

DRAFT ORDINANCE NO. [XXXX]

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COOLSPRING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, AMENDING THE COOLSPRING TOWNSHIP ZONING ORDINANCE TO DEFINE DATA CENTERS AND DATA CENTER ACCESSORY USES AND TO ESTABLISH STANDARDS FOR SUCH USES AS A CONDITIONAL USE IN THE INDUSTRIAL ZONING DISTRICT, PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, 53 P.S. § 10601 ET SEQ.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601 et seq., authorizes Coolspring Township to enact and amend zoning regulations; and

WHEREAS, the Board of Supervisors has determined that it is in the public interest to establish definitions and standards governing Data Centers and Data Center Accessory Uses; and

WHEREAS, Data Centers may create unique land use, infrastructure, utility, environmental, traffic, noise, lighting, and emergency-response impacts that warrant specific zoning standards; and

WHEREAS, the Board of Supervisors desires to amend the Coolspring Township Zoning Ordinance No.89 May 2019 to permit Data Centers and Data Center Accessory Uses as a conditional use in the Industrial Zoning District, subject to the standards set forth herein; and

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

SECTION 1. DEFINITIONS

Section 201 of the Coolspring Township Zoning Ordinance is amended to add the following definitions:

1. **Consumptive Use:** The loss of water from a groundwater or surface water source through a manmade conveyance system, including transpiration, incorporation into products, evaporation, or diversion, to the extent that the water is not returned to the source.
2. **Data Center:** A building or buildings that 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 shall also include cryptocurrency mining, blockchain transaction processing, high-performance computing, artificial intelligence processing, machine learning, or similar data-intensive computational activities, in which such operations constitute the primary use of the facility. A Data Center may include Data Center Ancillary Structures.

3. **Data Center Ancillary Structures:** 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; electrical substations; utility lines; cooling systems; water and wastewater treatment facilities; pump stations; water towers; environmental controls; and related infrastructure located on the same tract and operated as part of the Data Center facility.
4. **Diversion:** A transfer of water from one basin to another, including pipelines, channels, or other means.
5. **Safe Yield:** The amount of water that can be withdrawn from a resource over time without impairing its long-term utility, quality, or public health.
6. **PFAS:** Per- and polyfluoroalkyl substances, meaning a class of fluorinated synthetic chemicals that are resistant to breakdown in the environment and may be present in certain firefighting foams, coolants, coatings, batteries, industrial fluids, or other materials stored, used, or released at a facility.
7. **Sensitive Receptor:** Residential uses, schools, preschools, educational institutions, daycare centers, accredited in-home centers, long-term care facilities, retirement and nursing homes, hospitals, community centers, places of worship, parks, campgrounds, correctional facilities, and dormitories.
8. **Withdrawal:** The removal or taking of water from any source, whether or not the water is returned to the source.

SECTION 2. ZONING – CONDITIONAL USE IN INDUSTRIAL DISTRICT

Conditional Use Approval: Section 500 of the Coolspring Township Zoning Ordinance is hereby amended to provide that Data Centers and Data Center Accessory Uses may be permitted as a conditional use only within the Industrial (I) Zoning District, subject to compliance with this Ordinance, the applicable subdivision and land development regulations, and all other applicable federal, state, county, and township laws, ordinances, rules, and regulations.

Setbacks, Height, and Lot Coverage: Data Centers shall follow existing Industrial district standards for setbacks, maximum building height, and lot coverage.

Buffers and Screening: All data center applications shall comply with the minimum buffer yard and screening requirements set forth in Section 607.02 of the adopted Coolspring Township Zoning Ordinance. During the conditional use hearing process, the Board of Supervisors shall require additional or more restrictive conditions beyond those in Section 607.02, including expanded buffer widths, enhanced landscaping, structural screening, fencing, or earth berming, where necessary to protect public roads, adjacent properties, and Sensitive Receptors.

SECTION 3. CONDITIONAL USE STANDARDS

A. **Approval:** Any application for a Data Center or Data Center Accessory Use shall comply with the Township's conditional use procedures set forth in Section 502 of the Ordinance and shall be heard and decided by the Board of Supervisors in accordance with the applicable public hearing and decision requirements of the Pennsylvania Municipalities Planning Code, including Article IX thereof, as amended. No conditional use approval or land development approval shall confer vested rights to operate a Data Center unless the applicant maintains continuous compliance with all standards of this Ordinance.

