

ORDINANCE NO. 25-3

**AN ORDINANCE AMENDING THE NESCOPECK TOWNSHIP ZONING ORDINANCE TO
ALLOW FOR THE CONSTRUCTION OF DATA CENTERS AND ASSOCIATED FACILITIES
TO DATA CENTERS WITHIN THE INDUSTRIAL DISTRICT OF NESCOPECK
TOWNSHIP**

BACKGROUND

WHEREAS, the Pennsylvania Municipalities Planning Code (the “MPC”) authorizes the governing body of a municipality to enact a zoning ordinance and amendments to existing zoning ordinances: and

WHEREAS, on October 9, 2012, the Nescopeck Township Board of Supervisors adopted the Nescopeck Township Zoning Ordinance and Zoning Map (the “Ordinance”); and

WHEREAS, the Nescopeck Township Board of Supervisors desires to amend the Ordinance; and

WHEREAS, a copy of the proposed amendment to the Ordinance (the “Amendment”), which is part of the instant ordinance, was provided to the Luzerne County Planning Commission for review and comment pursuant to Section 609(c) of the MPC; and

WHEREAS, the Luzerne County Planning Commission provided its comments to the proposed Amendment on October 27, 2025; and

WHEREAS, a copy of the proposed Amendment was provided to the Nescopeck Township Planning Commission who reviewed the same at a public meeting held on November 5, 2025 and provided its comments to the Amendment on November 10, 2025; and

WHEREAS, the Nescopeck Township Board of Supervisors provided public notice on November 26, 2025 and December 3, 2025 of a public hearing to be held with respect to the proposed Amendment on December 11, 2025 in the Press-Enterprise, a newspaper of general circulation in Nescopeck Township, Luzerne County; and

WHEREAS, the public notice stated that the Nescopeck Township Board of Supervisors would consider adoption of the proposed Amendment on December 11, 2025 at 7:00 pm at the Nescopeck Township Municipal Building; and

WHEREAS, the Nescopeck Township Board of Supervisors held a public hearing with respect to the proposed Amendment on December 11, 2025; and

WHEREAS, the Nescopeck Township Board of Supervisors desires to adopt the Amendment pursuant to the authority granted by the MPC to amend the Ordinance.

NOW, THEREFORE, The Nescopeck Township Board of Supervisors ordain as follows:

Section I. Amendments to Zoning Ordinance.

A. **Article III - Definitions;** Word Usage, of the Ordinance is hereby amended to add the following definitions:

COMMUNITY INCENTIVE PACKAGE: Projects or programs related to healthcare, education, non-profit, and the enhancement of services to public and host municipalities that can be utilized to help foster community events and vitalize neighborhoods through a variety of projects and equipment to promote safety and welfare within a community.

DATA CENTER A facility or facilities used primarily for the housing, operation, and/or co-location of computer and communications equipment (such as Uninterruptible Power Supply (UPS), Servers, Storage Devices) and for handling, storing, and backing up data. Data Center may also include Data Center Accessory Uses and Disaster Recovery Facility when located on the same tract or assemblage of adjacent parcels developed as a unified development.

DATA CENTER ACCESSORY USES. Data Center Accessory Uses shall 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, environmental controls and security devices when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

DISASTER RECOVERY FACILITY: A building used for the continued operation of an off-site business in the event of a natural or manmade disaster that causes the interruption of that business. Such facilities may include digital storage of business documentation, records or other information.

PORTABLE GENERATOR: Any engine-driven device intended to supply temporary electric power that is not permanently installed or permitted as a permanent standby unit.

PORTABLE TURBINE: Any mobile wind-powered device capable of generating electricity that is not permanently mounted or permitted as a permanent wind energy system.

SUBSTATION. A stable, long-standing infrastructure facility that serves as the hub of the electrical grid, connecting all the different spokes of the grid to bring electricity from power plants to other facilities. Substations convert power from high voltage to low voltage to bring power to the different components and equipment within the Data Center.

B. **Section 404 of the Ordinance for Schedule of Uses for the I-Industrial District,** is hereby amended, as is the said Schedule of Uses for the I Zoning Districts, as follows:

Section 404 of the Schedule of Uses – I-Industrial District, shall be amended to add "Data Centers", "Data Center Accessory Uses" and "Disaster Recovery Facility" and identify "Data Centers, Data Center Accessory Uses" and "Disaster Recovery Facility" as "C – Conditional Use" in the I Zone.

