

DRAFT ORDINANCE REGULATIONS

Relevant Definitions

ARTIST'S RENDERING: A visual depiction, such as a drawing or digital image, created to represent the proposed design, appearance, and spatial arrangement of a building, structure, or development project. This rendering is utilized for planning and communication purposes to convey the envisioned outcome prior to actual construction or implementation.

BUFFER YARD: A designated area situated along the perimeter of a property, composed of natural vegetation, planted landscaping, or a combination thereof, designed to physically and visually obscure, separate, or screen differing uses, features, or zoning districts. Also termed a landscape buffer.

DATA CENTER ACCESSORY USE: 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; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; 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); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

ELECTRICAL SUBSTATION: A facility that converts high-voltage electrical power from the utility grid to lower voltages appropriate for use operations. It includes transformers, circuit breakers, busbars, protective devices, switchgear, and related equipment designed to ensure a stable and efficient power supply, meeting the specific energy requirements of the use.

FAÇADE: The exterior walls of a building exposed to public view or that will be viewed by persons not within the building.

FENESTRATION: The design, arrangement, and proportion of openings in a building's exterior, including but not limited to windows, doors, skylights, and curtain walls. These elements contribute to the building's aesthetics, natural light, ventilation, and energy performance, and are subject to specific standards and criteria within the ordinance.

MAIN ENTRANCE FEATURE: A prominent architectural element or combination of elements that visually and functionally designates the primary point of access to a building or structure. This feature may include, but is not limited to, doorways, landscaping, signage, vestibules, porticos, canopies, and decorative lighting.

OCTAVE BAND: A portion of a sound spectrum with the upper limit twice the frequency of the lower limit. Octave bands are named for the center frequency (geometric mean) of the band.

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Standard octave bands for sound levels meters are defined the American National Standards Institute (ANSI S1.11).

SENSITIVE RECEPTOR: Sensitive receptors shall be defined as residential uses, schools, preschools, daycare centers, in-home daycares, hospitals, medical offices, rehabilitation facilities, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.

NOTE: add PA Green Amendment to Whereas Clauses:

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution, also known as the Pennsylvania Green Amendment, recognizes and protects the environmental rights of all people of the Commonwealth, including future generations. The same provides: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the most common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people”; and

Section 309 of Chapter 27 - Schedule of District Regulations shall be amended as follows:

“Data Centers”, “Data Center Accessory Use”, and “Disaster Recovery Facilities” shall be deleted and removed as Conditional Uses in the ED Economic Development District.

“Data Centers”, “Data Center Accessory Use”, and “Disaster Recovery Facilities” shall be deleted and removed as Principle Permitted Uses in the M-1 Industrial District.

“Data Centers”, “Data Center Accessory Use”, and “Disaster Recovery Facilities” shall be inserted and added as Conditional Uses in the M-1 Industrial District.

Section 511.22 – Data Centers

1. Data Centers, Disaster Recovery Facilities, and Data Center Accessory Use. Data centers, disaster recovery facilities, and data center accessory use are permitted as a principal Conditional Upermitted use in the M-1 Industrial District. ~~Data centers, disaster recovery facilities, and data center accessory use are permitted as Conditional Use (CU) in the ED Economic Development District.~~ Data centers, disaster recovery facilities, and data center accessory uses shall be subject to the following additional regulations:

A. Submission Checklist for Data Centers, Disaster Recovery Facilities, and Data Center Accessory Use. This subsection provides a general guide for potential applicants preparing to submit plats for a data center, disaster recovery facility, and/or a data center accessory use in Smithfield Township. For a complete understanding of the applicable regulations for these uses, please refer to §-27-511(22) in its entirety for these uses. Applicants are required to submit comprehensive analyses, including but not limited to:

(1) Provide evidence of compliance with the standards and criteria for dimensional standards and aesthetics (§-27-511(22)B, §-27-511(22)C) which shall also include

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the submission to the Township of an artist's rendering(s) and must also include elevations. When the use is located adjacent to residential districts or sensitive receptors, the artist's rendering(s) must also depict evidence of compliance with the screening, fencing, and landscape buffer regulations in § 27-511(22)D, § 27-511(22)E.