B. **Water Supply and Use:**

1. All Data Centers shall be designed to utilize closed-loop, recirculating, or equivalent low-consumption cooling systems intended to minimize consumptive water use. Open-loop, once-through, or other high-consumption evaporative cooling systems shall be prohibited unless specifically authorized as part of the conditional use approval upon competent evidence demonstrating that no feasible alternative exists and that the proposed system will not create adverse impacts on public water supplies, groundwater resources, or surrounding properties.
2. Cooling systems shall incorporate water-efficiency measures, including reuse, recycling, and demand-reduction strategies, where technically feasible.
3. Where public water service is proposed, the applicant shall provide written documentation from the applicable public water provider confirming available capacity and willingness to serve the proposed development.
4. Where non-public water sources are proposed, the applicant shall provide all studies, permits, and supporting documentation required by the County Subdivision and Land Development Ordinance, if applicable, and by all other state and federal agencies having jurisdiction.
5. The Board of Supervisors shall require submission of a water feasibility study, drought contingency plan, and documentation addressing withdrawal, consumptive use, wastewater generation, and disposal methods where warranted by the scale or design of the proposed facility.

C. **Cooling Water and Wastewater Disposal Compliance:**

1. Any application for a Data Center utilizing water-based cooling systems, cooling towers, liquid cooling systems, or other cooling technologies that generate wastewater, cooling tower blowdown, industrial wastewater, or spent coolant shall include documentation identifying the proposed method of collection, treatment, transportation, and disposal of such materials.
2. The applicant shall demonstrate compliance with all applicable federal, Commonwealth of Pennsylvania, and local laws and regulations governing the handling, discharge, transportation, treatment, or disposal of cooling water, cooling tower blowdown, industrial wastewater, and any associated chemical additives.
3. Where disposal is proposed through a public sanitary sewer system, the applicant shall provide written documentation from the applicable sewer authority confirming that the proposed discharge has been reviewed and is

acceptable, subject to any applicable permits, pretreatment requirements, or conditions.

4. Where disposal is proposed by any method other than a public sanitary sewer system, the applicant shall provide documentation demonstrating that the proposed disposal method complies with all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP), the Pennsylvania Clean Streams Law, the National Pollutant Discharge Elimination System (NPDES), and any other applicable federal or Commonwealth regulations.
5. As a condition of approval, the Township shall require the applicant to submit copies of applicable permits, approvals, disposal agreements, manifests, or other documentation demonstrating compliance with this Section. Following commencement of operations, the Township may request updated documentation when reasonably necessary to verify continued compliance with the conditions of approval, to investigate a documented public health or environmental concern, or to administer and enforce this Ordinance. Any confidential or proprietary business information shall be protected to the extent permitted by law.

D. Power Supply:

1. Electric Grid Connection: If the Data Center proposes to connect to the electrical grid, the applicant shall provide documentation from the applicable electric service provider certifying:
 - a. Sufficient capacity to serve the Data Center
 - b. The utility will provide service to the Data Center
 - c. GRID Reliability and Compliance: The applicant shall demonstrate compliance with all applicable Commonwealth requirements for Data Center development, including the Governor's Responsible Infrastructure Development (GRID) Standards and any applicable Executive Order, and shall provide documentation reasonably requested by the Township to verify such compliance.
 - d. Transparency and Public Disclosure: To promote public transparency regarding electric demand, grid impacts, and compliance with applicable utility and regulatory requirements, the applicant shall provide a non-confidential summary of the proposed electrical load, anticipated peak demand, proposed service arrangements, interconnection status, required utility upgrades, backup power systems, and measures intended to avoid adverse impacts on electric reliability. The Township shall require updates to such summary materials during review and following approval where reasonably necessary to verify continued compliance with conditions of approval. Confidential, security-sensitive, critical infrastructure, or proprietary information shall be identified by the applicant and protected from public disclosure to the extent permitted by applicable law.

2. Self-Supplied or Additional Energy Generation: Any energy generation system used to supply the Data Center during normal operations, including but not limited to solar, wind, fossil fuel, or battery, shall be considered a separate use and permitted in accordance with township zoning, federal, and state regulations. Any material change in cooling technology, electrical infrastructure, energy generation systems, battery chemistry, or operational load shall require Township review and approval to confirm continued compliance with this Ordinance.
3. Conditional Use Oversight: The Board may impose additional conditions to ensure safe operation, National Fire Protection Association (NFPA) compliance, and no adverse impact on neighboring properties.

E. Emergency Management:

1. Applicants must submit an Emergency Response Plan, including fire suppression, containment, ventilation, evacuation, and first responder access.
2. The Board of Supervisors may impose reasonable conditions related to emergency access, fire protection, hazardous material management, and operational mitigation measures as necessary to protect the public health, safety, and welfare and to ensure compliance with applicable codes and regulations.
3. Where a Data Center development creates a demonstrable and unique operational need for specialized training, equipment, or materials beyond standard municipal or volunteer fire company capability, the applicant shall be responsible for the reasonable costs directly attributable to addressing those project-specific needs.
4. Applicants shall disclose all hazardous materials stored or used onsite, including battery systems, fuels, coolants, and any substances containing PFAS, and shall provide documentation of compliance with all applicable federal and state regulations.