C. **Section 404, Schedule of Development Standards, for the I Zoning District,** shall be amended to add a Part 7 as follows:

Data Centers, Data Center Accessory Uses and Disaster Recovery Facility shall comply with the Building Regulations set forth herein on the currently adopted Schedule of Development Standards but for those regulations relating to Minimum Lot Size (Square Feet) and Maximum Building Height, as Data Centers shall instead comply with those building regulations found in Section 404, Data Centers.

D. Section 811 entitled "Data Centers" shall be added to Article VIII, Standards for Specific Uses, and shall state the following:

811 Data Centers.

Data Centers, Data Center Accessory Uses, Disaster Recovery Facility and Substations, subject to the following conditions:

811.1 Building Restrictions for Data Centers

- A. Tract Size. the minimum lot size or assemblage of adjacent parcels developed as a Data Center (the "Tract") shall not be less than 50 acres, inclusive of open space. Tracts divided by easements or right-of-ways but owned in common or otherwise developed as a unified development shall be deemed contiguous for the purposes of minimum tract size calculations.
- B. Maximum Building Square Footage. A Data Center may be a maximum of 500,000 square feet.
- C. No Data Center or Data Center accessory structure shall be 300 feet or less from a residential district or existing occupied residential uses' property line, provided all sound level maximums are met (as set forth herein this Section).
- D. No Substation shall be less than 300' from a residential district or existing occupied residential uses' property line, provided all sound level maximums are met (as set forth herein this Section).
- E. Loading docks and truck maneuvering areas shall be setback not less than 300 feet from residential districts or existing occupied residential uses' property lines.

811.2 Portable Generators

- A. Portable Generators shall be equipped with functioning mufflers and enclosures to comply with the noise limits in Section 701- Performance Standards.
- B. Non-residential or non-light commercial portable or backup generators shall not be operated between 8:00 p.m. and 8:00 a.m. except during declared emergencies as ordered by Nescopeck Township EMA
- C. Fuel storage and exhaust shall comply with applicable local and state fire codes.
- D. Generators, if diesel, shall be listed and labeled a Tier IV certified.

811.3 Portable Turbines

- A. No more than two (2) portable turbines shall be operated on any single non-residential or commercial property at the same time without a Temporary Use Permit.
- B. Turbines shall be set back at least 100 feet from any residential property line and 200 feet from any dwelling not owned by the turbine operator.
- C. Turbines shall comply with the noise limits in Section 701 – Performance Standards and shall have functional braking or shut-off mechanisms.
- D. Turbines shall be properly secured and maintained to prevent mechanical failure or debris hazards.
- E. Portable turbines may not be operated for more than 10 consecutive days in a calendar year without a Temporary Use Permit.
- F. Each Data Center use shall comply with Section 701 - Performance Standards, where applicable.
- G. Each Data Center shall provide evidence from the public utility serving it that application for service is feasible and approved as part of the Land Development Application.

811.4 Equipment Testing Times

- A. Generator Testing Adjacent to Residential. For this use on property adjacent to property with existing residential use, or a residential zoning district, the following standard applies to generator testing:
- B. Generator testing is limited to between 7:00 a.m. and 5:00 p.m. between May 1 and September 30 of any given year.
- C. Generator testing is limited to between 11:00 a.m. and 5:00 p.m. between October 1 and April 30 of any given year.
- D. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.
- E. Applicants shall provide at their cost, continuous noise monitoring devices around the property to transmit actual noise levels at property boundaries on a continuous basis to a remote, publicly accessible on-line database.

811.5 Design Guidelines

- A. Principal building facades:
 - (1) Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements and must occur at least every 150 horizontal feet or no less than three times the average height of the building change in building height;

building step-backs or recesses; fenestration; change in building material, pattern, texture, color; or use of accent materials. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.

B. Green-Wall Treatment.

(1) A green-wall treatment may be provided in lieu of up to 50% of the Fenestration Surface Coverage of the Façade requirements. The owner or the owner's agent is responsible for the repair, replacement and maintenance of the Green-wall for the duration of the use.

