

DRAFT Robeson Township Data Center Ordinance

SECTION X: Article X of the Zoning Ordinance is amended and supplemented to add the following **Section X**, “Data Centers” as follows:

- a. Data centers shall be permitted by conditional use in the General Industrial zone.
- b. Dimensional Regulations.
 - i. The maximum height for any Data Center shall be 80 feet.
 - ii. The maximum height for any Data Center Equipment and Data Center Accessory Uses shall comply with the dimensional regulations of any district where the parcel is located.
 - iii. The Data Center, Data Center Equipment and Data Center Accessory Uses shall be setback at least 100 feet from any lot line and any ultimate right-of-way, although the parking and loading/unloading areas, and driveways may be no more than 15 feet from any lot line and 30 feet from any ultimate right-of-way.
 - iv. Notwithstanding the foregoing, The Data Center, Data Center Equipment and Data Center Accessory Uses shall be setback at least 400 feet from any dwelling and from the boundary of any residential zoning district.
 - v. Data Center Equipment shall not be located between the principal building of the Data Center and any street and must be separated from any adjacent dwelling or residential zoning district by the principal building.
- c. Emergency Access. The Data Center shall have an adequate means of secondary ingress and egress suitable for emergency vehicles in accordance with the standards of the I-3 Limited Industrial District and as approved by the Township Engineer and the Township’s Fire Commissioner.
- d. Water.
 - i. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal

system, the applicant shall submit documentation that the public authority will supply the water needed.

- ii. If the use will rely upon nonpublic sources of water, the applicant shall provide a water feasibility study to determine if an adequate supply of water exists for the proposed use to estimate the impact of the use on existing wells in the vicinity. No use shall be approved without sufficient water. No use shall be permitted that poses adverse impact on existing wells in the vicinity.
- iii. A water feasibility study shall include the following minimum information:
 - 1. Calculations of the projected water needs.
 - 2. A geologic map of the area with a radius of at least one mile from the site.
 - 3. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
 - 4. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
 - 5. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - 6. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
 - 7. Identification of how water will be recycled or released into surrounding water bodies.
 - 8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
 - 9. An analysis of the effect of the proposed water usage on other municipalities which rely on the same water source.
 - 10. 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, humidification of server rooms, fire suppression, and domestic usage).

11. An analysis of indirect water use required at the power plant to generate the energy supplied to the data center (eg., for heating water for thermoelectric generation, and evaporative cooling).
12. 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.
- e. Hydrological. The applicant shall submit a hydrological study indicating that the proposed use will not have any adverse impact on ground water supply and quality in the area.
- f. Electric. The applicant should provide an interconnection agreement from the electric service provider indicating that capacity is available, and the data center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data center project should be noted.
 - i. Any energy generation system designed or used to supply power or back-up 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.
 - ii. All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.
- g. Noise and Vibration Control. Noise from operations, including cooling units and backup generators, shall not exceed 45 dBA or 60 dBC at the property line adjoining any residential zone between sundown and sunrise, and shall not exceed 40 dBA at other times. These thresholds are consistent with health-based guidelines established by the American National Standards Institute (ANSI), the World Health Organization (WHO), and the U.S. Environmental Protection

Agency (EPA), and are intended to protect against both high-frequency and low-frequency tonal noise.

- a. Following commencement of operations, an as-built noise and vibration study must be performed within six months to confirm compliance; any exceedance requires immediate mitigation.
- b. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment and structures will be perceptible to the human sense of feeling beyond the property line.
- c. All costs associated with the noise study and its various phases shall be borne by the applicant. The costs for the interim and as-built noise studies shall be posted as a security prior to recordation of the final plan.

SECTION XX: Section **XXX** of **Article IV** of the Zoning Ordinance is amended, supplemented, and fully restated as follows:

These special performance standards, along with those under **Article VI** of the Zoning Ordinance, shall apply to every use in the G1 General Industrial District.

- a. All office, production, processing, research, cleaning, testing, printing, publishing, warehousing, distribution and wholesaling activities shall be carried out in completely enclosed buildings.
- b. If public sewage collection is accessible then it shall be used.
- c. Open burning is not permitted except for nonconforming agricultural uses when in accordance with municipal ordinances.
- d. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel.
- e. All outdoor storage areas shall comply with the setback requirements for parking, driveways and loading areas.
- f. Every use shall provide landscaped buffers and site element screens as required by the landscaping standards of this Ordinance and the Subdivision and Land Development.

- g. Air, Ground, and Water Pollution Controls. Every use 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. Particulate, Vaporous and Gaseous Emissions. No owner or operator of any use shall cause, suffer or permit the emission of fugitive particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of that use.
 - iii. 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.
 - iv. Odor. No owner or operator of any use shall cause, suffer or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of that use. The prohibition on odors shall not apply to odor emissions arising from the premise of a farm operation. Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.
 - v. No owner or operator of any use shall cause, suffer, or permit toxic or hazardous substance to be emitted, leached, deposited, or detectable beyond the property of that use.
 - vi. No owner or operator of any use shall cause, suffer, or permit harm to or the endangerment of ground water levels and quality in the area beyond the property of that use, nor adversely affect ground water supplies of the same.
- h. Glare and 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.

