest shift or one off-street parking space for every 500 square feet of total floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

ARTICLE VI. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ARTICLE VII. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality by a court of competent jurisdiction, such illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of East Rockhill Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part had not been included.

ARTICLE VIII. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 2026

ATTEST:

_____
Marianne Morano, Manager

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

_____
David R. Nyman, Chair

_____
Gary Volovnik, Vice-Chair

_____
James C. Nietupski, Member

(Municipal Seal)

27 Attachment 1

Township of East Rockhill Table of Use Regulations

AP	Agriculture Preservation	VC	Village Commercial
RP	Resource Protection	C-E	Cultural-Educational
RR	Rural Residential	C-O	Commercial-Office
S	Suburban	I-1	Industrial-1
R-1	Residential	I-2	Industrial-2
VR	Village Residential	E	Extraction

KEY

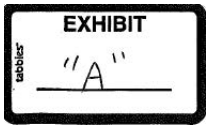
P A use permitted by right

S A use permitted by special exception* C A use permitted as a conditional use* N A use not permitted

Y/C A use possibly permitted by right or as a conditional use pursuant to the conditions and requirements con- tained in §27-304G, Subsection G5.*

* In addition to the requirements in §27-304, conditional uses and special exceptions are also subject to additional requirements as listed in Part 22 and Part 23, respectively.

	AP	RP	RR	S	R-1	VR	VC	C-E	C-O	I-1	I-2	E
A. Agricultural Uses												
A1 General Farming	P	P	P	P	P	P	P	P	N	P	P	P
A2 Nursery	P	P	P	P	P	P	N	P	N	P	P	P
A3 Intensive Agriculture	P	P	P	N	N	N	N	N	N	N	N	N
A4 Forestry	P	P	P	P	P	P	P	P	P	P	P	P
A5 Riding Academy	P	P	P	C	N	N	N	N	N	N	N	N
A6 Kennel-Commercial	N	P	P	N	N	N	N	N	N	N	N	N
A7 Agricultural Retail	P	P	P	C	N	N	N	N	N	P	N	P
A8 Farm Unit	P	P	P	P	P	P	N	N	N	P	N	P
A9 Farm Support Facility	P	N	S	N	N	N	S	N	N	N	N	N
A10 Kennel-Noncommercial	P	P	P	P	P	P	P	P	P	P	N	P
A11 Kennel- Commercial	N	P	P	N	N	N	N	N	N	N	N	N
A12 Accessory Farm Business	C	C	N	N	N	N	N	N	N	N	N	N
B. Residential Uses	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**
B1 Detached Dwelling	P	P	P	P	P	P	P	N	N	N	N	N
B2 Cluster Subdivision	N	P	P	P	P	N	N	N	N	N	N	N
B3 Performance Standard Development	N	N	N	C	C	P	N	N	N	N	N	N
B4 Mobile Home Park	N	N	N	N	S	N	N	N	N	N	N	C
B5 Group Home	N	C	C	C	N	C	N	N	N	N	N	N
B6 Life Care Facility	N	N	N	C	P	N	N	P	N	N	N	N
B7 Full Care Facility	N	N	N	C	P	N	N	P	N	N	N	N
B8 Rooming or Boarding House	N	N	N	N	N	N	S	N	N	N	N	N
B9 Residential Conversion	C	C	C	N	C	C	C	C	N	N	N	N
B10a Accessory Professional Offices	P	P	P	P	P	P	P	P	N	P	P	N
B10b Accessory Personal Services	P	P	P	P	P	P	P	P	N	P	P	N
B10c Accessory Instructional Services	P	P	P	P	P	P	P	P	N	P	P	N
B10d Accessory Home Crafts	P	P	P	P	P	P	P	P	N	P	P	N
B10e Accessory Family Day Care	S	S	S	S	S	S	S	S	N	P	P	N
B10f Accessory Trades, Business	C	C	C	C	C	C	C	C	N	P	P	N
B10g Accessory Repair Service & Other	S	S	S	S	S	S	S	S	N	P	P	N
B11 Residential Accessory Building	P	P	P	P	P	P	P	P	N	P	P	N
B12 Garage or Yard Sales	P	P	P	P	P	P	P	P	N	P	P	N
B13 Age-Qualified Development	N	N	N	C	N	N	N	N	N	N	N	N
B14 Short-Term Residential Rental (Overnight	P	P	N	N	N	N	N	N	N	N	N	N
B15 Short Term Residential Rental (Non-Overnight	P	P	N	N	N	N	N	N	N	N	N	N
C. Institutional Uses	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**
C1 Place of Worship	C	C	C	N	P	P	N	P	N	N	N	N
C2 School	N	C	C	N	P	P	N	P	Q	N	N	N
C3 Library or Museum	N	N	N	N	N	N	N	P	N	N	N	N
C4 Hospital	N	S	S	N	N	N	N	P	N	N	N	N
C5 Nursing Home	N	N	N	N	N	N	N	P	N	N	N	N
C6 Cemetery	C	N	S	N	N	N	N	S	N	N	N	N
C7 Municipal Building	P	P	P	N	N	N	N	P	N	N	N	N
D. Recreational Uses	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**
D1 Recreational Facility	P	P	P	C	C	N	N	P	C	C	C	N
D2 Private Recreational Facility	N	C	C	N	N	N	N	C	C	C	C	N
D3 Private Club	C	C	C	N	N	N	C	C	P	P	P	N
D4 Community Center	N	N	N	N	N	C	N	P	N	N	N	N
E. Office Uses	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**



E1 Medical Office	N	N	N	N	N	N	C	N	P	P	P	N
E2 Veterinary Office	N	P	P	N	N	N	C	N	N	P	P	N
E3 Office	N	N	N	N	N	N	P	N	P	P	P	N
E4 Office Park	N	N	N	N	N	N	N	N	P	N	P	N
F. Commercial & Consumer Service Uses	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**
F1 Commercial School	N	N	N	N	N	N	S	N	P	N	N	N
F2 Day-Care Center	N	N	N	N	N	N	N	P	P	N	N	N
F3 Retail Store	N	N	N	N	N	N	N	N	P	N	N	N
F4 Adult Commercial	N	N	N	N	N	N	N	N	C	N	N	N
F5 Village Oriented Shop	N	N	N	N	N	N	P	N	N	N	N	N
F6 Service Business	N	N	N	N	N	N	P	N	P	N	N	N
F7 Financial Establishment	N	N	N	N	N	N	P	N	P	N	N	N
F8 Funeral Home or Mortuary	N	N	N	N	N	N	C	N	P	N	N	N
F9 Eating Place	N	N	N	N	N	N	S	N	P	N	N	N
F10 Drive-ins & Other Eating	N	N	N	N	N	N	N	N	P	N	N	N
F11 Tavern	N	N	N	N	N	N	S	N	S	N	N	N
F12 Repair Shop	N	N	N	N	N	N	N	N	P	P	P	N
F13 Indoor Entertainment	N	N	N	N	N	N	N	N	S	S	N	N
F14 Theater	N	N	N	N	N	N	N	N	C	N	N	N
F15 Indoor Athletic Club	N	N	N	N	N	N	N	N	P	P	P	N
F16 Reserved												
F17 Outdoor Entertainment	N	N	N	N	N	N	N	N	C	P	P	N
F18 Outdoor Motion Picture	N	N	N	N	N	N	N	N	N	P	P	N
F19 Cottage Development or Private Camp	N	S	N	N	N	N	N	N	N	N	N	N
F20 Recreational Camping Park	N	S	N	N	N	N	N	N	N	N	N	N
F21 Golf Course	N	P	P	N	N	N	N	N	N	P	P	N
F22 Motel-Hotel	N	N	N	N	N	N	N	N	S	P	P	N
F23 Inn	N	N	N	N	N	N	S	N	S	P	P	N
F24 Bed and Breakfast	C	C	C	N	N	N	N	N	N	N	N	N
F25 Service Station or Car-Washing Facility	N	N	N	N	N	N	C	N	S	S	N	N
F26 Automobile Sales	N	N	N	N	N	N	N	N	P	P	P	N
F27 Automobile Repair	N	N	N	N	N	N	S	N	N	P	P	N
F28 Automotive Accessories	N	N	N	N	N	N	N	N	P	P	P	N
F29 Reserved												
F30 Shopping Center	N	N	N	N	N	N	N	N	C	N	N	N
F31 Miniwarehouses	N	N	N	N	N	N	N	N	N	P	P	N
F32 Dwelling in Combination	N	N	N	N	N	N	P	P	P	N	N	N
F33 Reserved												
F34 Medical Marijuana Dispensary	N	N	N	N	N	N	S	N	N	P	P	N
G. Utility, Service & Transportation Uses	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**
G1 Utilities	C	C	C	C	C	C	C	C	C	C	C	C
G2 Emergency Facilities	C	C	C	C	C	C	C	C	C	C	C	C
G3 Terminal	N	N	N	N	N	N	N	N	C	C	C	N
G4 Airport/Heliport	N	N	N	N	N	N	N	N	N	C	C	N
G5 Wireless Telecommunications Facility	Y/C	Y/C	Y/C	Y/C	Y/C	Y/C	Y/C	Y/C	Y/C	Y/C	Y/C	Y/C
H. Industrial Uses	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**
H1 Manufacturing	N	N	N	N	N	N	N	N	N	P	P	N
H2 Research	N	N	N	N	N	N	N	N	N	P	P	N
H3 Reserved												
H4 Printing	N	N	N	N	N	N	N	N	N	P	P	N
H5 Contracting	N	N	N	N	N	N	N	N	N	P	P	N
H6 Reserved												
H7 Crafts	N	N	N	N	N	N	N	N	N	P	P	N
H8 Lumber Yard	N	N	N	N	N	N	N	N	N	P	P	N
H9 Mill	N	N	N	N	N	N	N	N	N	P	P	N
H10 Fuel Storage	N	N	N	N	N	N	N	N	N	S	S	N
H11 Junkyard	N	N	N	N	N	N	N	N	N	S	S	N
H12 Extractive Operation	N	N	N	N	N	N	N	N	N	N	N	S
H13 Industrial Park	N	N	N	N	N	N	N	N	N	N	P	N
H14 Resource Recovery Facility	N	N	N	N	N	N	N	N	N	S	S	N
H15 Solid Waste Landfill	N	N	N	N	N	N	N	N	N	S	S	N
H16 Medical Marijuana Grower/Processor	N	N	N	N	N	N	N	N	N	P	P	N
H17 Warehouse/Logistics Use	N	N	N	N	N	N	N	N	N	P	P	N
H18 Trucking Terminal	N	N	N	N	N	N	N	N	N	P	P	N

H19 Data Centers	N	N	N	N	N	N	N	N	N	C	C	N
I. General Accessory Uses & Struc- tures	**AP**	**RP**	**RR**	**S**	**R-1**	**VR**	**VC**	**C-E**	**C-O**	**I-1**	**I-2**	**E**
I1 Nonresidential Accessory Building	P	P	P	N	P	P	P	P	P	P	P	P
I2 Outside Storage or Display	C	N	N	N	N	N	N	N	C	P	P	P
I3 Temporary Structure	P	P	P	P	P	P	P	P	P	P	P	P
I4 Temporary Community Event	C	C	C	C	C	C	C	C	C	N	N	N
I5 Oil & Gas Drilling	S	S	S	N	N	N	N	N	N	S	S	S
I6 (Reserved)												
I7 Air Landing Field	N	C	C	N	N	N	N	N	N	C	C	N
I8 Towers, Masts, etc.	C	C	C	C	C	C	C	C	C	P	N	P
I9 Off-Street Parking	P	P	P	P	P	P	P	P	P	P	P	P
I10 Signs	P	P	P	P	P	P	P	P	P	P	P	P
I11 Homestead Chickens	P	P	P	N	N	P	P	P	P	P	P	P
I12 Homestead Animals	P	P	P	N	N	P	P	P	P	P	P	P

(Ord. 5/26/1987, §306; as amended by Ord. 148, 10/20/1992, Art. 1; by Ord. 161, 10/17/1995, Art. 4); by Ord. 168, 2/18/1997, Art. 8; by Ord. 178, 9/15/1998, Art. 2; and by Ord. 184, 4/20/1999, Art. 2; by Ord. 194, –/–/2000, Art. XI; by Ord. 195, 9/19/2000, Art. II; by Ord. 253, 4/20/2010; by Ord. 257, 9/21/2010; by Ord. 259, 1/18/2011; by Ord. 274, 1/6/2014; and by Ord. No. 295, 10/27/2020.)