F. Parking:

1. Off-street parking shall comply with the requirements applicable to the Industrial Zoning District and any other applicable Township ordinances.
2. Site plans shall demonstrate safe and adequate circulation for passenger vehicles, delivery vehicles, service vehicles, and emergency apparatus, including turning movements, access drives, and loading areas.
3. The Township shall require a traffic impact study prepared by a qualified professional where the proposed use is reasonably expected to generate significant truck traffic, employee traffic, or service traffic affecting public roads or intersections.

G. Decommissioning and Facility Closure:

1. As part of the conditional use application, the applicant shall submit a decommissioning plan addressing the proposed removal of buildings, structures, equipment, generators, batteries, tanks, utility appurtenances, and

hazardous materials; the disposal of electronic waste; site stabilization; and the anticipated schedule for closure and restoration.

2. The Board of Supervisors shall require financial security, in a form permitted by law, where reasonably necessary to guarantee performance of required decommissioning obligations.
3. If operations cease for a continuous period of 12 months, the facility shall be deemed abandoned unless the applicant demonstrates to the Township's satisfaction that active efforts are underway to resume lawful operations.
4. The owner or operator shall provide written notice to the Township not less than 180 days prior to the planned cessation of operations, to the extent such cessation is reasonably known in advance.

H. Energy Efficiency and Sustainability:

1. Applicants shall demonstrate energy efficiency in building and site design, including HVAC, cooling systems, lighting, and insulation.
2. Voluntary certifications (e.g., LEED) may be encouraged but are not mandatory.

I. Noise, Vibration, and Lighting Mitigation:

1. All outdoor lighting fixtures shall be fully shielded with a Zero Uplight rating as defined by the Joint Dark Sky International / Illuminating Engineering Society Model Lighting Ordinance. Fixtures shall be aimed at and directed downward so that the light source is not visible from any adjoining property, street, or Sensitive Receptor. Outdoor lighting design and installation shall comply with American National Standards Institute / Illuminating Engineering Society Recommended Practice 8, Recommended Practice for Design and Maintenance of Roadway and Parking Facility Lighting. Light trespass at any property line adjacent to a Sensitive Receptor or residential zone shall not exceed 0.1 foot-candles, as measured by a calibrated light meter.
2. Noise, Vibration, and Technical Metrics: Compliance with all noise and vibration limits shall be continuous and ongoing throughout the life of the facility. Sound levels generated by the facility's continuous operations (including mechanical, HVAC, cooling, and electrical infrastructure) shall not exceed fifty-five (55) dBA (A-weighted decibels) between the hours of 7:00 AM and 10:00 PM, and forty-five (45) dBA between the hours of 10:00 PM and 7:00 AM, as measured at any property line adjacent to a Sensitive Receptor or residential zone. To mitigate low-frequency drone and structural hum, sound levels shall not exceed sixty (60) dBC (C-weighted decibels) at any time along said property lines. Steady-state vibrations shall not be perceptible without instruments at any property line.
 - a. Pre-Construction and Post-Construction Verification Mandates:
 - i. Pre-Construction Mandate: The applicant shall submit a comprehensive pre-construction acoustical analysis and predictive sound-modeling plan during the land development

process, prepared and certified by a qualified acoustical engineering professional. This model must mathematically demonstrate that the proposed facility, running at 100% full operational and peak cooling capacity, will comply with the dBA and dBC limits of Section I(2). No land development approval or building permit shall be issued until the Township approves this model.

- ii. Post-Construction Mandate: Within thirty (30) days of the facility becoming operational, and prior to the issuance of a final Certificate of Occupancy, the operator shall fund a post-construction acoustical verification study. A temporary Certificate of Occupancy may be requested pending verification testing. This study shall be conducted by the applicant to verify real-world compliance with both daytime and nighttime dBA and dBC thresholds under full load conditions. Any failure to meet these thresholds shall result in the immediate withholding or revocation of the operating permit until mitigation measures are successfully implemented and certified by the Township's expert. The Board shall require additional monitoring where warranted by the scale or operational characteristics of the facility and results of the study.