- i. Control of Radioactivity or Electrical Disturbance. No owner or operator of any use shall cause, suffer, or permit the emission of dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property boundary of the creator of such disturbance.
- j. Fire and Explosive Hazards. No owner or operator of any use shall cause, suffer, or permit flammable and explosive materials to be stored, used and transported unless in accordance with the applicable state and federal regulations regarding such materials and associated storage vessels.
- k. Outdoor Storage. All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by a fence adequate to prevent the access of children and other members of the general public. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, sealed containers.
- l. Waste Disposal. No use shall be conducted in such a way as to discharge any treated or untreated sewage except as shall be approved by the Department of Environmental Protection and/or the Township Sewage Enforcement Officer, as appropriate; nor shall industrial wastes be stored, discharged, incinerated or otherwise disposed of except in conformance with the applicable state and federal regulations regarding solid and hazardous wastes.
- m. 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. Public Water Service. Industrial uses shall be served by public water, where available.
- o. Required Plan and Studies. A detailed plan along with the reports required below, as well as those under Section XXX, shall be submitted with any zoning relief application for a proposed use in the General Industrial District.

- p. Woodland disturbance, including alteration or removal of any hedgerows, shall be minimized. No portions of tree masses, tree lines, hedgerows, or individual freestanding trees measuring six (6) inches or greater in diameter at breast height (DBH) shall be removed unless it is clearly necessary to effectuate the proposed development. In no case shall more than 50% of any existing tree masses, tree lines, hedgerows, or individual freestanding trees with six (6)-inch or greater DBH be removed. For purposes of this subsection, a woodland is defined as a tree mass or plant community in which tree species are dominant or codominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., six (6)-inch or greater DBH) covering an area of .25 of an acre or more, or consisting of more than 50 individual trees six (6) inches or greater DBH, shall be considered a woodland.
- q. Threatened and Endangered Species
- i. PNDI A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for conditional use/special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the municipality.
 - ii. Compliance The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.
- r. Riparian Buffer Requirements.
- i. For purposes of this Section, a riparian buffer is an area of permanent vegetation along a waterway that is left undisturbed to allow for the natural succession of native vegetation. A riparian forest buffer is a type of riparian buffer that consists predominantly of native trees, shrubs, and forbs, providing at least 60% uniform canopy cover.
 - ii. Where the project site contains, is along, or is within 150 feet of a perennial or intermittent river, stream, or creek, lake, wetland, floodplain, pond, or reservoir, whether natural or artificial, the use will be subject to the requirements of this Section and shall, in accordance with the requirements of this subsection, do one of the following:
 - i. Protect an existing riparian forest buffer.
 - ii. Convert an existing riparian buffer to a riparian forest buffer.

- iii. Establish a new riparian forest buffer.
- iii. Where a riparian forest buffer exists, it shall be left intact to meet the width requirements in subsections (6) and (7). An existing riparian forest buffer need not be altered to establish individual Zones 1 and 2 under subsection X.
- iv. Riparian buffers that consist predominantly of native woody vegetation that do not satisfy the composition requirements for a riparian forest buffer in subsection (1) or the width requirements in subsections (6) and (7) shall be enhanced or widened, or both, by additional plantings in open spaces around existing native trees and shrubs to provide at least 60% uniform canopy cover for the required width and shall be composed of zones in accordance with subsection (9).
- v. On sites without native woody vegetation, a riparian forest buffer providing at least 60% uniform canopy cover shall be established to meet the width requirements in subsections (6) and (7) and be composed of zones in accordance with subsection (9).
- vi. The width of the riparian forest buffer shall be a minimum of 100 feet on each side of the water body as measured from the top of the bank. The boundary of the buffer shall follow the natural streambank or shoreline.
- vii. Measured within the 100-foot buffer, the following additional distances shall be added to the minimum width of the riparian forest buffer:
 - i. 10 feet if the average slope is 10-15%,
 - ii. 20 feet if the average slope is 16-17%,
 - iii. 30 feet if the average slope is 18-20%,
 - iv. 50 feet if the average slope is 21-23%,
 - v. 60 feet if the average slope is 24-25%
 - vi. 70 feet if the average slope exceeds 25%.
- viii. In the case of the presence of a nontidal wetland or vernal pond wholly or partially within the riparian buffer area, an additional 25 feet shall be added to the width of the riparian forest buffer area for that portion of the buffer area along the wetland, floodplain, or pond.

- ix. A new riparian forest buffer or a converted riparian forest buffer shall be composed of zones as follows:
 - i. Zone 1 shall begin at the top of the streambank or normal pool elevation of a lake, pond, or reservoir and occupy a strip of land 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian tree species identified in Appendix C.1 of the PA Department of Environmental Protection Guidance Document 394-5600-001, entitled Riparian Forest Buffer Guidance.
 - ii. Zone 2 shall begin at the landward edge of Zone 1 and occupy an additional strip of land a minimum of 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian trees and small tree/shrub species identified in Appendix C.1 of the PA Department of Environmental Protection Guidance Document, 394-5600-001, entitled Riparian Forest Buffer Guidance.
- x. No earth disturbance, land development, or storing or stockpiling of materials shall occur within the riparian forest buffer area.
- xi. In the management of riparian buffers, noxious weeds and invasive species shall be removed or controlled to the greatest extent possible.
- xii. Existing, converted, and newly established riparian buffers, including access easements, must be protected in perpetuity through deed description, conservation easement, permit conditions, or any other mechanisms that ensure the long-term functioning and integrity of the riparian buffer.
- xiii. The riparian buffer shall be designated on the final subdivision and/or land development plan.

SECTION XX: If any section, part, sentence, or clause of this Ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, parts, sentences, or clauses. The Board of Supervisors declares its intent that this Ordinance would have been enacted had such unconstitutional, illegal or invalid section, part, sentence, or clause not been included herein.

SECTION XX: All sections, parts, sentences, and clauses of any Ordinance conflicting with any section, part, sentence, or clause of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION XX: This Ordinance shall take effect five (5) days after its enactment.

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