TOWNSHIP OF LOWER SOUTHAMPTON

BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 25-

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF LOWER SOUTHAMPTON TOWNSHIP, PENNSYLVANIA, TO AMEND THE LOWER SOUTHAMPTON TOWNSHIP CODE OF ORDINANCES TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, *et seq.,* authorizes the Township of Lower Southampton to enact, amend and repeal Zoning Ordinances within the Township; and

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the residents of the Township to update and amend provisions of the Lower Southampton Township Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, the Board of Supervisors of the Township desires to add provisions to the Zoning Ordinance relating to Data Centers and Data Center Accessory Uses; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Lower Southampton Township, as follows:

Section 1. Section 2702 of the Lower Southampton Township Code of Ordinances, entitled Definitions, is amended to add the following definitions:

> **Data Center:** A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. 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. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.
>
> **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-contract 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; 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.

Section 2. Permitted Use. A Data Center and Data Center Accessory uses are permitted in the Industrial District.

Section 3. Section 27-1403. Uses subject to other regulations is amended to add Section 13, Use #TBD, Data Centers and Data Center Accessory Uses:

13, Use #TBD – **Data Centers and Data Center Accessory Uses**

A. Data Centers shall be permitted by right in the Industrial Zoning District when approved in compliance with the procedures, standards, and criteria contained in this section.

B. For purposes of this section, sensitive receptors shall be defined as residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.

C. **Dimensional Standards.** The dimensional standards of Data Center Accessory Uses shall be in accordance with Section 27-1002 Existing Standards Applicable to Industrial Zoning District, with the following exceptions:

1. The maximum building height for a Data Center shall be [60] feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.

2. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

3. Data Centers and Data Center Accessory Uses shall be set back [200] feet from the boundary of residential zoning districts or the lot line of any property developed with a sensitive receptor.

D. **Landscape Buffer.** A landscape buffer is required between Data Centers and Data Center Accessory uses and any adjoining residential zoning district, sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements:

1. The landscape buffer shall be at least [25] feet in width and may be part of the minimum setback distance.

2. Buffer plantings shall consist of native species planted as follows:

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.

b. One (1) deciduous canopy (shade) tree per 75 linear feet or buffer. 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. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

3. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining residential zoning districts, sensitive receptors, and public roadways, the Zoning Hearing Board, upon recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

E. **Screening and Fencing**

1. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within [300] feet of a public roadway, residential zoning district, or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

a. The landscape buffer required by subsection (D) above.

b. By existing vegetation that will remain on the property.

c. By the principal Data Center building or an accessory building.

d. A berm averaging a minimum of five (5) feet in height above the

adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

e. 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.

2. Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph 1 above.

F. **Noise and Vibration**

Applicant must comply with Chapter 10, Part 3, Maximum Noise Level sections of the Lower Southampton Township Code of Ordinance.

G. **Water and Sewer**

1. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

2. If the use is to rely upon nonpublic sources of water, 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. The water feasibility study shall include the following information at a minimum:

a. The projected water demands of the Data Center;

b. The source of water to be used;

c. 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 suppression, and domestic usage);

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

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

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

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

h. 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;

i. 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;

j. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

3. The applicant shall provide proof of review and approval from the Delaware River Basin Commission for projects proposing:

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

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

4. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

H. **Power Supply**

1. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that

electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.

2. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

I. **Emergency Management**

1. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

   a. Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;

   b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

   c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

   d. Ensure that all first responders receive adequate training specific to the installed system;

   e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.

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 National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

3. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

J. **Aesthetics**

1. Any Data Center and Data Center Accessory Use building façade that faces a road, residential district, or existing residential use must incorporate at least two of the following design elements every 150 horizontal feet:

    a. A change in building material, pattern, texture, or color;

    b. A change in building height;

    c. Building step-backs or recesses having a minimum depth of five (5) feet.

K. **Parking**

1. Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.

Section 4: Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Lower Southampton Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 5: Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 6. Codification. Pursuant to the Lower Southampton Township and the Pennsylvania Municipalities Planning Code, the Lower Southampton Township Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

Section 7. Effective Date. This Ordinance shall take effect immediately after its adoption.

ORDAINED and **ENACTED** an ordinance of the Township of Lower Southampton this _____ day of _____, 2025.

BOARD OF SUPERVISORS

Attest: _____

_____ _____

Township Manager

_____

_____

_____

April 2026

Data Center Ordinance Guide

Version 1.0

Prepared by
Chester County and Montgomery County Planning Commissions

CHESTER COUNTY Planning COMMISSION

MONTGOMERY COUNTY, PA PLANNING COMMISSION

HOW TO USE THIS GUIDE

This guide is intended to provide information based on our current understanding of data centers. Information and approaches may evolve, and we will aim to update this document when warranted. Some data center issues are better regulated by state or federal governments and regional energy markets. While some of those issues may be acknowledged, the purpose of this guide is to provide and explain zoning language pertaining to a principal data center use.

We strongly recommend that the ordinance language presented in this document be integrated fully under a Conditional Use scenario. After an introduction to the issues, the remainder of this guide will highlight specific Conditional Use zoning ordinance recommendations. The format identifies each issue with an explanation followed by suggested zoning language in bold text. As always, each municipality should review the recommendations and thoughtfully consider how they may best be applied in a specific community or district.

CONTENTS

Disclaimer

The information provided in the Data Center Ordinance Guide (the "Guide") is for educational and general informational purposes and does not comprise and is not intended as legal advice. All information contained in the Guide is provided in good faith, however the authors make no representation or warranty of any kind, express or implied, regarding the accuracy or completeness of any information contained in the Guide. It is recommended that you consult with a solicitor or other qualified professional before making any decisions based on information provided in the Guide.

INTRODUCTION

Like the electric grid and roadway networks that form the more traditional parts of our critical infrastructure, data centers are becoming a component of modern-day infrastructure that drives our increasingly digitally-oriented lives and economy. Until recently, data centers were often accessory to the corporate office or research and development buildings they supported, and larger data centers were concentrated in certain parts of the country such as northern Virginia and the Pacific Northwest. The advent of artificial intelligence and its exponential growth is driving unprecedented investment from the tech industry in data center development to win a global AI race. Some states, Pennsylvania included, are interested in the potential economic impact of this investment and are considering the incentivizing of data center development. At the same time, local municipalities are beginning to understand the potential environmental and community impacts of this use and recognize a need to provide regulations specific to large data centers.

These facilities require substantial and continuous electrical power, fiber connectivity, specialized cooling systems, and often significant land area. As this use was not contemplated in many existing zoning and land development regulations, municipalities should proactively evaluate and establish clear standards to address siting, design, environmental performance, power generation and grid interconnection, and compatibility with surrounding land uses. The **purpose of this data center ordinance guide** is to define large-scale data centers as a unique land use and to provide a regulatory framework that protects public health, safety, and welfare while offering predictability for property owners, residents, and developers. This ordinance guide provides information about the key topics related to data center development and recommendations for performance standards that can help ensure that any data centers provide the most community benefit with the least impact. Ultimately, this guide and the adoption of a data center ordinance are not an indication of advocacy or opposition, but an establishment of prudent safeguards to help municipalities navigate any interest that may come their way.

WHAT IS A DATA CENTER?

Data centers are buildings that often resemble warehouses or when designed well, office buildings, that serve as a physical hub for the flow of digital information. They house network infrastructure such as computers and/or telecommunications and related equipment (e.g., rows of servers, routers, switches, firewalls, and storage systems) where information (commonly referred to as "the cloud") is stored, processed, and/or distributed, and where data flows continuously through fiber optic cables. They range greatly in size; some are as small as 5,000 square feet, while some are as large as a few million square feet. A data center may include more than one principal building, in which case it may be described as a "data center campus."

TYPES OF DATA CENTERS

In the 1990s and 2000s, **corporate** or **enterprise data centers** were commonly developed to store and process a single entity's data and were sometimes located on the same site as a company's office building. Data centers being developed as a principal use are more common now and are defined based on their business model. These include:

- **Retail data centers** lease space and equipment in the data center to multiple companies or to a single company with turnkey data center service. The data center operator provides day-to-day operational services.
- **Wholesale data centers** also lease space in a data center building to multiple companies, or more commonly a single company, but provides only the space within the data center and power. The lessee provides, operates and maintains the computing infrastructure it needs.
- **Hyperscale data centers** are large facilities built by a single company to meet their specific needs. They are primarily used for cloud storage, artificial intelligence, subscription-based software, and other processes that require massive computing capacity. They are designed to be scalable (up or down) to meet changing demand and workloads.

These data center types' square footage and power usage can vary. This guide is designed to address the largest of data centers - those over 100,000 square feet. We suggest that data centers under 100,000 square feet in size could be allowed as an industrial or accessory use; however, municipalities should still ensure that zoning regulations for them are comprehensive. For reference, the large-scale data centers that have been proposed in our region between 2022 and the present have ranged from one to six million square feet with a proposed energy demand ranging between 50 megawatts to 1 gigawatt.

Ordinance Definitions:

DATA CENTER: A facility primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

DATA CENTER CAMPUS: A data center campus includes all of the structures and real estate owned, controlled, leased or otherwise occupied primarily for the use and purpose as Data Center(s), including: (i) Data Center(s); (ii) Data Center Accessory Uses; and (iii) all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance, and/or protection of the Data Center(s) and/or the data center campus.

SENSITIVE RECEPTOR: Buildings used for residences (including institutional uses with a residential component), schools, daycare centers, preschools, hospitals, community centers, and similar institutional uses.

POTENTIAL BENEFITS

Economic Impact

The economic benefits to local municipalities can vary based on the scale of data center development along with the existing conditions or uses preceding the data center. Known examples vary greatly. Data centers can also have spin-off economic impacts where adjacent or nearby uses are incentivized to locate or invest in sites that may be able to use the additional data facilities, such as a biotech campus.

Municipalities with local real estate taxes stand to gain more from data center developments than those with earned income taxes. Business privilege taxes or fees can also boost a municipality's revenue related to data centers. Additionally, municipalities can gain significant revenue from application review and permit fees related to data centers; however, reviews may require gaining additional technical expertise, and municipalities should review their fee schedule to ensure that revenue will cover expenses.

Jobs

Data centers generate fewer permanent jobs by square footage compared to other industrial and research & development uses, though some of the jobs created are high-paying permanent ones for which traditional college degrees may not be required. Data centers also generate security and maintenance related jobs. Jobs generated by data centers in the construction industry are more significant but they only exist during the construction period.

Low Traffic

Compared with other uses, data centers generate relatively little traffic given the smaller number of employees and low delivery needs. Construction-related traffic, however, can last longer than that for other land developments given that some large-scale data centers are built in phases to get individual buildings up and running as quickly as possible. Construction could be a 24-hour operation, generating traffic at all hours of the day and night, depending on what the municipal code allows.

CONDITIONAL USE

Most Pennsylvania models suggest a Conditional Use (CU) approach to allow for detailed consideration by the elected government body with the ultimate power to approve or deny during a public hearing. We also recommend the Conditional Use approach. Conditional uses are intended to permit uses that are appropriate within a zoning district, subject to specific standards and conditions, to ensure compatibility with surrounding land uses and the protection of the public health, safety, and welfare. However, it's important to remember that Conditional Uses are still by-right uses in Pennsylvania, but subject to the standards within the CU ordinance. Failing to meet those standards as a CU allows the municipality to deny approval. All of the following ordinance language is intended to be applied within a Conditional Use section for data centers.

It is also recommended to require concurrent Conditional Use and Preliminary Land Development Applications. This will ensure that all pertinent material to the land development proposal is submitted and available to the elected officials as they consider the Conditional Use application.

