

ROSS TOWNSHIP MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-1

AN ORDINANCE OF THE TOWNSHIP OF ROSS, MONROE COUNTY, PENNSYLVANIA, AMENDING ROSS TOWNSHIP ZONING ORDINANCES, AS AMENDED, WITH RESPECT TO DATA STORAGE CENTERS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, et seq., authorizes Ross Township 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 Ross 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;

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

PART 1 GENERAL PROVISIONS

Section 101. Short Title. This Ordinance will be known as the Ross Township Zoning Ordinance Amendment Regarding Data Storage Centers.

Section 102. Legal Authority. The Pennsylvania Second Class Township Code authorizes a board of supervisors to make and adopt ordinances necessary for the proper management, care, and control of the Township and to maintain the health and welfare of the Township and its citizens. See 53 P.S. § 66506 ("General Powers"). The Pennsylvania Municipalities Planning Code authorizes a board of supervisors to plan for the development of the Township through zoning, subdivision, and land development regulations, and also to enact of amendments to zoning ordinances pursuant to certain procedural formalities. See 53 P.S. § 66516 ("Land Use Regulations") and 53 P.S. § 10609 ("Enactment of Zoning Ordinance Amendments").

Section 103. Legislative Intent and Purpose. Based on the above-referenced legal authority, the Board desires to amend the Ross Township Zoning Ordinance, as previously amended, by revising definitions of certain terms, and by providing for new regulations pertaining to "data storage centers."

The Board finds that the regulations promulgated by this Ordinance are necessary to achieve the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the citizens of Ross Township; and

B. To ensure the adequate and safe development and use of property located in Ross Township.

Section 104. Legal Conflicts.

A. All prior Township ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.

B. If any term, provision, covenant or restriction contained in this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions contained in this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated. The Township intends that this Ordinance would have been enacted had each invalid provision not been included.

PART 2 DEFINITIONS

Section 201. General Interpretation. For the purpose of this Ordinance, the present tense shall include the future tense; the singular shall include the plural; words used in the masculine gender shall include the feminine and the neuter; the word "shall" is always mandatory; the word "may" is always permissive.

Section 202. Definitions. Zoning, Article 2, Definitions, Section 202 of Ross Township's Zoning Ordinances, is hereby amended to add the following definitions of "Data Storage Center", "Data Center Accessory Uses", "Data Center Equipment, "and "Cryptocurrency Mining Facility":

"Cryptocurrency Mining Facility: specialized Data Storage Centers that house a large number of computers (mining rigs) dedicated to solving complex mathematical problems to validate transactions and add new blocks to a blockchain to produce newly minted cryptocurrency."

"Data Center Accessory Uses – Generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls(air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center."

"Data Center Equipment ("DCE") – Includes any Data Center Accessory Uses which in an un-muffled state, generate noise in excess of the permitted maximum dB(A) Article 4 Supplemental Regulations, Section 402 Additional Regulations for Specific Uses, VV. Data Storage Centers, Subsection 17 Noise Control, at the point of generation. DCE shall be accessory to the Data Storage Center and be located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center."

"Data Storage Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data Storage Center may also include Data Center Equipment and/or Data Center Accessory Uses when located on the same parcel or assemblage of adjacent parcels developed as a unified development. The Data Storage Center use shall be inclusive of Cryptocurrency Mining Facilities."

PART 3 OTHER AMENDMENTS

Section 301. Amendment to Article 3, Section 306 Uses Allowed in Zoning Districts.

A. Data Storage Center. Ross Township Zoning Ordinance, Article 3, Section 306 Uses Allowed in Zoning Districts is hereby amended to add "Data Storage Center" to the conditional uses for the General Commercial District.

B. Data center Accessory Uses. Ross Township Zoning Ordinance, Article 3, Section 306 Uses Allowed in Zoning Districts is hereby amended to add "Data Center Accessory Uses" and "Data Center Equipment" to the accessory uses for the General Commercial District.