- (2) The applicant shall thoroughly demonstrate how the data center's utility needs will be met, including water usage, emergency management, and electrical connectivity § 27-511(22)F.
- (3) A noise study and a vibration study, prepared and certified by a qualified professional noise engineer, shall be submitted to the Township Supervisors, Township Planning Commission, and Township Engineer for review. The study must demonstrate compliance with the criteria specified in § 27-511(22)G and K.
- (4) The applicant shall thoroughly demonstrate capacity to comply with all decommissioning criteria compliance, per § 27-511(22)L.
- (5) For all the standards and criteria for these use(s), please refer to § 27-511(22) in its entirety.

B. Dimensional Standards. The dimensional standards of data centers, disaster recovery facilities, and data center accessory use shall be ~~in accordance with § 27-309, Schedule of District Regulations, with the following exceptions set as follows:~~

(1) The maximum building height for a data center and disaster recovery facility shall be 60 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.

(2) The maximum height of a data center accessory use shall be no greater than the height of the principal building.

(3) The front setback shall be 250 feet.

(4) The side setback shall be 150 feet.

(5) The rear setback shall be 150 feet.

(6) Data centers, disaster recovery facilities, and data center accessory uses shall be set back ~~200-500~~ feet from the boundary of R-C Residential Conservation District, R-1 Low Density Residential District, or R-2 Moderate Density Residential District, an existing residential use, or the lot line of any property developed with a sensitive receptor.

(7) A maximum of ~~XX%~~ of woodlands may be removed from the property for this use. Prohibiting excess woodland removal better preserves the natural environment and mitigates stormwater-related concerns.

~~(4) If data centers, disaster recovery facilities, and data center accessory uses are located on a parcel that is in the ED Economic Development District, or M-1 Industrial District and adjacent to another ED Economic Development District, M-1 Industrial District, or R-E Resort District zoned parcel(s), the setbacks shall be as listed in § 27-309, Schedule of District Regulations. However, if the data~~

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~~center, disaster recovery facilities, and data center accessory use are adjacent to a residentially zoned parcel (R-C Residential Conservation District, R-1 Low Density Residential District, or R-2 Moderate Density Residential District), or a parcel in the ED Economic Development District, RE Resort District, or the M-1 Industrial District which contain a sensitive receptor, then the setbacks shall be as described in § 27-511(22)B(3).~~

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C. Aesthetics.

(1) Main Entrance Features.

(a) Main Entrance Design.

- 1) A data center, disaster recovery facility, or data center accessory use building shall include a main entrance feature that is differentiated from the remainder of the building facade by a change in building material, pattern, texture, color, or accent material.
- 2) The entrance feature shall also either project from or recess into the adjoining building plane.

(b) Foundation Plantings or Enhanced Landscaping.

- 1) Main entrance features shall incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs along at least 50% of the length of the facade.
- 2) These foundation plantings are in addition to any required buffers or landscaping mandated by Township ordinances.
- 3) In lieu of foundation plantings, any required buffering and parking area landscaping may be provided at an enhanced rate of 20% more plant units than what is required pursuant to the **§ 22-1101 (Landscape Plan Required)**.

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(2) Building Facades and Fenestration.

(a) Differentiated Surfaces. Principal facades must incorporate differentiated surfaces at horizontal linear intervals that may vary in frequency but must occur every 150 horizontal feet or three times the average height of the building. The building facade must incorporate a change in at least one of the following design elements:

- 1) Building material.
- 2) Pattern.
- 3) Texture.
- 4) Color.
- 5) Accent material.

(b) Fenestration: Windows and Doors.

- 1) Windows, doors, or similar fenestration design features, such as faux windows, must be distributed horizontally and vertically across the facade.
- 2) Fenestration must comprise a minimum of 30% of the total area of the individual facade.