ACCESSORY USES FOR DATA CENTERS

Accessory uses for a data center may be substantial in number, scale, and potential for generating nuisances. Equipment associated with data centers, or their potential accessory structures, may include: mechanical equipment; backup power generation facilities ranging from power plants to generator banks and batteries; water towers;

water and/or sewage treatment facilities and pump stations; above and below ground utility lines including water, power, and high-speed internet; environmental controls (air conditioning or cooling towers to prevent equipment from overheating, fire suppression, etc.); and security features like fencing and gatehouses.

Some data center developers are proposing to build on-site power generation as their primary source of energy (called "co-location"). Such power generation facilities are best considered and regulated as a second principal use. Municipalities may need to review their code to assure that multiple principal uses are allowed on one parcel or allow for an exception associated with a data center use.

Ordinance Definition:

DATA CENTER ACCESSORY USE: Ancillary uses or structures secondary and incidental to a Data Center Use. Accessory uses secondary and incidental to a data center are allowed, including but not limited to:

a. **Back-Up Energy Generation. The use shall not include energy generation systems used or intended to be used to supply power to the data center during normal operations.**
b. **Administrative**
c. **Security**
d. **Fiber optic lines**
e. **Utility lines**
f. **Electrical substations**
g. **Domestic and non-contact cooling water and wastewater treatment facilities**
h. **Water towers**
i. **Pump stations**
j. **Heating, ventilation, air conditioning, and cooling towers**

SITE ELEMENTS THAT ATTRACT DATA CENTERS

There are several necessary infrastructure components to make a site feasible for data center development. However, in the push to expand computing capacity, data centers may be built in locations with less-than-optimal infrastructure access. For example, if a data center cannot obtain the power or interconnection it needs from the grid, it could attempt to develop its own dedicated power supply. The primary infrastructure considerations are listed below. Municipalities should identify locations within their boundaries that meet these criteria and ensure regulations are in place that: 1) clearly specify in which zoning district(s) data centers are a permitted use, or 2) put regulations

in place specific to data center development if the parcels or tracts are in an appropriate location for a data center, i.e., an industrial district.

- **Power:** Data centers need access to high-voltage transmission lines to obtain the massive amount of power needed for their operations. The closer a data center is to a transmission line, the less expensive it will be to power their facility, though up to 2 miles away could be feasible.
- **Natural gas pipelines:** If electric transmission lines are not accessible or adequate power is not available, some data centers may opt to co-locate and build a behind-the-meter power generation facility: most frequently a natural gas turbine. Developers of these systems will look to be located near a high-capacity natural gas pipeline to power their generation plant. In these cases, interconnection with the grid may still be desirable or even necessary for back-up power, but the grid supplier may not be willing to interconnect and meet the potential energy demand if it will not be the primary source of power.
- **Fiber optic:** Digital information to and from a data center flows through underground fiber optic cables. Thinking of the fiber optic network like the road network, data centers need access to the "interstate highway" level fiber optic lines, not the "collector road" fiber optic lines.
- **Water:** Some data centers rely on water to cool the thousands of processors within the building, potentially requiring millions of gallons of water per day depending on the cooling system used and the outside temperature. It is less common for data centers to draw water directly from surface or ground water; rather, most water-cooled data centers prefer to connect to a public water system.
- **Land:** Data centers are often built as part of sprawling campuses, sometimes including their own energy generation facility, requiring large tracts of land for the facility itself and for buffering adjacent uses.
- **Access:** Although data centers generate relatively little traffic when operational, the construction phase can generate truck traffic, so access to an arterial roadway is optimal.

ZONING DISTRICTS

In Southeast Pennsylvania, data centers are most appropriate in heavy industrial settings, which are typically located away from residential or other sensitive uses and may have existing power infrastructure. Depending on the scale of the data center and the distance from sensitive uses such as residences, schools, medical facilities, public places, and other institutional uses, light industrial districts could also be appropriate.

Municipalities should also consider adequacy of the transportation network to facilitate construction activity when selecting appropriate zoning districts and locations in the municipality for data centers.

Ordinance Language

1. **Data centers are allowed by conditional use in the HI heavy industrial zoning districts.**
2. **Data centers shall take access from an arterial or collector road and shall have secondary access suitable for emergency response purposes.**

SCALE/AESTHETICS

Municipalities should regulate the aesthetics of large-scale data centers to ensure these expansive, highly utilitarian facilities are compatible with the surrounding communities to the greatest extent possible. Because data centers often consist of large, windowless buildings, extensive mechanical equipment, perimeter security fencing and security offices, and substantial lighting, regulations specific to large-scale data centers can address design standards such as building massing, façade articulation, exterior materials, color palettes, landscaping buffers, equipment screening, and lighting controls. These requirements are intended to reduce visual impacts and soften the appearance of large building footprints.

Ordinance Language

1. **Principal building facades shall require a horizontal offset of at least ten feet at intervals of no more than 150 linear feet (measured horizontally) of principal building facade.**
2. **No more than 80 percent of a principal building facade may consist of one building material.**
3. **No more than 80 percent of a principal building facade may consist of one color, texture, or pattern.**
4. **Principal building facades shall require fenestration, step-back(s), cantilever(s), projection(s), or architectural elements extending horizontally across at least 60 percent of the facade.**
5. **Each principal building shall include an articulated main entrance. This entrance shall be differentiated from the rest of the building with a change in building material, pattern, texture, color, or architectural accent. It shall also either project or be recessed from the adjoining building plane.**

6. **Elevations/renderings of all principal building facades visible from off-site shall be submitted with the conditional use application.**

   Fencing: shall not include barbed or razor wire and shall be subject to municipal fence standards.

DIMENSIONAL STANDARDS

The following dimensional recommendations are not definitive in their applicability. Some variation may be appropriate based on district requirements for other industrial uses. Municipalities should identify potential tracts in their districts that could be proposed for large-scale data centers and assess the impact the below standards would have on the feasibility of data center development. If sites are not near residential areas or sensitive receptors, municipalities can consider reducing setbacks so as not to bring legal challenges on the basis of exclusion.

Some ordinances also require a minimum distance from residential uses or other sensitive receptors with 1,000 feet being a more commonly selected distance. This figure could be considered arbitrary if the design of the data center was effective at mitigating potential impacts. The recommended language and the conditional use process should allow for the opportunity to reduce that distance if other performance standards, such as noise, can be demonstrated to be less than otherwise required.

Lot Size

Establishing a one-size-fits-all minimum lot size could prevent smaller data centers from being established. Setbacks and other dimensional standards will better determine the feasibility of lots within a district but the ordinance language uses a five acre minimum threshold which may only work for a two-story data center at the minimum size of 100,000 square feet. A maximum lot size is not included in the ordinance language but may be considered in more rural municipalities that want to protect against losing potential agricultural land, or in municipalities with limited industrial land that would not want to see that district monopolized by a data center use.

Height

Data centers may range in height from 30 feet to 150 feet or more, with each story being roughly double the height of a typical office building due to space for airflow and cooling equipment. Rooftop accessory structures like parapet walls, rooftop equipment, and stairwells can add up to 20 feet of additional height, particularly for air cooled data centers and those that use evaporative cooling. Freestanding accessory structures such as water towers and power generation facilities can be higher still. Municipalities should consider the underlying district's height standards for consistency, but if there is a lower maximum height, they may want to allow for up to 60 feet for a data center. The ability to build more than one floor could provide more energy and cooling efficiency.

Setbacks

Data centers may have profound impacts on their neighbors. When regulating data centers, municipalities often create extensive setbacks from residential uses as well as sensitive receptors, including institutional uses. Some require greater setbacks in the data center development for taller structures such as water towers.

Impervious Coverage and Building Coverage

Data center buildings and impervious areas can affect vast swathes of land. This has great impacts on site disturbance, stormwater runoff, woodlands, farmlands, and habitat. The below standards could be modified to remain consistent with other industrial uses within the proposed district permitted for data centers.

Ordinance Language

1. **Minimum Lot Size: Data centers over 100,000 square feet in gross floor area shall have a minimum lot area of 5 acres.**
2. **Maximum Height: Data centers and freestanding accessory uses may not exceed 60 feet in height. For data center principal buildings, the maximum height shall be inclusive of rooftop appurtenances and rooftop accessory uses.**
3. **Minimum Setbacks: Data center principal buildings, accessory uses, and truck idling areas shall have a minimum setback from all property lines of 250 feet, with the exceptions of utility lines, fiber optic lines, and security stations.**
4. **Data centers shall be a minimum of 1,000 feet from residential uses, residential districts, and/or other sensitive receptors. This distance may be reduced to a range of 500 – 999 feet if the applicant can successfully demonstrate how it will exceed other environmental performance standards including noise levels that do not exceed ambient noise for that area, visual screening and/or aesthetic improvements that mask the data center use, and do not contribute to any thermal air changes that would affect the closest sensitive receptors.**
5. **Roof-mounted equipment shall be set back from the parapet at least as far as the equipment's height above the roof surface.**
6. **Maximum Building Coverage: 40% (or consistent with eligible zoning district)**
7. **Maximum Impervious Coverage: 50% (or consistent with eligible zoning district)**

ENERGY SOURCES

Large-scale data centers are among the most energy-intensive land uses, with individual facilities often demanding 50 to 100 megawatts of electricity or more—comparable to the consumption of a small city. Unlike most commercial or industrial uses, data centers operate continuously, requiring uninterrupted power for servers and cooling systems. Their round-the-clock load can necessitate new substations, high-voltage interconnections with transmission infrastructure, and other highly costly improvements, potentially including new transmission lines. Utility companies are required by state and federal law to provide service to applicants, but the amount of time it will take to provide service can vary greatly, and in the case of large load users like data centers, the wait for energy service can be years.

Additionally, power redundancy is a critical component of data center power systems to ensure continuous operation of the data center. Power redundancy systems can include natural gas or diesel powered generators, battery systems, as well as grid interconnection in the case of those data centers with co-located power generation systems.

Due to grid constraints, new data center developments should be designed and operated to meet the highest achievable standards of energy efficiency. The U.S. Green Building Council's LEED BD+C: Data Centers rating system provides an accepted framework of best practices tailored specifically to the unique energy demands of data center facilities. Municipalities may incentivize or require adherence to these standards as part of the conditional use process, to help reduce overall electricity consumption, improve operational performance, and lessen strain on local infrastructure while supporting broader sustainability goals.

Even with strong energy efficiency measures, the spike in power demand from data centers poses a threat to local climate action goals. However, there could be one silver lining in terms of opportunity. Data centers could play a meaningful role in transitioning to cleaner energy sources by driving demand for new renewable energy sources. Municipalities can encourage renewable integration or sourcing a certain percentage of power from renewable generation sources, as well as using battery storage instead of some, or all, back-up generators. Renewable energy can also be required to achieve a land use-related bonus, such as additional height or square footage. Of course, any standards must be related to an achievable threshold based on what energy markets are capable of providing.

On most parcels in the region, on-site solar will not be a feasible option for powering a new data center due to size constraints (a solar field to produce 50 MW of power would require approximately 400 acres of land including setbacks, access roads, etc.). That said, municipalities should still encourage data centers to utilize on-site solar energy and battery storage to the extent possible and help reduce their peak load requirements , meet their reliability and redundancy needs, and minimize on-site emissions. To further mitigate their energy impacts, data center developers can also invest in off-site solar

+ battery storage development projects- which is typically the quickest type of energy generation system to build.

Direct investment in renewable energy projects and physical or virtual power purchase agreements should be encouraged over acquiring renewable energy credits to offset grid-purchased power due to their stronger environmental benefits. Municipalities can encourage data center developers to invest in local solar projects, including rooftop solar in the community..

Many data centers track and report their renewable energy consumption. Municipalities can incentivize or require public reporting to ensure accountability.