Section 302. Amendment to Article 4, Supplemental Regulations, is hereby added to contain the following standards:

402. Additional Requirements for Specific Uses VV. Data Storage Centers.

Data Storage Centers, as defined in Article 2 (Definitions), shall conform to the following requirements:

1. Minimum lot area: 5 acres.
2. The tract or assemblage of parcels developed as a unified development shall have direct access to a public access road.
3. An adequate second means of ingress and egress suitable for emergency access to the site shall be demonstrated.

4. All parking, principal structures, data center equipment, data center accessory uses, outdoor storage, fuel tanks, battery cells, and/or loading/unloading areas shall be screened by a 100-foot-wide buffer yard from all property lines. A 100-foot buffer is also required along the frontage of all streets. These buffer yards shall meet the following conditions:

A. The buffer yard shall include a vegetated screening buffer. To prevent monocultural planting, the screen buffer plantings are intended to form an impenetrable visual screen and shall consist of various evergreen tree species. Trees used for screen buffers shall be comprised of 100% evergreen species.

B. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, as well as evergreen shrubs, are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.

C. The following note shall be placed on the conditional use plans and on the recorded land development plan: "Plant materials shall be permanently maintained, and any plant material which dies shall be replaced by the landowner."

D. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of trees, shrubs, and plantings. Such guarantee shall be released only after the second growing season has passed following planting.

E. The buffer yard may overlap the required side, front, and rear yards for building setback, and in case of conflict, the larger yard requirements shall apply.

F. All plantings shall conform to the Township's list of acceptable plant species standards. (Subdivision and Land Development Ordinance Appendix)

5. Data Center Equipment shall not be located between the principal structure(s) and the street upon which the parcel fronts. DCE shall be separated from all adjacent residential uses by principal buildings. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils, or similar pollutants that may spill or leak.

6. All facilities with gated entrances shall provide an on-site queuing area for stacking a minimum of one tractor-trailer.

7. A minimum 8-foot high black poly-coated chain link fence or other material approved by the Board of Supervisors shall be installed inside the required landscape and screening buffer yards around the perimeter of the development.

8. No parking or loading/unloading shall be permitted on or along any public road.

9. External building materials should be low-reflective, subtle, or earth-tone colors. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

10. LEED (Leadership in Energy and Environmental Design) Certification and roof-mounted accessory solar energy systems are strongly encouraged.

11. The applicant shall coordinate with the Monroe County Control Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Monroe County Control Center Public Safety Radio Communications System at the exterior of the building, and shall install enhancement systems if needed to meet compliance.

12. Evidence of adequate water and sewage disposal service shall be provided to the Township with the conditional use application.

A. Public Water/Sewer Supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system, the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. This letter shall be supplied with the conditional use application.

B. On-Lot Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the conditional use application, submit written evidence that they have complied with all Township and state regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

(1) Water Resources Impact Study. A water resources impact study shall be required for all Data Storage Center developments with an anticipated withdrawal of 4,000 or more gallons of water per day over a thirty-day period. The study shall be included in the conditional use application.

(2) The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects that have:

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 applicable River Basin.

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

C. On-Lot Sewage Disposal. The applicant shall demonstrate safe and adequate on-lot sewage disposal capacity for the submission of the conditional use application. This shall include a report detailing the proposed sewage flow generation, soil testing performed, and the results of those tests, anticipated pollutant/heat removal technologies and methods, and a map showing the sewage disposal area, along with all conveyance infrastructure, treatment tanks, and equipment. The township sewage enforcement officer shall be notified prior to conducting preliminary deep soil test pit evaluations and percolation/hydraulic conductivity testing.

13. An environmental impact assessment shall be performed and submitted with the conditional use application. The assessment shall be prepared by a professional environmental engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use including location, relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected, as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan, and include the following focus areas:

A. The potential for public nuisance to residents resulting from operations, including noise, glare, light, and visual obstacles.