(2) Green-Wall Surface Coverage. Green-Wall areas must be provided to meet up to 30% total surface coverage area of the principal façade and must be distributed horizontally and vertically across the Principal Façade.

C. Fenestration. Fenestration must comprise a minimum of 30% of the principal building's individual façade.

811.6 Screening of Mechanical Equipment

A. Screening. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical and electrical equipment shall be screened. This screening may be provided by a principal building or existing vegetation that will remain on the property or is within a landscaping/buffer easement on an adjacent property. Mechanical and electrical equipment not screened by a principal building or existing vegetation shall be screened by 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 and be designed to absorb noise and protect neighboring properties from noise pollution

B. Landscaping and Buffering. A buffer yard is required from a residential district or existing occupied residential uses' property line within the required setback from said property line. This buffer yard shall consist of a dense screen of evergreen and deciduous trees. Landscaping shall be installed between the data center and road right-of-way and shall consist of one evergreen tree and one deciduous tree for every 20 feet of road frontage adjacent to the data center. The required screening shall be planted in a staggered manner, shall be native species, and shall have a mixture of varieties. All coniferous trees shall be a minimum of eight feet in height at time of planting, and all deciduous trees shall not be less than two-inch caliper at time of planting. All buffering and landscaping shall be maintained and plant material which does not live shall be replaced within six months.

C. Fencing. Fencing of the property is permitted provided that fencing along public or private streets is not chain link and does not include barbed wire or other visibly intrusive deterrence equipment.

D. Refuse Collection and Loading Bay Screening. Refuse collection areas must be fully screened on all sides and loading bays must be screened from view at the ground level from all adjacent parcels and existing or planned public roads.

- 811.7 Traffic Study. As part of the Land Development Application, a traffic impact study must be prepared to address both daily operational traffic and emergency response access, to demonstrate that the facility will not adversely affect local road capacity or increase impacts beyond what is expected of other uses permitted in the I-1 District.
- 811.8 Noise. Data Center use shall be required to comply with the Noise standards set forth. Each Data Center use shall meet the maximum daytime equivalent decibel level of 67 dBA and a maximum nighttime equivalent decibel level of 57 dBA, at the property lines for any neighboring property. The daytime level generally corresponds to interference with normal conversation. The nighttime level generally corresponds to interference with sleep. A study will be conducted as part of the Land Development application to recommend sound reducing materials or systems to meet these standards. An as-built sound study will be conducted six (6) months following the issuance of a Certificate of Occupancy for any Data Center building. Emergency back-up generator testing or recharge shall not occur during nighttime hours.
- 811.9 Environmental Impacts. As part of the Land Development application, compliance with Section 701 - Performance Standards shall be included with the plans.
- 811.10 Water Supply. A water supply feasibility study shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use if the use involves the use of any water resources. Approval by the Township Engineer and PA DEP shall be required prior to implementation.
- 811.11. Wastewater Management. The applicant shall demonstrate to the Township that adequate means of wastewater disposal have been provided for and approved by the Sewage Enforcement Officer and/or PA DEP. This would include wastewater management from any domestic wastewater as well as any wastewater used for cooling or industrial purposes. If public sewer will serve the use, then the applicant shall prove that capacity is available.
- 811.12. Vibration Study. A Vibration Study shall be provided that demonstrates that vibration resulting from sources material to the Data Center or Data Center Accessory Uses does not extend past the property line. This study shall be prepared by a qualified professional.
- 811.13 Utilities. The applicant shall thoroughly demonstrate how the disaster recovery facility and data center's utility needs will be met, including water usage and electrical connectivity. Applications are expected to provide information related to the development's electrical load requirements and further illustrate that any needed expansion of utilities can be done in a manner that demonstrably minimizes impacts on surrounding properties and is compatible with existing and proposed nearby and adjacent developments.
- 811.14 Power.

- A. All new electric lines (both transmission and distribution must be underground.
- B. Applications shall clearly demonstrate to the greatest extent possible how electricity will be provided to accommodate the project's development and how the project's overall power demand relates to the overall regional network. This should include any on-site or off-site need for a new electrical substation, expansion of an existing substation, switching station, and/or any other electric infrastructure.