Ordinance Language

1. **Projects shall be designed and constructed to meet the current USGBC LEED BD+C: Data Centers rating system, or equivalent design standard, as approved by the municipal engineer.**
2. **The applicant for a data center shall provide an Energy Usage Plan with the Conditional Use application. The Energy Usage Plan shall provide or identify, at a minimum :**
    a. **Annual electricity demand**
    b. **Energy supply sources that will be utilized**
    c. **Energy storage capacity (if applicable)**
    d. **Proposed sources of back-up power**
    e. **Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those to: Reduce the need for new electric generation by incorporating the best available energy efficiency into the design of data center servers, cooling units, and the building structure.**
        i. **Cover 50-80% of all unused roof space with solar arrays to offset a portion of the demand on the electric grid and reduce onsite emissions.**
        ii. **Explore battery storage as a backup energy source for 50-100% of total onsite back-up energy needs to reduce or eliminate the pollution associated with diesel backup generators.**
        iii. **Support off-site renewable energy generation through a power purchase agreement or other arrangement that will result in new renewable energy generation within the PJM region .**
        iv. **Monitor and report energy efficiency and emissions data to the municipality on a regular basis.**

f. **If interconnecting to the energy grid, documentation of the energy utility interconnection approval process with answers to the following:**
    i. **Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.**
    ii. **Documentation that a transmission security agreement has been received by the applicant.**
    iii. **Documentation that the transmission security agreement has been signed by all necessary parties.**
    iv. **The date that the electric utility provider provided for the proposed energization of the data center.**
g. **The Energy Usage Plan will be prepared and certified by a professional engineer. The plan shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended plans based upon comments by the municipality prior to any zoning approval.**

3. **A proposed Data Center whose Energy Usage Plan shows power demand of over 50 megawatts (MW) and that proposes to connect to the power grid shall be required to procure a minimum of 10% of its power from renewable generation sources generated withing the PJM region, which include solar, wind, hydroelectric power, geothermal, and waste heat from data center cooling processes. Electricity supply shall be procured through a power purchase agreement or similar mechanism as opposed to purchasing renewable energy credits (RECs) only.**

POWER LINES AND CO-LOCATION OF ENERGY GENERATION SYSTEMS

Although connecting to the grid is most advantageous for data centers, infrastructure upgrades needed for interconnection could add years to a project's construction timeline. If the required grid infrastructure upgrades will take too long, some data centers may opt to install their own dedicated power generation plant, called "co-location". The Commonwealth of Pennsylvania is also incentivizing this approach, as demand for power generation has already outstripped supply. For developments that choose to install their own natural gas generation system, locating near a natural gas transmission pipeline is a key factor in site selection.

A power generation facility co-located on the same tract as a proposed data center has the potential to be far more impactful to nearby uses than the data center itself; however,

the impacts of a power generating facility depend on the type of facility (nuclear vs. natural gas turbine, vs solar, etc.), each requiring their own distinct set of regulations. For these reasons we recommend municipal codes consider power generation facilities as a separate principal use instead of an accessory use to the data center.

Although power generating systems are subject to state and federal regulations, municipalities can regulate location on a site, in which districts they are permitted, setbacks from property lines and sensitive uses, and special reporting such as air quality monitoring. It should be noted that natural gas combined cycle and single cycle turbines can degrade air quality, not just in the immediate vicinity but within miles of the facility, even when they adhere to their air quality permit limitations. Setbacks from sensitive uses should be significant and strictly adhered to.

Some municipal codes may restrict parcels to a single principal use: as such, municipalities should assess whether their current codes: 1) adequately regulate power generation facilities, 2) permit these facilities in the same districts where data centers are permitted, and 3) allow multiple principal uses on such sites.

Additionally, some data centers may require a dedicated electrical substation, so municipal ordinances for power generation should also include standards for substations. This guide considers electrical substations as an accessory use to data centers.

Ordinance Language

Definition:

Energy Generation System- Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems.

1. **Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems, shall not be considered part of the Data Center use but shall be subject to existing municipal or utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The applicant shall select, design, and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible. Data center principal buildings shall be located between energy generation systems and residential districts or any other sensitive receptors .**

2. **Electric Utility Substations on the same property as the Data Center they serve shall be located on the side or rear of a Data Center principal building so they are screened from public view and shall 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. **Data Center electric utility substations visible from an arterial roadway shall include a combination of year-round opaque landscaping and screening walls to minimize visual impact.**
4. **Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below shall be buried.**
5. **Proposed substations on a parcel that abuts a zoning district boundary other than industrial, and/or a boundary with a property with a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting both another industrial-zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.**

BACKUP POWER

Data centers commonly use backup generators to ensure uninterrupted power during grid outages. These backup generators are most often diesel powered. Diesel powered generators are tested regularly and run during power outages: this can be noisy and generate emissions such as NOx, a greenhouse gas and air pollutant that can cause health issues with prolonged exposure. Data centers that use diesel generators will likely need to acquire an air quality permit from PA DEP. Natural gas-powered generators are also available but relatively uncommon, though they might be advantageous if a data center is located near a natural gas pipeline.

Diesel generators are subject to regulation through federal EPA standards that are enforced at the state level. There are multiple tiers of emissions standards that apply to diesel generators, with Tier 4 being the highest. “Prime power generators,” or those used to operate the facility when disconnected from the grid (not just for emergency use) are required by the EPA to meet Tier 4 requirements. Those used for emergency generation are only required to meet Tier 2-3 requirements. Municipal codes can specify that diesel generators are only used for emergency backup power and must meet Tier 4 standards.

Some data centers may participate in demand response programs to curtail power usage at the request of the utility company/grid operator when the grid is most stressed. During these times, the utility pays the data center to switch to backup power, relieving stress on the grid. This is different than a user voluntarily switching to diesel generation to reduce their peak power usage which reduces the user’s energy bill but is not necessary for grid reliability purposes. To reduce air quality and noise concerns municipal ordinances should ensure generators are not used for “peak shaving” purposes..

Large-scale battery energy storage systems could provide back-up power as well as support data center operations during times of peak usage on the grid, which would also reduce the data centers' power costs. Relying on batteries for backup power reduces emissions and sound and is becoming more common as data centers strive to meet company-wide sustainability goals.

Ordinance Language

1. **Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.**
2. **Diesel generators shall undergo annual testing, and reports shall be provided to the municipality to ensure that data center equipment is performing as designed and that emissions from the data center do not exceed permitted limits.**
3. **Emergency energy generation that uses diesel, gasoline, or another fossil fuel shall be used only at the following times:**
    a. **When the primary source of energy is not available due to an emergency outage.**
    b. **During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year.**
    c. **Routine maintenance testing of back-up fossil fuel-powered generators is restricted to the hours of 9 am through 3 pm Monday through Friday.**
4. **Use for peak shaving or supplying power to the grid is prohibited. The applicant shall design and locate emergency energy generation systems to limit noise and visual impacts as much as possible.**

WATER USAGE

Large-scale data centers can have significant impacts on local water resources based solely on the demands of their cooling systems. Typical water-based cooling systems use large volumes of water to dissipate the intense heat generated by servers and associated equipment, and individual large-scale and hyperscale data centers may consume millions of gallons of water annually to support cooling operations alone. The amount of water directly used by data centers is dependent upon several factors, including seasonal conditions and system design. In periods of water stress, such as in warm summer months when cooling needs peak, this increased water demand can compete with residential, agricultural, and ecological needs, placing added pressure on municipal water supplies and local water sources. Additionally, co-located power systems most commonly utilize natural gas turbine generators, which also require large amounts of water for power production. Coupled with a water-cooled data center, overall water needs for large-scale and hyperscale data centers can be substantial, and are best served by public

water suppliers. If public water is not available, ordinance language should be opened to private sourcing only if a detailed water feasibility study is provided to the satisfaction of the municipality.

Most modern data centers operate on closed-loop systems supplied by public water from water treatment plants, rather than withdrawing from surface and groundwater sources to meet water needs. This approach shifts demand onto public water utilities, adding pressure to expand treatment and distribution capacity, increase source water intake, or undertake additional investments to accommodate high-volume demand.

New and emerging technologies in data center cooling systems have proven to significantly reduce water consumption compared to traditional closed-loop systems. For example, immersion cooling submerges data center equipment in a conductive liquid that transfers and condenses the heat through evaporative cooling, achieving efficiencies in power and water usage. Given the rapid pace of innovation in data center design, municipal ordinances should restrict antiquated technologies that rely on surface or groundwater for evaporative cooling while providing flexibility to adopt more water efficient solutions as they become available.

Municipalities can incorporate water-focused performance standards into zoning and land development ordinances to mitigate the impacts of direct water consumption by data center operations. These measures may include requiring water-use reporting and efficiency benchmarks, encouraging or mandating the use of closed loop or other water-efficient cooling technologies, and promoting water reuse or replenishment targets. .

Ordinance Language

1. **No principal use on a data center site shall use private groundwater wells or direct withdrawals from surface watercourses as its primary source of water for cooling purposes if a public water source is available.**
2. **Data centers shall be designed to include a closed-loop water circulation system to cool data center processing equipment. An applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed-loop systems to the satisfaction of the municipal engineer.**
3. **If the proposed source is from a public system, the applicant shall submit certified documentation that the public authority has the capacity to supply the water needed.**
4. **If the data center will utilize nonpublic water sources, the applicant shall provide a water feasibility study, prepared by a qualified professional. The purpose of the water feasibility study is to determine if an adequate supply of water is present to support the proposed data center's water use and to evaluate the potential adverse effects on the quantity and quality of existing wells or nearby surface waters.**

The water feasibility study shall include, at minimum, the following information:

a. **Calculations of the projected water needs, including seasonal fluctuations.**

b. **A geologic map of the proposed project area within a radius of at least one mile from the site property boundary.**

c. **The location of all existing and proposed wells within 1,000 feet of the site property boundary with a notation of the capacity of all high-yield wells.**

d. **The location of all surface waters within 1,000 feet of the site property boundary and all known point sources of pollution.**

e. **A determination of the long-term safe yield of the water source.**

f. **A determination that the proposed water supply system poses no adverse impacts on the quantity and quality of water in nearby wells, streams, and the groundwater table**

g. **Identification of how water will be recycled, treated, or released into surrounding water bodies.**

h. **A statement of the qualifications and the signature(s) of the person(s) preparing the study.**

5. **No approvals shall be granted until all required state and regional permits have been obtained (i.e., PADEP, SRBS, DRBC).**

6. **The applicant shall provide a drought response plan to demonstrate compliance with state, water supplier, and local drought declaration requirements.**

7. **Wastewater disposal analysis:**

   a. **The applicant shall submit an analysis of wastewater disposal needs to either a public sewer system or private system, indicating the quantity of wastewater generation expected. Wastewater shall include sewage and water discharged as part of the data center's HVAC system.**

   b. **Any untreated wastewater generated is prohibited to be discharged to stormwater systems or surface waters.**

   c. **If wastewater will be conveyed and/or treated by a public system, the applicant shall submit documentation certified by the public authority that the public authority can support the conveyance and treatment needed.**

   d. **If the data center is to rely upon a private system of wastewater disposal, a wastewater feasibility study shall be required. The purpose of the study is to determine if there is an adequate ca-**

pacity to dispose of wastewater and that the disposal technique does not pose adverse impacts on surrounding water bodies. A wastewater feasibility study shall include the following information at a minimum:

i. **Calculations of the projected wastewater generation including the sources of wastewater.**
ii. **A geologic map of the area with a radius of at least one mile from the site property boundary.**
iii. **The location of all existing and proposed wells within 1,000 feet of the property boundary, with reference to the capacity of all high-yield wells.**
iv. **The location of all surface waters within 1,000 feet of the property boundary and all known point sources of pollution.**
v. **Identification of the process by which water will be recycled or released into surrounding water bodies.**
vi. **A determination that the proposed wastewater disposal system has no adverse impact on the quantity and quality of water in nearby wells, surface waters, and the groundwater table.**
vii. **A statement of the qualifications and the signature(s) of the person(s) preparing the study.**

THERMAL IMPACTS

Data centers require significant cooling systems to cool servers and other equipment; however, the heat generated can be captured and transferred to a nearby use to reduce their heating costs. Significant energy savings can be achieved by directly using waste heat for heating applications like pre-heating water or ventilated air for buildings. Specialized equipment can also provide for the efficient recovery and reuse of heat from data center equipment for space heating. To make this possible, a recipient for the heat should be located nearby or adjacent to the data center (optimally under the same ownership as the data center), and a champion or incentives/policies that support heat reuse must be in place.