B. A stormwater management plan, demonstrating compliance with Chapter 23, Stormwater Management Ordinance.

C. Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that

may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

D. Additional considerations. The following shall also be addressed:

(1) Alternatives analysis. A description of alternatives to the impacts.

(2) Adverse impacts. A statement of any adverse impacts that cannot be avoided.

(3) Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

(4) Mitigation steps. Listing of steps for structural controls proposed to minimize damage to the site before and after construction.

E. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would adversely affect the environment.

(1) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

(2) A statement of impact upon critical areas and the adverse impacts that cannot be avoided.

(3) Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

14. The applicant shall provide an interconnection agreement with the conditional use application from the applicable electric service provider indicating that the necessary capacity is available, and the data storage center will be served. Known impacts on electric rates or availability for other uses directly attributable to the data storage center project shall be noted.

15. Fire protection plan. The site plan shall incorporate a fire protection plan, including, but not limited to, the location of hydrants and other on-site and off-site firefighting equipment, and a narrative of the same shall be provided to the Township and the Blue Ridge Hook and Ladder Fire Company (or other applicable successor local fire company) for review and comment. A Knox-type box shall be installed on all access gates

for emergency access by the Blue Ridge Hook and Ladder (or other applicable successor local fire company) and other emergency responders.

16. Permission to apply. An affidavit or evidence of agreement between the property owner and applicant and/or operator confirming that the applicant and/or operator has permission to apply for the conditional use.

17. Noise Control.

A. For Data Storage Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Township professional acoustical expert, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including by not limited to generators) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 57 dB(A) as measured from all external property lines of the Data Center use. Such sound studies shall be conducted using sound level meters described in ANSI S1.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following phases:

(1) A preliminary sound study for the Data Storage Center and associated DCE shall be conducted as part of the Conditional Use process. The preliminary sound study shall recommend using sound-reducing materials or systems to meet the aforesaid sound limits.

(2) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Storage Center and associated DCE depicted on the building plans. The sound-reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Storage Center.

(3) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Storage Center and associated DCE prior to the final escrow release for any Data Storage Center land development phase. An as-built sound study may also be required thereafter by the Township upon request.

(4) If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Storage Center shall promptly remediate the violation.

(5) In the event of a failure by the owner or occupant to remediate a sound violation within 90 days of notification of the violation, the Township

may revoke any zoning permit(s) previously issued for the Data Storage Center.

18. Woodlands Removal Maximum. The conditional use plan shall provide a description and sketch of the woodlands existing on the lot prior to the proposed development and a description and sketch of the woodlands proposed to be removed or disturbed as a result of the proposed development. The maximum percentage of woodlands that may be removed or disturbed from any lot developed for any data storage center use, including any and all additional primary uses and accessory uses incidental to any data storage center use, is eighty percent (80%) of the woodlands existing on the lot.

19. Standards Applicable to Generators and On-Site Power Supplies.

A. A minimum distance of five (5) feet shall be maintained between any generator and any principal structure.

B. Auxiliary power systems (including but not limited to redundant/backup power supplies, emergency power supplies, and generators) shall not act as the primary power source for a Data Center in any non-emergency situation.

C. On-site power generation facilities are explicitly excluded from the definitions of "Data Center Accessory Uses" and "Data Center Equipment." Any on-site power generation facility is to be considered a principal use and a separate land use from data storage centers and is to be treated as a separate, principal use under all applicable laws, rules, and ordinances.

20. Parking. A minimum of one space per employee shall be provided, in addition to compliance with other requirements for off-street parking.

PART 4 EFFECTIVE DATE

Section 401. Effective Date. This Ordinance will be effective immediately after its enactment, and it will remain in force until modified, amended, or rescinded by Ross Township, Monroe County, Pennsylvania.

ENACTED and ADOPTED by the Board of Supervisors of Ross Township, Monroe County, Pennsylvania, this 4th day of May, 2026.

BOARD OF SUPERVISORS OF
ROSS TOWNSHIP

ATTEST:

Xaren E. Orlando

Secretary
(TOWNSHIP SEAL)