811.15 Sounds/Noise

The volume of sound inherently and recurrently generated by the use shall not exceed the standards established in this Section at the perimeter property boundaries of receiving land uses. In addition to the table below, the use shall comply with all applicable standards outlined in Section 701. Where any provision of this Section conflicts with Section 701, the provision imposing the more restrictive standard or higher level of protection shall prevail.

- A. Applicants shall submit a noise/sound study, prepared and certified by a professional noise/sound engineer. The study must be submitted to the Township Supervisors, Township Planning Commission, and Township Engineer for review and must demonstrate compliance with the noise regulations in this section. The noise study update. The noise study shall be updated and resubmitted to the Township within 30 days of occupancy of any data center building.
- B. Sound measurements shall be performed by the Township Code Enforcement Officer or other designated Township representatives who have received appropriate training in the use of sound level meters and measurement procedures.
- C. Sound levels. Sound levels shall be measured with a sound level meter equipped with a modern octave band filter according to standards prescribed by the American National Standards Institute (ANSI S1.4, (ANSI S1.13) or the International Organization for Standardization (ISO 1996).
- D. Maximum Sound Pressure Levels. Maximum sound pressure levels shall not exceed those provided in the following table.

Octave Band (cycles per second)	Maximum Sound Pressure Level (dB) (0.0002 dynes per square
0-74	72
75-149	67
150-299	59

300-599	52
600-1,199	46
1,200-2,399	40
2,400-4,800	34
Above 4,800	32

811.16 Air Quality

Air quality and emissions controls for the Data Center or Data Center Accessory Uses will meet the requirements applicable to data centers and stand-by generator usage established by the state and local regulations, and will comply with Section 703 – Environmental Assessment of the Zoning Ordinance related to air management.

811.17 Community Incentive Package

A community incentive package shall be submitted to the Township with an application for planning and/or Land Development.

811.18 Fire Safety and Emergency Response.

An Emergency Response Plan shall be prepared by a qualified professional to be reviewed and approved by the local fire department and Emergency Management Agency. Such Plan shall include detailed information regarding fire suppression, containment, ventilation and evacuation, as well as access and hydrant locations, as applicable. In reviewing the adequacy of a Fire Safety and Emergency Response Plan, the following shall be considered, in addition to Building Code Requirements:

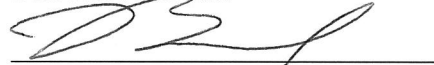
- A. Use of fire-resistant rated construction materials
- B. Location of IT equipment and restricted access to it
- C. Openings and penetrations
- D. Aisle containment and hot air systems
- E. Limitation of materials in and around IT equipment
- F. Construction of IT materials
- G. Design and installation of automatic fire protection systems, such as sprinkler systems or gaseous extinguishing systems
- H. Automatic detection systems

- I. Portable extinguishers and hose lines
- J. Staff training
- K. Emergency and recovery procedures, and Maintenance and auditing plan for fire safety
- L. Ensure all first responders receive adequate training specific to the installed systems.
- M. Include provisions for annual fire safety inspections demonstrating compliance with the fire safety standards to be performed by a qualified professional on behalf of the Data Center.
- N. Any Data Center proposing battery storage or any other devices or equipment capable of storing electrical energy for a later use for either on-site or off-site shall demonstrate compliance with the National Fire Protection Association (NFPA) standard NFPA855. Battery storage systems must include fire suppression systems designed specifically for battery storage.
- O. All fire hydrants shall be equipped with Storz fittings approved by the local fire department.
- P. A Knox Box shall be installed at each entrance to any building or structure and keys shall be provided to the local Fire Department.

This Ordinance shall take effect immediately upon adoption by the Board of Supervisors of the Township of Nescopeck.

Adopted this 11th day of December, 2025.

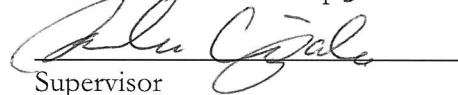
**NESCOPECK TOWNSHIP BOARD OF
SUPERVISORS:**



Chairperson, Board of Supervisors

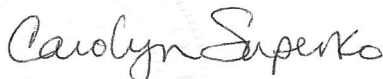


Vice-Chair, Board of Supervisors



Supervisor

Attest:



Carolyn Superko

Secretary/Treasurer