Ordinance Language

A Thermal Impact Mitigation Plan shall be submitted with the zoning application, including, at a minimum:

1. **Identification of primary sources of waste heat (air- and water-based).**

2. **Evaluation of potential off-site thermal impacts (including plume/heat discharge and localized heat islands) under representative seasonal conditions.**
3. **Description of design measures to minimize heat impacts (e.g., equipment siting, shielding, landscaping, cool roofs/paving where applicable).**
4. **Evaluation of feasible opportunities for waste heat reuse. Where reuse is not feasible, the reason(s) why should be given, in which case alternative mitigation shall be identified (e.g., vegetative or green roof and/or site design modifications).**
5. **Inclusion of a monitoring/verification approach if required by conditions of approval based on proximity to sensitive receptors or site constraints.**
6. **The Plan shall be prepared and certified by a professional engineer.**
7. **The Thermal Impact Mitigation Plan shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended plans based upon comments by the municipality prior to any zoning approval.**

NOISE/VIBRATION

Large-scale data centers generate continuous and, at times, intermittent noise (in the case of generators) from mechanical and electrical equipment required to support their 24/7 operations. Primary sources of noise include rooftop chillers, cooling towers, dry coolers, large air-handling units, transformer hum from on-site substations, and backup diesel generators during testing or outages. While much of this equipment produces steady broadband "white" noise, certain components—particularly fans, compressors, and generators—can emit tonal or low-frequency sounds that travel farther and penetrate buildings more readily. In addition to airborne noise, vibration from some data center equipment can transmit through the ground or building structure if not properly isolated. For nearby residential areas, these conditions may result in sleep disturbance, reduced outdoor enjoyment, and other negative impacts. Low frequency sounds also negatively impact wildlife and farm animals, adding farms and conservation areas to the list of adjacent uses to treat with sensitivity.

Municipalities measure and regulate data center noise using established acoustical standards, typically expressed in decibels (dB), a logarithmic unit that quantifies sound pressure levels. Because human hearing is more sensitive to mid-range frequencies, most local ordinances rely on A-weighted decibels dB(A), which filter low and very high frequencies to approximate human perception. However, data center equipment such as ventilation fans can also produce significant low-frequency noise, which is better captured by C-weighted dB(C) measurements. Comparing dB(A) and dB(C) levels can help identify problematic low-frequency sounds.

To mitigate impacts, local regulations should consider buffering and location of equipment on the site (i.e., generators should be separated from any adjacent sensitive/public uses by a principal data center building). Additionally, local codes can require sound-attenuated enclosures for equipment, vibration isolation systems, or that equipment be fully housed indoors.

Regulations should be written to be enforceable. This can be done through establishing quantifiable maximum sound limits at the property line; requiring acoustical modeling studies prior to approval; requiring developers to conduct pre- and post-construction noise surveys; and data centers to permanently host on-site acoustic monitors to ensure sound levels remain within pre-determined limits. The dBA sound thresholds in the ordinance language provided are based on guidelines from the World Health Organization and US EPA. The use of c-weighted decibels accounts for low-frequency sound which may add 10–20 decibels of additional perceptible noise beyond the A-weighted measurement.

Ordinance Language

1. **Noise Studies.**
    a. **Pre-construction Noise Study. The applicant shall submit a pre-construction noise study prepared by an acoustical engineer establishing baseline ambient noise and vibration levels and shall include different times of day. The noise study shall include a narrative describing anticipated operational impacts to sound levels and it shall include an octave band analysis. The noise study shall account for any proposed electrical substations, on-site power generation facilities, and other data center accessory uses that may generate noise.**
    b. **Post-construction Noise Study. The applicant shall submit a noise study of existing operations no sooner than one month but no more than 12 months after the issuance of the first Certificate of Occupancy.**
    c. **Sound shall be measured at all property lines. The studies shall use full spectrum modeling to address low-frequency noise.**
    d. **If the pre-construction Noise Study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Chapter, the Post-Construction Study shall demonstrate that operations of the proposed use do not materially increase the baseline ambient noise level as measured at the property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.**

e. **Noise mitigation measures may be required by the zoning officer when noise studies show that the use is generating noise approaching established limits.**

2. **Sound level.**
   a. **Sound levels at the property line shall not exceed 40 dB(A) and 50 dB(C) from 7:00pm to 7:00 am, nor shall they exceed 45 dB(A) and 60 dB(C) from 7:00am to 7:00pm.**
   b. **Where baseline ambient noise measured for the pre-construction noise study exceeds that of the maximum sound level above, sound levels at the property line shall not exceed the baseline ambient noise level (for dB(A) and dB(C)).**

EMERGENCY SERVICES

Data centers present unique challenges for emergency management. Issues include: data security and the threat of cyberattacks; a large amount of heat-generating electrified equipment and the risk of fire; buildings of great length and/or height; and hazardous materials such as refrigerants and batteries. Local emergency service providers may be unfamiliar with data center operations and the potential hazards involved and should receive training in advance of the data center becoming operational.

Ordinance Language

1. **An emergency response plan shall be required as part of the conditional use application and shall be prepared by a qualified professional. The Emergency Response Plan shall:**
   a. **Evaluate the impacts, both positive and negative, of the proposed data center upon emergency services and fire protection.**
   b. **Be reviewed by and acceptable to the local fire department and emergency management services as part of the conditional use process.**
   c. **Include detailed procedures for fire suppression, containment, ventilation, and evacuation.**
   d. **Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.**
   e. **Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.**

2. **Each Data Center shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage 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.**
3. **The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.**
4. **Data Centers and any Data Center Accessory 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 National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and shall include fire suppression systems designed specifically for battery storage.**
5. **No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.**

ELECTRONIC WASTE

Data centers produce large amounts of electronic waste, as well as batteries and hazardous materials. Servers are replaced with new ones at regular intervals, requiring disposal of large amounts of electronic equipment.

Ordinance Language

1. **An Electronic Waste Plan shall be submitted with the zoning application outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned. The Report shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended reports based upon comments by the municipality prior to any zoning approval.**

PARKING

Parking requirements for data centers are far less than would be required for another industrial use of similar size and are tied to the number of on-site jobs they generate. A traditional approach establishing a number of spaces per square feet of building would be likely to overestimate or underestimate the actual need. Instead, the ordinance should provide the applicant the opportunity to demonstrate the parking need based on expected operations, with a requirement to identify future reserve parking only if needed.

Ordinance Language

1. **One parking space shall be required for each employee, based upon the number of employees projected to work during the largest shift, plus 5 spaces for visitors.**
2. **The municipality may ask for an additional 25 percent of required parking spaces to be held in reserve.**

DECOMMISSIONING

Given the rapid expansion of data centers and the rapid evolution of the industry in general, there is some concern that 1) data centers could be functionally obsolete in the future, or processing could advance to take place in much smaller areas, making the scale and number of data centers too much. Even during this era of rapid data center build-out the market could become saturated and projects could be abandoned prior to completion.

The prospect of a data center building becoming vacant one day poses numerous challenges and is one which ordinances should address. For example, large scale data centers have massive buildings that are taller than most other uses, making their adaptive re-use challenging for another industry. They may also be sited in locations with access appropriate for a few dozen data center employees, but not for heavy truck traffic that another industrial use might require. For these reasons, data center proposals should include Decommissioning Plans to describe how the data center development will hedge against these concerns, and potentially to provide financial security for its demolition at the end of its useful life.

Ordinance Language

1. **A Decommissioning Plan prepared by a qualified professional shall be submitted. The plan shall outline the procedures for safe shut-down, removal of equipment, disposal or recycling of materials, and site restoration.**

2. **The owner shall submit a notification of closure if operations are permanently ceased.**
3. **Decommissioning shall begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. An extension of 1 year may be granted by the municipality if the property owner can demonstrate that they are actively marketing the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the municipality for good cause.**
4. **Standards for Decommissioning:**
    a. **All above-ground structures, equipment, and accessory facilities shall be removed.**
    b. **Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.**
    c. **Disturbed soils shall be stabilized and re-vegetated.**
    d. **Any utility connections shall be safely disconnected and capped.**
    e. **The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.**

PUBLIC ENGAGEMENT

Large-scale data centers can have substantial impacts on surrounding communities. Past data center developments around the nation have resulted in many people feeling as if they were excluded from the planning process. The propensity of data center developers to use non-disclosure agreements (NDAs) with local governments coupled with the strong economic impact data centers can generate has increased the level of mistrust that many members of the public hold toward data center developers and local governments alike.

Ordinance Language

1. **The applicant shall hold a public meeting prior to the first planning commission meeting when the proposed land development or conditional use proposal is discussed. The purpose of the meeting shall be to inform the public about the nature of the proposed development, including the location, scale, and general characteristics. A representative(s) of the applicant with knowledge of the project and the ability to answer general questions from the public about the project's general location, scale, and parameters shall participate in the meeting. The public meeting shall be advertised consistent with**

"public notice" as defined by the Pennsylvania Municipalities Planning Code (PA Act 247).

2. **The applicant shall create and maintain a project website for viewing by the general public. The site shall explain the project parameters, including maps and elevations/renderings, beginning at least two weeks prior to the meeting discussed above, and until the time of final land development approval. The site shall provide a description of the proposed use, construction timelines and phasing plans, dates of public meetings with municipal bodies, and status of permits.**

APPENDIX A: COMMUNITY BENEFITS AGREEMENT (CBA)

Data centers—particularly hyperscale ones—have the potential to create great impacts on an area. In some communities, developers and community groups have established contractual agreements called community benefits agreements to help mitigate the negative side of data center development. These agreements can include commitments from the developer to take specified actions that benefit the community and possibly mitigate negative impacts of development.

It is important to note that community benefits agreements are not addressed by the Municipalities Planning Code (PA Act 247) and should not be codified in an ordinance. Municipalities cannot compel developers to participate in such an agreement (doing so risks being considered an exaction). Although municipalities may serve as facilitators of negotiations between a community or civic group or groups and the developer, the more involved a municipality is (particularly if any officials involved would be involved in a conditional use decision), the greater the risk that the end result may be deemed an exaction by the courts.

If a community benefits agreement is pursued, the best time to begin discussions with the developer about it is before the land development submission process.. Such engagement could be beneficial to both the developer and the community. If considering a CBA, municipalities should be aware how they have been used with some data center developments. Any agreement created should address mitigation actions that have a clear nexus and proportionality with anticipated negative impacts of the data center. Community benefits agreements should include elements that are programmatic and contractual in nature; these would not be regulatory requirements and cannot be enforced by a municipality (e.g., dimensional standards, air quality or sound levels, or water usage standards.

Some examples of programmatic community benefits that could be included in such an agreement include:

1. Emergency management including training provided by applicant and reimbursement for emergency response.
2. Community-wide funding for energy efficiency and solar projects.
3. Workforce training.
4. Schools, including cloud computing curriculum.

5. Economic development support surrounding a data center site in recognition of limited job presence in a commercial district.
6. Environmental protections outside of standard regulations.
7. Additional public engagement and ongoing transparency, such as maintaining websites that track environmental impacts like sound, air quality, water usage, and energy usage.

APPENDIX B: SOURCES AND MODELS REFERENCED

This Guide draws upon a range of publicly available model ordinances, professional guidance documents, and peer municipal examples that address the siting, regulation, and impacts of large-scale data centers. These sources were consulted to reflect current best practices, emerging regulatory approaches, and real-world municipal experience. The inclusion of these references does not imply endorsement of any single model, but rather informed the development of adaptable recommendations suitable for Pennsylvania municipalities.

Lancaster City Data Center Ordinance (Draft)
This draft ordinance was consulted for topics including the energy usage plan and some of its components.

PennFuture – Data Center Model Ordinance
PennFuture's model ordinance was consulted for its comprehensive treatment of data center impacts, including setbacks, environmental performance standards, energy generation, water usage, and noise considerations. The model provided a useful framework for identifying issues that municipalities may wish to address, particularly with respect to public health, environmental protection, and community compatibility.

Physicians for Social Responsibility Data Center Model Ordinance
This model influenced the sound guidelines used in this ordinance guide due to their relative simplicity to understand and apply, ability to measure quantitatively, and adherence to accepted healthy standards for noise from the WHO and EPA.

Urban Land Institute (ULI)
ULI reports and technical guidance on data centers were referenced for background information on data center typologies, site selection criteria, infrastructure needs, and emerging trends in design and operations. ULI materials also informed discussion of aesthetics, noise mitigation, and the evolving role of data centers in regional development patterns.