J. Enforcement, Cost Recovery, and Technical Verification.

1. Professional Review Escrow: The applicant shall establish a professional review escrow account with the Township upon application submission. This escrow shall be fully funded by the applicant and maintained at a minimum balance determined by the Township. The Township shall utilize these funds to retain an independent, licensed Professional Engineer specializing in acoustics to review pre-construction models, execute post-construction verification testing, and conduct independent field investigations of any subsequent noise complaints.
2. Continuous Sound Monitoring System: Prior to the issuance of an Occupancy Permit, the operator shall install and maintain a permanent, automated, and calibrated sound-monitoring system at locations along the property lines designated by the Township Engineer. This system must continuously log both dBA and dBC metrics, maintain unedited data logs for a minimum rolling period of twelve (12) months, and provide real-time data access to the Township Zoning Officer.
3. Complaint Verification and Mitigation: Upon receipt of a formal noise complaint, the Zoning Officer may deploy the Township's retained acoustic expert to conduct independent monitoring, funded entirely by the operator's escrow account. If a violation of the dBA or dBC thresholds outlined in Section I (2) is verified, it shall constitute a municipal infraction. The operator shall immediately reduce operational capacity or modify equipment to achieve compliance and

shall be subject to escalating daily civil penalties as authorized by the Pennsylvania Municipalities Planning Code until compliance is certified by the Township's expert.

SECTION 4. GENERAL PROVISIONS

1. Enforcement, Cost Recovery, and Technical Verification.

- a) **Cost Recovery:** Every application for conditional use approval for a Data Center or Data Center Accessory Use shall be accompanied by the applicable zoning and conditional use application fees established by resolution of the Board of Supervisors and authorized by the Pennsylvania Municipalities Planning Code, the Township Zoning Ordinance, the Township fee schedule, and other applicable law. The intent of this Section is that project-specific municipal costs associated with review, processing, hearings, inspections, monitoring, compliance verification, and enforcement of conditions of approval shall be borne by the applicant or operator to the maximum extent permitted by law and shall not be subsidized by Township residents or the general taxpayer.

The Township shall require the applicant to establish and maintain one or more escrow accounts or cost-reimbursement arrangements, in amounts established by resolution or determined by the Township based on the nature and scale of the application, solely for lawfully reimbursable costs incurred in connection with the application, hearing process, review of submitted materials, inspection, technical verification, monitoring required as a condition of approval, and enforcement of approval conditions. Reimbursable costs may include, to the extent permitted by law, reasonable and necessary administrative, legal, engineering, planning, traffic, environmental, acoustical, utility, emergency-management, and other professional or technical review expenses directly related to the application or approved use.

Nothing in this Ordinance shall be construed to impose a separate data center impact fee, infrastructure fee, tax, or charge not authorized for zoning or conditional use applications. Any unused escrow balance shall be returned to the applicant or operator in accordance with applicable law, and the Township shall require replenishment of escrow funds where reasonably necessary to ensure payment of lawfully reimbursable project-specific costs.

- b) **Community Benefit Discussions and Agreements.** Recognizing that large-scale Data Center and Data Center Accessory Uses may create demands upon emergency response resources, transportation facilities, public infrastructure, utilities, and other community resources, the Township may encourage and facilitate good-faith discussions between the applicant, the

Township, affected emergency service providers, and other appropriate community organizations concerning a separate Community Benefit Agreement or similar voluntary community benefit arrangement.

Such discussions shall address, as appropriate to the proposed development and its anticipated impacts, emergency response coordination and training, specialized equipment or resources, transportation and infrastructure improvements, workforce development and apprenticeship opportunities, community facilities, energy-efficiency or sustainability initiatives, landscaping and visual mitigation, and other locally identified community priorities.

Any Community Benefit Agreement shall be a separate contractual agreement and shall not constitute a zoning requirement, development standard, condition of conditional use approval, condition of land development approval, or prerequisite to the approval of a Data Center or Data Center Accessory Use.

The Township shall not require an applicant to enter into a Community Benefit Agreement or make a monetary or in-kind contribution pursuant to such an agreement as a condition of zoning or land development approval. The existence, absence, terms, or monetary value of a proposed or executed Community Benefit Agreement shall not be considered in determining whether an applicant satisfies the substantive standards of this Ordinance.

- c) The Township shall bear no liability for any operational, environmental, emergency-response, or infrastructure impacts associated with a Data Center or Data Center Accessory Use.
2. **Severability:** If any sentence, clause, section, or part of this Ordinance or the Zoning Ordinance is found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect or impair the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.
 3. **Repealer:** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
 4. **Codification:** The amendments in this Ordinance shall be incorporated into the Coolspring Township Zoning Ordinance.
 5. **Effective Date:** This Ordinance shall take effect immediately upon enactment by the Board of Supervisors, or at such later time as may be required by applicable Pennsylvania law.