

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

**AN ORDINANCE OF THE PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 27 OF THE PLUMSTEAD TOWNSHIP CODE BY CREATING A NEW USE FOR DATA CENTERS; BY CREATING A NEW DEFINITIONS FOR SAID USE AND TERMS RELATING TO SAID USE; BY ADDING ADDITIONAL 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 advance 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 assure that data centers do not create an adverse impact to adjacent land uses; AND

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

**NOW, THEREFORE**, the Plumstead Township Code is hereby amended as follows:

**ARTICLE I.      DEFINITIONS**

Chapter 27, Zoning, Part 2, Definitions, of the Plumstead 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 27, Part 2, 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 wastewater 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 Plumstead Township Code is hereby amended with the creation of a new use entitled “H20. Data Center” which shall read as follows:

- A. Data Center Development. Data centers shall comply with this section and all applicable local, state, and federal regulations and laws..
- 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. For purposes of the minimum distance between buildings, data center equipment and unoccupied data center accessory structures shall be deemed as nonresidential accessory buildings or structures that are not subject to the dimensional requirements of Section 27-304.100.I.1.
- C. Dimensional Standards.

Minimum Site Area: 25 acres

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

Minimum lot width at street line (internal): 250

Minimum building spacing: 100 feet

Minimum building setbacks (external)

From site boundary: 200 feet

From property lines: 200 feet

Minimum building setbacks (internal)

Front: 50 feet

Side: 25 feet

Rear: 50 feet

Minimum parking area setbacks

Abutting a residential use or district: 150 feet

All other property: 100 feet

Maximum impervious coverage: lesser of zoning district regulation and 60%.

- D. Sound. Chapter 27, Part 23, Section 27-2310 of the Plumstead 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 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 is exempt from this Section and Chapter.
- E. Off Street Loading. A minimum of 1 off-street loading space/dock shall be provided for a data center.
- F. Utility Review. The proposed use shall be serviced by public utilities. The applicant shall provide the Township:
  - a. A will-serve letter by a public utility provider and/or 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/or sewer consumption as well as the projected service needs for future municipal growth.
  - b. 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 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 Plumstead 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 utility methods may be considered if developed in compliance with all Township ordinances.
  - c. 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. 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 Marshal shall be provided demonstrating there is adequate emergency access, truck turning, fire suppression, fire hydrant availability on the site.

I. Height. Data centers shall not exceed 35 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 included in the building height calculation.

J. Outdoor Lighting. Section 27-2320 shall apply to a data center development.

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

- 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:
  - 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.
  - 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.
  - Dust, fumes, smoke, vapors, gases, and odor. *See* Section 27-2313.
- Vibration control. The data center shall not cause earth vibrations or concussions exceeding the standards set forth in the table below. Vibration shall be expressed as displacement in inches and shall be measured with a standard three component measuring system which is a device for recording the intensity of any vibration in three mutually perpendicular directions.

Frequency of Ground Motion in Cycles per Second	Maximum Amplitude of Ground Motion in Inches, no more than:
Up to 10	0.0305

20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

- 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 27-2314 and 27-2320.
- 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.
- 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 between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, or at all times if, and only if, all land that would receive the noise created by construction, as measured in accordance with Section 27-2310, is developed or zoned Q Quarry District. The Township may permit additional construction hours by administrative modification upon request by an applicant.
- M. 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 Marshal. The applicant shall submit a safety plan for the on-site energy generation use to the satisfaction and approval of the Township Fire Marshal. The property owner shall annually recertify the safety plan and allow for a site inspection by the Fire Marshal or his designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.
- N. Phased Development. A data center development may be developed in one or more phases.
- O. 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**

1. Chapter 27, Part 17, LI Light Industrial District, Section 27-1702.3 of the Plumstead Township Code related to principal uses permitted by special exception in the LI Light Industrial District shall be amended to add H20 Data Center as a use permitted by conditional use.
2. Chapter 27, Part 18, Q Quarry District, Section 27-1802.3 of the Plumstead Township Code related to principal uses permitted by special exception in the Q Quarry District shall be amended to add H20 Data Center as a use permitted by conditional use.
3. The Table of Use Regulations attached to the Chapter 27 as Appendix "A" shall be amended to include the H20 Data Center use as a conditional use in both the LI Light Industrial Zoning District and Q Quarry 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 Plumstead 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 five (5) days after enactment.

***ENACTED AND ORDAINED*** into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2026, by the Board of Supervisors of Plumstead Township in lawful session duly assembled.

#### **PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS**

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, Chair

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, Vice-Chair

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