Prince William County, Virginia – Draft and Adopted Ordinance Provisions
Prince William County's data center regulations and draft noise ordinance updates were reviewed, particularly for their detailed treatment of acoustical analysis, baseline noise measurement, and mitigation standards. These materials helped inform recommended approaches to noise studies and enforcement mechanisms.

York County Data Center Model Ordinance
The model's sections on safety and emergency management were consulted and strongly influenced the guidance and draft ordinance language in this model.

Other Municipal and Professional References

Additional examples and technical resources were consulted as appropriate, including draft or adopted ordinances from other Pennsylvania and Mid-Atlantic municipalities, guidance from acoustical engineers and water resource professionals, and publicly available corporate sustainability and water-use reports. These sources contributed to the Guide's discussion of energy use, water demand, thermal impacts, emergency services, and decommissioning considerations.

ARTICLE VII
General Performance Standards

§ 186-46. Compliance required.

All uses and activities established after the effective date of this chapter shall comply with the following performance standards.

§ 186-47. Noise.

A. The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands and center frequency as stated below. The sound pressure level shall be measured with a sound level meter and an octave band analyzer that conforms to specifications published by the American National Standards Institute, Inc. [American National Standard Specification for Sound Level Meters, S1. 4-1971, American National Standards Institute, Inc., New York and the American Standard Specification for Octave, Half-Octave and Third-Octave Band Filter Sets, S1. 11-1966 (R 1971), American Standards Association, Inc., New York, New York], shall be used. Such levels shall be measured at the property boundary of the sound source.

B. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows (all of the decibel levels stated below shall apply in each case):

Octave Band (cycles per second)	Center Frequency Maximum	Permitted Sound-Pressure Level (A-weighted decibels-dBA)
10 to 599	63 Hz	50
	125 Hz	
	250 Hz	
	500 Hz	
600 to 2,399	1,000 Hz	38
	2,000 Hz	
2,400 to 4,799	4,000 Hz	35
	8,000 Hz	32

C. If the noise is not smooth and continuous or is radiated during sleeping hours (between the hours of 10:00 p.m. and 7:00 a.m.), one or more of the corrections below shall be added to or subtracted from each of the decibel levels given in Subsection B above:

Type of Operation or Character of Noise	Correction in A-weighted Decibels (dBA)
Noise occurring between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurring less than 5% of any 1-hour period	+5
Noise being of periodic character (hum, scream, etc.), or being of impulsive character (hammering, etc.). In the case of impulsive noise, correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above	-5

§ 186-48. Smoke.

No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Smoke Chart may be emitted for not more than four minutes in any thirty-minute period.

§ 186-49. Fumes, gases and emission of damaging particulate matter.

A. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals or vegetation or to other forms of property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

B. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in stack at full load.

§ 186-50. Heat.

There shall be no transmission of heat or heated air in quantities discernible above ambient levels at the lot line without instruments by a healthy observer such as the Zoning Officer or a designee. This requirement applies to all land uses and activities, except that this standard shall not apply to heat created during the construction of the use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

§ 186-51. Odorous emissions.

No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the 50 Percent Response Level of Table 1 (Odor Thresholds in Air), Research on Chemical

Odors: Part I - Odor Thresholds for 53 Commercial Chemicals, October 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

§ 186-52. Outdoor lighting.

A. General standards: Outdoor lighting for all residential and nonresidential uses shall be designed to minimize undesirable off-premises effects.

(1) No use shall produce glare off the premises by illumination originating on the premises. Glare is defined as the sensation produced by light within the visual field that is sufficiently greater than the light to which the eyes are adapted and which causes annoyance, discomfort, or loss in visual performance or visibility, for any period of time, no matter how short in duration.

(2) No bare or direct light source shall be visible beyond the lot lines. All lights shall have a full cutoff fixture, which is defined as a light fixture with light distribution pattern that results in no light being projected at or above a natural plane located at the bottom of the fixture. This applies to all pole-mounted lights, building-mounted lights, sign lights, walkway lights, and any other type of illumination. No light shall shine directly into windows or onto streets and driveways off the premises. These standards shall not apply to holiday lights that are temporarily displayed during holiday seasons.

(3) Outdoor light fixtures lawfully installed prior to and operable on the effective date of this amendment to the zoning chapter are exempt from all requirements of this chapter. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this chapter. Further, if the property is abandoned, or if there is a change in use or ownership of the property, the provisions of this chapter will apply when the abandonment ceases or the new use or ownership commences.

B. Types of pole-mounted lights permitted: Lighting shall be provided by fixtures with a height not more than 18 feet above finished grade in all zoning districts. Height shall be measured from the ground to the uppermost point of the light fixture. Light fixtures shall be fully shielded fixtures where the light source is not visible from the property line. Borough Council may consider other type of light fixtures, provided that the intent of this chapter is met.

C. Lighting plan required: Any outdoor lighting such as pole-mounted, building, sign, canopy, or sidewalk illumination, and driveway lights, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety, and overhead sky glow.

D. Light at the property line: Illumination from light originating on the site shall not exceed 0.5 footcandles at the lot line. Overhead light pollution caused by unshielded or bright lights shall not be permitted.

E. Maximum lighting levels: The maximum lighting level at areas within each Borough property shall not exceed five footcandles at building entrances and three footcandles elsewhere on the lot.

§ 186-53. Vibrations.

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

§ 186-54. Buffering.

A. Buffering serves to soften the outline of buildings, to screen glare and noise and to create a visual and/or physical barrier between conflicting land uses. Except in cases of lot line adjustments, buffer yards are required between various land uses and along existing and proposed streets. The extent of buffering required shall be determined by the type of use proposed and the adjacent uses or streets surrounding the proposed development. The impact of the proposed use on adjoining properties is the basis for establishing buffer yard standards.

(1) The standards of this section are minimum design requirements. The Borough reserves the right to request that the minimum requirements listed herein be exceeded if conditions so warrant. All landscape plans shall be prepared by a landscape architect familiar with this section to promote the proper use and arrangement of plant materials.

B. To determine the required buffer yard and planting schedule, a three-step procedure shall be followed:

(1) Step 1: site analysis and determination of buffer yard class.

(2) Step 2: selection of the planting option for the buffer class.

(3) Step 3: selection of the plant materials from the plant materials list.

C. Step 1: site analysis and determination of buffer yard class.

(1) For each property boundary, the applicant shall determine the adjacent land use or road classification. Land use information shall be determined by an on-site survey, and this chapter shall be utilized to determine road classifications. Table 1 below specifies the buffer yard class for each boundary.[1]

(2) The applicant shall match his proposed land use with the corresponding adjacent land use or road classification for each property boundary. The letter indicates the buffer yard class.

(3) If other uses are determined to be potential conflicts or where unique site conditions warrant, the applicant shall provide a buffer class as specified by Borough Council, upon recommendation by the Borough Planning Commission.

D. Step 2: selection of the planting option for the buffer class.

(1) After determining the buffer class, the applicant shall select a planting option from Table 2 to meet the buffer yard requirement for each boundary. The Borough may consider an alternate planting option which shall have a screening capability equal to or greater than any of the available options.

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1. **Editor's Note: Said table is included is an attachment to this chapter.**

(2) Table 2: Planting options. The options below indicate the amount of plant material that is required per linear foot of property line. Plantings aligned on property or right-of-way boundaries shall be located one foot to five feet inside of the boundary line. Plantings are not required to be aligned on property or right-of-way boundaries and may be sited on any portion of the buffer yard for buffering purposes. The Borough may permit staggering or grouping of plant materials if a satisfactory buffer is achieved.

Class	Option
A	Within a 10-foot buffer yard: 1 canopy tree per 40 feet of boundary; or 1 flowering tree per 30 feet of boundary.
B	Within a 15-foot buffer yard: 1 canopy tree per 40 feet and 1 flowering tree per 60 feet of boundary; or 1 canopy tree per 40 feet and 1 evergreen tree per 30 feet; or a 4-foot high opaque fence and 1 flowering tree per 40 feet.
C	Within a 20-foot buffer yard: 1 evergreen tree per 20 feet and 1 flowering tree per 60 feet of boundary; or a hedge or large shrub (4 foot centers) along property boundary and 1 evergreen tree per 25 feet of boundary; or an opaque fence 4 feet high and 1 flowering tree per 40 feet and 1 shrub per 20 feet.
D	Within a 50-foot buffer yard: 2 staggered rows of evergreen trees spaced no more than 20 feet apart; or a combination of trees and shrubs which achieve a similar level of vegetative density; or an opaque fence 6 feet high and 1 canopy tree per 40 feet.

E. Step 3: selection of plant materials from the plant materials list.

(1) Each planting option may utilize any of the plant materials outlined in Table 3. Minimum plant size, given either in height or caliper, is indicated on this table. The Borough may permit other planting types if they are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed in Table 3. All planting material shall meet the standards of American Nursery and Landscape Association (ANLA).

(2) Where vegetation, topography, or man-made structures exist which can meet the objectives of the buffer requirements, they may be preserved and may be used to meet the buffer and planting requirements. Quantities, size, species, and locations of existing plant materials and other features must be shown on plans and verified by the Borough. Where the Borough allows existing vegetation and features to be counted toward meeting the buffer requirements of this chapter, the vegetation or features shall not be removed and shall be protected by recorded plan note to insure that it remains as a part of the subdivision or land development.

(3) Table 3: Plant Materials List.

(a) Canopy trees, including columnar trees (minimum 2 1/2 inch caliper).

Acer rubrum (red maple)
Acer saccharum (sugar maple)
Cercidiphyllum japonica (katsura tree)
Gleditsia triacanthos 'Inermis' (thornless honeylocust)
Liquidambar styraciflua (sweetgum)
Phellodendron amurense (Amur cork tree)
Platanus acerifolia (London planetree)
Quercus alba (white oak)
Quercus rubra (red oak)
Quercus coccinea (scarlet oak)
Quercus palustris (pin oak)
Sophora japonica (Japanese pagodatree)
Tilia-linden (all species hardy to the area)
Zelkova serrata (Japanese zelkova)

Columnar Trees

Acer rubrum 'Bowhall' (Bowhall red maple)
Acer rubrum 'Karpick' (Karpick red maple)
Acer saccharum 'Goldspire' (Goldspire sugar maple)
Acer x freemanii 'Jaffersred' (Autumn Blaze freeman maple)
Acer x freemanii 'Armstrong' (Armstrong freeman maple)
Carpinus betulus 'Fastigiata' (fastigate European hornbeam)
Ginkgo biloba; male only (Ginkgo; 'Princeton Sentry' or other cultivars)
Quercus robur 'Fastigiata" (columnar English oak)
Quercus robur 'Skyrocket' (skyrocket English oak)
Taxodium distichum (bald cypress)

(b) Flowering trees (minimum 8 feet high).

Amelanchier canadensis (shadblow serviceberry)
Cornus florida (flowering dogwood)
Cornus kousa (kousa dogwood)
Cornus mas (cornelian cherry dogwood)
Crataegus species (hawthorn)

Koelreuteria paniculata (goldenrain tree)
Laburnum vossi (golden chain tree)
Magnolia soulangiana (saucer magnolia)
Magnolia virginiana (sweetbay magnolia)
Malus species (disease resistant)
Malus baccata 'Jackii' (Siberian crabapple)
Malus floribunda (Japanese flowering crabapple)
Oxydendrum arboreum (sourwood)
Prunus kwanzan (Kwanzan cherry)
Prunus subhirtella 'Pendula' (weeping Japanese cherry)

(c) Evergreens (minimum 5 feet high).

Ilex opaca (American holly)
Picea abies (Norway spruce)
Picea omorika (Serbian spruce)
Picea pungens (Colorado spruce)
Pinus strobus (white pine)
Pseudotsuga menziesii (Douglas fir)
Tsuga canadensis (Canada hemlock)
x Cupressocyparis leylandii (Leyland Cypress)

(d) Deciduous shrubs (30-inch minimum height, 24-inch minimum spread).

Cotoneaster species
Daphne species
Azalea species (deciduous)
Deutzia species
Eleagnus species
Enkianthus species
Erica species
Forsythia species
Hamamelis vernalis (Vernal witch hazel)
Hamamelis virginiana (Common witch hazel)
Ilex verticillata (winterberry holly and other deciduous hollies)
Potentilla species

Pyracantha species

Viburnum species

(e) Evergreen shrubs (24-inch minimum height, 18-inch minimum spread).

Azalea species (evergreen)

Rhododendron species (evergreen)

Ilex crenata (Japanese holly species and other evergreen shrub hollies)

Juniper species

Leucothoe species

Taxus species (Yew)

Vaccinium species

(4) General requirements.

(a) Location of buffer yard.

[1] The buffer yard shall be measured from the property line or the near street line where the street serves as a property line.

[2] The buffer yard may overlap the required front, side, or rear yards and, in case of conflict, the larger yard requirements shall apply. The lot shall provide a minimum of 10 feet of usable, nonbuffer yard between the rear of the principal structure and the required buffer yard setback line.

[3] The buffer yard may be part of the lot area assigned to a dwelling unit. A deed restriction conforming to the dimensions of the buffer yard shall be placed on the lot.

[4] All buffer yards shall be maintained and kept clean of all debris, rubbish, and weeds.

[5] No structure, play structure, driveway, sign, stormwater detention facility, manufacturing or processing activity, commercial activity, parking, storage or display of materials shall be permitted in the buffer yard, except that a driveway may cross a required buffer area in order to connect the street with a parking area or driveway lying outside the buffer area. Fences are permitted when part of a required buffer yard as specified in this section.

[6] Required plant materials shall be permanently maintained and any plant material which dies shall be replaced.

(b) Planting requirements near overhead utility lines. Where trees are to be planted near overhead power lines, the following requirements shall be met:

[1] If trees are to be planted within 15 feet of a utility pole or line, measured along

the ground from the base of the pole, only trees which grow no taller than 25 feet shall be planted.

[2] If trees are to be planted within 15 feet to 25 feet of a utility pole or line, measured along the ground from the base of the pole, only trees which grow no taller than 40 feet shall be planted.

(c) Guarantee: All plant material shall be guaranteed for 18 months from the day of final approval of the landscape installation by the Borough in accordance with the provisions of the Borough's developer's agreements, escrow agreements, and maintenance agreements. Any plant material 25% or more of which is dead shall be considered dead. A tree shall be considered dead when the main leader has died or 25% or more of the crown is dead. Any dead plant material shall be replaced and installed according to the approved planting practices.

(d) Berming shall be provided where the Borough determines that, due to topography or other factors, the buffer classes in Table 1[2] do not provide an adequate buffer between adjoining incompatible uses.

(e) In general, to prevent the planting of a monoculture, at least two different genus of each type of plant should be specified.

F. Supplemental regulations. The minimum buffer requirement to be provided by either Open Space Preservation Performance Subdivision 1 or Open Space Preservation Performance Subdivision II shall be a Class C twenty-foot buffer yard. Notwithstanding any contrary provisions of this chapter, the required buffer yard for an Open Space Preservation Performance Subdivision I and Open Space Preservation Performance Subdivision II may be permitted within the rear or side yards of individual lots and may be included in the area of required open space. Any portion of the required buffer yard located on an individual lot shall be subject to a restriction prohibiting disturbance of or construction within the buffer yard. **[Added 10-6-2014 by Ord. No. 978]**

§ 186-55. Transportation impact study.

A. Requirement for transportation impact study. A transportation impact study shall be required for all rezoning applications and in all applications for a zoning variance, special exception and conditional use to enable the Borough and/or the Zoning Hearing Board to assess the impact of a proposed rezoning or zoning application on the local transportation systems, both highways and public transportation. The purpose of the study is to ensure that the proposed rezoning or zoning application does not adversely affect the transportation network and to identify any traffic problems that may be created in the existing highway network as a result of the rezoning or zoning relief and to delineate solutions to potential problems and to present improvements to be incorporated into the proposed rezoning or zoning relief or to the highway and/or public transportation systems within the designated study area. The study shall assist in the protection of air quality, the conservation of energy and the encouragement of public transportation use.

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2. Editor's Note: Said table is included as an attachment to this chapter.

B. The transportation impact study shall be performed in accordance with the provisions set forth in Chapter 164, Article III, § 164-41.2, titled, "Transportation impact study."

C. The transportation impact study shall be submitted as part of all rezoning applications and zoning applications that have the potential of generating 250 or more trips per day. Where doubt exists as to the need for the study, the applicant shall seek guidance from the Borough Engineer or his/her designee. The application shall not be considered complete until the transportation impact study is submitted to the Borough in accordance with the provisions of this section and § 164-41.2. Council may, at its discretion, require any other application to be accompanied by a transportation impact study, provided that Council notifies the applicant immediately following Council's first meeting to consider the proposal. Such notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use (e.g., generation of heavy truck traffic).

D. Submission procedures and implementation.

(1) Time of submission. The transportation impact study shall be submitted to the Borough of Perkasie or the Zoning Hearing Board with the rezoning or zoning application. In the case of rezoning applications, a copy of the study shall also be submitted to the Bucks County Planning Commission.

(2) Implementation. The Perkasie Borough Planning Commission, the Bucks County Planning Commission (in the case of rezoning applications only), the Perkasie Borough Engineer and the Perkasie Borough Council or the Zoning Hearing Board shall review the transportation impact study to analyze its adequacy in identifying solutions to traffic problems that may occur either totally, or in part as a result of the application. Transportation improvements required in order to eliminate deficient conditions may be required. These necessary improvements may be attached to the conditions of approval set forth by the Borough or the Zoning Hearing Board prior to approval.

§ 186-56. Site capacity calculation.

Each site is unique. It has physical features which are rarely precisely duplicated on another site. Portions of some sites may not be usable, and a minimum amount of buildable land should be retained for recreation. The purpose of this section is to determine the appropriate intensity of use to which a specific tract may be put. For each tract that is five acres or larger in R-1A and R-1B Residential Districts, the developer shall include the following calculation with the initial plan submission.

A. Base site area: Certain portions of tract may not be usable for the activities proposed for the site; these shall therefore be subtracted from the site area to determine base site area.

(1) Site area as determined by actual on-site survey (acres).

(2) Subtract: land within ultimate right-of-way of existing roads or utility rights-of-way or easements (acres).

(3) Subtract: land which is not contiguous, i.e., a separate parcel which does not abut or adjoin nor share common boundaries with the rest of the development, and/or land which is cut off from the main parcel by a road, railroad, existing land use or major

stream so as to serve as a major barrier to common use or so that is isolated and unavailable for building purposes (acres).

(4) Subtract: land which in a previously approved subdivision was reserved for resource reasons, such as flooding or recreation (acres).

(5) Subtract: land used or zoned for another use, i.e., land which is used or to be used for commercial or industrial uses in a residential development, or land in a different zoning district than the primary use (acres).

(6) Equals base site area (acres).

B. Resource protection land: All land within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it.

(1) The resource protection land equals, for each resource, the acres of land in the resource multiplied by the open space ratio for that resource. The open space ratios are as follows: **[Amended 3-16-2015 by Ord. No. 985]**

Resources	**Open Space Ratio**
Floodplain district	1.00
Soils on floodplain	1.00
Watercourses, waters of the commonwealth	1.00
Steep slope (25% or more)	0.85
Steep slope (15% to 25%)	0.70
Steep slope (8% to 15%)	0.60
Wetlands	1.00
Wetland buffer	0.80
Woodlands	
Environmentally sensitive	0.80
Other	0.50

(2) The total land with resource restrictions equals the total of all the acres of land in each resource.

(3) The total resource protection land equals the total of all the lands resulting from the calculation in § 186-56B(1).

C. Determination of site capacity: Individual site capacity is based on net buildable site area. For single-family cluster or performance standard subdivisions, the number of allowable dwelling units is determined by multiplying the density by net buildable site area. The calculations are as follows:

(1) The base site area (acres) multiplied by the open space ratio [see § 186-20A(3), 186-20B(4), and 186-20B(5)] equals the minimum required open space.

(2) The base site area (acres) minus the total resource protection land or minimum required open space, whichever is greater (acres) equals the net buildable site area.

(3) The net buildable site area (acres) multiplied by the density [see § 186-20A(3), § 186-20B(4), and § 186-20B(5)] equals the number of dwelling units (do not round up).

§ 186-57. Environmental performance standards.

A. Floodplains: All such lands shall remain as permanent open space, except that roads and utilities may cross the floodplain where design approval is obtained from the Pennsylvania Department of Environmental Protection and where other applicable ordinances, regulations and statutes are complied with.

B. Soils on floodplain: All such land shall remain as permanent open space, except that roads may cross these soils where design approval is obtained from the Pennsylvania Department of Environmental Protection and that recreational, conservation or agricultural open space uses shall be permitted. Where floodplains are defined, they shall be used rather than soils on floodplain. **[Amended 3-16-2015 by Ord. No. 985]**

C. Steep slopes: In areas of steep slopes, the following standards shall apply:

(1) No more than 40% of steep slopes (8% to 15%) shall be altered, regraded, cleared or built upon. The remaining 60% shall permanently remain undisturbed in existing natural cover and as permanent open space.

(2) No more than 30% of steep slopes (15% to 25%) shall be altered, regraded, cleared, or built upon. The remaining 70% shall permanently remain in existing natural cover and as permanent open space.

(3) No more than 15% of steep slopes (25% or more) shall be altered, regraded, cleared, or built upon. The remaining 85% shall permanently remain in existing natural cover and as permanent open space.

D. Watercourses, waters of the commonwealth: These areas shall be left as permanent open space and free flowing. Such areas shall not be altered, regraded, filled, piped, diverted or built upon, unless design approval is obtained from the Borough and the Pennsylvania Department of Environmental Protection as required.

E. Wetlands.

(1) All such lands shall remain as permanent open space. No development, grading, filling, piping, diverting, or disturbance of any kind shall be permitted in wetlands except that bridges, roads, and utilities may cross wetlands where design approval is obtained from the Pennsylvania Department of Environmental Protection and the United States Army Corps of Engineers or their successor agencies, and where other applicable ordinances, regulations and statutes are complied with.

(2) All wetland determinations shall be performed by the Army Corp of Engineers or by an independent party certified by the Army Corp of Engineers to be expert in wetland

delineations, in which case a copy of such certification shall be provided with the subdivision or land development application and all wetland delineations shall be attested to and sealed.

(3) At the time of application, the applicant shall file for review a wetlands report that shall identify and delineate all wetlands on the plan set in sufficient detail as to make on-site verification possible. All wetland areas shall be clearly staked at the time of application and throughout the review period to allow the entire perimeter of the wetland area(s) to be located.

F. Wetlands buffer: In addition to the wetlands preservation, a buffer of 100 feet shall be maintained from the limits of any wetland as delineated through the requirements in § 186-57E, in order to minimize hydrologic modifications and potential for pollution. Within the buffer area, an eighty-percent existing natural cover must be undisturbed and maintained as permanent open space. The remaining 20% of the buffer area may be disturbed. Any permanent wetland crossing in the buffer area shall be part of the twenty-percent maximum allowable encroachment.

G. Woodlands: In areas of woodlands, the following standards shall apply:

(1) No more than 20% of a woodland area associated with another environmentally sensitive resource shall be altered, regraded, cleared, or built upon. The remaining 80% shall permanently remain in existing natural cover. For the purposes of this section (§ 186-57G), an environmentally sensitive resource shall include floodplains, soils on floodplain, steep slopes (15% and greater), wetlands, and wetland buffers. **[Amended 3-16-2015 by Ord. No. 985]**

(2) No more than 50% of a woodland area not associated with another environmentally sensitive resource shall be altered, regraded, cleared or built upon. The remaining 50% shall permanently remain in existing natural cover.

H. Tree protection zone: Such areas shall be 100% open space. No land within the tree protection zone shall be altered, regarded, compacted, or built upon or used for storage or parking of vehicles.

§ 186-58. Open space standards. [Added 10-6-2014 by Ord. No. 978]

On any site developed for an Open Space Preservation Performance Subdivision I or Open Space Preservation Performance Subdivision II development, naturalized stormwater management facilities in accordance with the Pennsylvania Department of Environmental Protection BMP Manual and approved by the Borough Engineer, shall be permitted in the required open space. Additional stormwater management facilities, including retention basins, shall be limited to 20% of the required open space area on a site, at the discretion of the Borough Engineer.

ORDINANCE NO. 256

AN ORDINANCE OF THE WEST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 450 OF THE WEST ROCKHILL TOWNSHIP CODE BY CREATING A NEW USE FOR DATA CENTERS; BY CREATING NEW DEFINITIONS FOR SAID USE AND TERMS RELATING TO SAID USE; BY ADDING REGULATIONS FOR SAID USE; AND BY AMENDING THE TABLES OF USES TO PROVIDE FOR THE DATA CENTER USE

WHEREAS, Pennsylvania has experienced a surge in data center construction; AND

WHEREAS, data centers, unlike traditional commercial or industrial uses, are utility-intensive, space-consuming facilities which require specific preparations and advanced planning with respect to resource availability to assure that there is no adverse impact to the public health, safety, and welfare; AND

WHEREAS, land use controls are necessary to ensure that data centers do not create an adverse impact to adjacent land uses; AND

WHEREAS, the West Rockhill Township Board of Supervisors has determined at a public meeting that reasonable regulations of the increasingly prevalent data center use would support the general health, safety, and welfare of West Rockhill Township.

NOW, THEREFORE, the West Rockhill Township Code is hereby amended as follows:

ARTICLE I. DEFINITIONS

Chapter 450, Zoning, Section 450-201, Definitions, of the West Rockhill Township Code shall be amended with the inclusion of new definitions for the terms "Data Center," "Data Center Accessory Uses/Structures" and "Data Center Equipment." The terms shall be added alphabetically within Chapter 450, Section 450-201, and shall read as follows:

DATA CENTER

A use, either on-premise or co-location, which is occupied primarily by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored; this shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A data center may include data center equipment.

DATA CENTER ACCESSORY USES/STRUCTURES

Ancillary uses or structures associated with data centers including 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 accessory uses/structures are located on the same tract.

DATA CENTER EQUIPMENT

Outdoor mechanical equipment adjacent to a data center that provides redundant power capacity to a data center. Data center equipment shall be accessory to the data center and shall be located on the same tract or group of adjacent parcels developed as a unified development for a data center.

ARTICLE II. DATA CENTER USE REGULATIONS

Chapter 450 ("Zoning"), Article XVI ("Use Regulations"), Section 450-1604 ("Use Regulations") of the West Rockhill Township Code is hereby amended with the creation of a new use entitled "G18 Data Center" which shall be added as Subsection 450-1604.G(18) and read as follows:

(18) G18 Data Center

(a) Data Center Development. Data centers shall be permitted by special exception in the PI Planned Industrial Zoning District when approved in compliance with the procedures, standards, and criteria contained herein, the factors listed in Section 450-2405 of the West Rockhill Township Zoning Ordinance, and all other applicable local, state, and federal regulations, laws, codes, and ordinances.

(b) Accessory Uses/Structures. Data center equipment shall be permitted by right in support of a data center. Data center accessory uses/structures shall be permitted by right in support of a data center. Data center equipment and unoccupied data center accessory structures shall be deemed as nonresidential accessory buildings or structures that are subject to the dimensional requirements of Sections 450-1604.H(18) and 450-1909.

(c) Dimensional Standards. The area and dimensional requirements set forth in Section 450-1102 of the West Rockhill Township Zoning Ordinance shall apply to data centers, except for the following requirements, which shall supersede those listed in Section 450-1102:

Minimum Site Area: 25 acres

Minimum lot width at street lines (site): 350 feet

Minimum parking area setbacks:

Abutting a residential use or district: 150 feet

Abutting a nonresidential use or district: 100 feet

(d) Sound. Except as noted otherwise herein, Section 450-1800 ("Noise") of the West Rockhill Township Code shall apply to a data center. Sound shall be measured 1.5 meters above ground at the property line per ANSI S1.13-2020 (American National Standard – Measurement of Sound Pressure Levels in Air). The applicant shall provide a sound assessment with its land development plan application for a data center establishing how it will comply with the above sound standards. The sound assessment shall be performed by a professional acoustic engineer that can demonstrate sufficient qualifications by delivery of a resume or curriculum vitae to the Township. Notwithstanding the foregoing provisions of this Section, all sound produced by required periodic testing of data center equipment or emergency use of data center equipment is exempt from this Section and Chapter.

(e) Off Street Loading. Loading zones shall comply with the provisions of Section 365-49 ("Parking facilities") of the West Rockhill Township Code, provided, however, that each data center shall have at least one (1) off-street loading dock.

(f) Utility Review. The proposed use shall be serviced by public utilities. The applicant shall provide the Township:

[1] A will-serve letter from each public utility provider of electric, water, and sewer, and a written assessment by a certified professional in the field of engineering, hydrogeology, and/or utility design that there is sufficient capacity available to serve the proposed use for electric, water, and sewer consumption as well as the projected service needs for future municipal growth. Any such letters and assessments shall be to the satisfaction of the Township Engineer.

[2] If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at its own expense, the necessary system improvements necessary to eliminate any limits or system constraints to accommodate the proposed use. The necessary system improvements shall conform to all specifications, procedures, and timelines required for the public utility such as the relevant provisions of the West Rockhill Township Code, including but not limited to Chapter 414 ("Wastewater Collection and Treatment; Sewer Use") and Chapter 420 ("Water"). If any necessary electric or sewer system improvements are determined by both the Township Engineer and the respective public utility providers to be infeasible, then on-site utility methods for electric and/or sewer may be considered if developed in compliance with all Township ordinances, to the satisfaction of the Township Engineer.

[3] The applicant shall provide proof of review and approval from the Delaware River Basin Commission for water withdrawals from ground water, impoundments, or running streams of 100,000 gallons per day or more over a 30-day average and for importation of water into or exportation of water out of the Delaware River Basin whenever the design capacity is 100,000 gallons per day or more.

(g) Utility Lines. To the extent practical, utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a data center shall be placed underground. This requirement shall not apply if the utility company requires

above-ground lines, or the placement of under-ground lines is not feasible in the opinion of the Township Engineer. Utility lines to the substations from off-site may be placed above ground.

(h) Emergency Access. It shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site. Written approval from the Fire Chief of the fire company that provides primary fire coverage for the data center shall be provided demonstrating there is adequate emergency access, truck turning, fire suppression, and fire hydrant availability on the site.

(i) Height. Data centers shall not exceed thirty-five feet (35') in height. For purposes of determining the height of a data center or a building associated with data center accessory uses, projections through the roof of the building for items such as elevator towers, heating or cool units, parapet walls to screen rooftop equipment and protrusions, and other such items shall be included in the building height calculation.

(j) Outdoor Lighting. Section 450-1808 ("Lighting") of the West Rockhill Township Code shall apply to a data center.

(k) Environmental Impacts. Environmental impacts associated with a data center shall be mitigated by demonstrating compliance with the following standards:

[1] Air pollution controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended, and the following standards:

[a] Visible emissions. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.

[b] Hazardous air emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.

[c] Dust, fumes, smoke, vapors, gases, and odor. All dust, fumes, vapors, and gases shall comply with Section 450-1802 ("Dust, fumes, vapors and gases") of the West Rockhill Township Code. All odor shall comply with Section 450-1804 ("Odor") of the West Rockhill Township Code.

[2] Vibration control. All vibrations or concussions caused by the use of a data center shall comply with Section 450-1806 ("Vibrations") of the West Rockhill Township Code.

[3] Glare control. The provisions of Section 450-1805 ("Glare") of the West Rockhill Township Code shall be complied with by any data center use. In addition, an analysis of potential glare on neighboring properties and public

rights-of-way shall be submitted to the Township and its Zoning Hearing Board as part of its application for a Special Exception.

[4] Heat control. No data center use shall produce heat perceptible beyond its lot lines.

[5] Electrical power. Every use 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.

(l) Construction Hours. Construction and related operation of heavy machinery, operating or permitting the operation of any tools, equipment or heavy machinery used in construction, drilling, or demolition work for a data center may occur only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, between 9:00 a.m. and 8:00 p.m. on Saturdays, and at no time on Sundays or legal holidays. The Township Manager may permit additional construction hours in his/her discretion upon request by an applicant, and may revoke or modify such additional construction hours in his/her discretion with or without request.

(m) On-Site Solar Power Systems.

[1] To the maximum extent technically feasible, as determined by the Township Engineer, the following surface areas relating to data centers shall be utilized for the generation of solar energy:

[a] Roof surfaces. 100% of the available unshaded roof area of the principal data center structure(s) shall be equipped with a rooftop-mounted solar photovoltaic system.

[b] Parking and loading areas. All off-street parking spaces, loading docks, and internal drive aisles shall be sheltered by carports or canopy structures. All such carports and canopies must be fully covered by solar photovoltaic systems, and shall maintain a minimum vertical clearance of at least fourteen (14) feet for emergency vehicle access where applicable.

[c] Vertical integration (solar walls). Building facades that face an eastern direction (from 45º up to 135º), southern direction (from 135º up to 225º), or western direction (from 225º up to and including 315º) shall incorporate building-integrated photovoltaics (or "BIPVs"). BIPVs may include solar siding, solar glass, or architectural solar louvers. BIPVs must cover no less than forty percent (40%) of such wall surface area.

[d] Data center accessory uses/structures and data center equipment. All data center accessory structures and data center equipment shall be covered on top by solar arrays which are part of the on-site solar photovoltaic system.

(n) On-Site Energy Generation.

[1] Any form of on-site energy generation, including solar power, substations, and fuel cell power stations, shall be approved by the Fire Chief of the fire company that provides primary fire coverage for the data center. The applicant shall submit a safety plan for the on-site energy generation use to the satisfaction and approval of the applicable Fire Chief. The property owner shall annually recertify the safety plan and allow for a site inspection by the applicable Fire Chief or his/her designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.

[2] On-site electricity generation devices or systems shall be designed for "behind-the-meter" consumption separate from the power grid in order to reduce or offset the data center's consumption of electricity from the power grid. In the event that on-site electricity is generated in an amount that exceeds that required by the data center and its accessories and equipment, all such excess electricity shall be fed back into the power grid in accordance with the public electricity supplier's and Pennsylvania Public Utility Commission's ("PUC") regulations and guidelines.

(o) Phased Development. A data center development may be developed in one or more phases.

(p) Individual Site Plans. An individual site plan for each data center developed as part of a phased development shall be submitted to the Township prior to the issuance of any building permit. Copies of any applicable third-party permits shall be submitted to the Township prior to the issuance of any building permit. Applicable third-party permits may include, but are not limited to, highway occupancy permits ("HOPs"), National Pollutant Discharge Elimination System ("NPDES") permits, and Erosion & Sediment Control General Permits ("ESCGPs" or "E&S Permits")).

(q) Decommissioning. In the event that a data center use is discontinued, the property owner shall submit a decommissioning plan to the satisfaction of the Township Engineer, and shall post financial security with the Township in accordance with the procedures outlined in Section 509 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10509, to ensure the proper removal of all solar power system equipment.

ARTICLE III. ZONING DISTRICTS & SCHEDULE OF USES

1. Chapter 450 ("Zoning"), Article XI ("Planned Industrial District"), Section 450-1101 ("Permitted Uses"), Subsection C (Uses permitted by special exception) of the West Rockhill Township Code, relating to principal uses permitted in the PI Planned Industrial District shall be amended to add Subsection 450-1101.C(4) which shall read "G18 Data Center" to reflect it as a use permitted by special exception.

2. Chapter 450 ("Zoning"), Table 16-1 ("Schedule of Uses by District"), also attached to Chapter 450 as "Attachment 1," shall be amended to reflect that the G18 Data Center use shall be permitted by special exception in the PI Planned Industrial Zoning District and shall not be permitted in any other zoning district.

ARTICLE IV. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ARTICLE V. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality by a court of competent jurisdiction, such illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of West Rockhill Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part had not been included.

ARTICLE VI. EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED into an Ordinance this day of , 2026, by the Board of Supervisors of West Rockhill Township in lawful session duly assembled.

WEST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

_____
Jay Keyser, Chairperson

_____
Henry L. Schirmer, Vice-Chairperson

_____
David A. Reiss, Sr., Member