D. Screening and Fencing.

- (1) To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the use including power generation or other power supply equipment, that is located within ~~5~~300 feet of a public roadway, R-1 Low Density Residential District, R-2 Moderate Density Residential District, or R-C Residential Conservation District, or the lot line of a property developed with a sensitive receptor(s) must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:
 - (a) The landscape buffer and/or use of existing vegetation that will remain on the property as required by [§ 27-511\(22\)E](#).
 - (b) By the principal data center or disaster recovery facility buildings.
 - (c) An earthen berm averaging a minimum of five feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by native shrubs and a well-maintained all season natural ground cover. Any required screening plantings shall be arranged on the outside and top of the berm.
 - (d) 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.
- (2) Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in [§ 27-511\(22\)D\(1\)](#).

E. Landscape Buffer. A landscape buffer (also termed a buffer yard) is required between a data center, disaster recovery facility, and data center accessory use and any adjoining residential zoning district (R-1 Low Density Residential District, R-2 Moderate Density Residential District, or R-C Residential Conservation District), an existing residential use, a sensitive receptor, or a public roadway. The landscape buffer shall comply with the following requirements:

- (1) The landscape buffer shall be at least 100 feet in width and may be part of the minimum setback distance.
- (2) Landscape buffer plantings shall consist of native species planted as follows:

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- (a) One large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight feet in height at the time of planting.
 - (b) One deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 1/2 inch caliper at the time of planting.
 - (c) One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight feet in height for multistemmed varieties, or 2 1/2 inch caliper at the time of planting for single-stemmed varieties.
 - (d) Five shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
- (3) Utilities, equipment, and stormwater management facilities shall not be located in the landscape buffer. If a utility must cross the landscape buffer, it shall be the minimum traversal distance and then only if every precaution is taken to make up for the lost visual screen by utilizing a screen wall of earthen colors.
- (4) In the event that existing vegetation is adequate to meet the intent of the required landscape buffer yard to screen the data center, disaster recovery facility, and/or data center accessory use from adjoining residential zoning districts, existing residential uses, sensitive receptors, and public roadways, the Board of Supervisors, upon recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required landscape buffer yard.
- (5) Required Details on Plat Submission. For existing vegetation that is adequate to meet the intent of the required landscape buffer yard, per § 27-511(22)E(4), those vegetation(s) shall be clearly specified and shown on all the submitted plats. If the final plat is approved, the Township Engineer and the applicant shall meet on site prior to the commencement of construction and/or clearing to identify exactly which existing trees meet the criteria, to be credited toward the requirements in § 27-511(22)E.
- F. Utilities. The applicant shall thoroughly demonstrate how a data center, disaster recovery facility, data center accessory use utility needs will be met, including water usage, emergency management, 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 does not impact surrounding properties and is compatible with existing and proposed nearby and adjacent developments.
- (1) Power.
 - (a) If the applicant proposes connecting a data center, disaster recovery facility, or data center accessory use to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that

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that the necessary capacity is available, and that electric service provider will serve the use(s). Known impacts on electric rates or availability for other uses directly attributable to the use(s) shall be noted and evaluated.

- (b) Any energy generation system designed or used to supply power directly to a data center, disaster recovery facility, data center accessory use during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the data center, disaster recovery facility, or data center accessory use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.
 - (c) No electrical disturbances which adversely impact the operation of any equipment beyond the property line shall be permitted.
- (2) Emergency Management.
- (a) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - 1) Be reviewed and accepted by the local fire department and emergency management services as part of the conditional use and/or land development process;
 - 2) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - 3) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - 4) Ensure that all first responders receive adequate training specific to the installed system;
 - 5) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center, disaster recovery facility, or data center accessory use.
 - (b) Any data center, disaster recovery facility, or data center accessory use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
 - (c) No data center, disaster recovery facility, or data center accessory use shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

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(d) There shall be a 24-hour emergency contact signage located conspicuously at the access entrance(s) to the facility. The signage shall include the facility company name, owner/representative name, telephone number, and the local power company's name and telephone number.

(3) Water ~~and Sewer~~.

(a) The use of recycled wastewater or other sources of non-potable water for cooling and/or other mechanical operations is strongly encouraged.

(b) For the purposes of cooling, a closed-loop system design is mandatory.

(c) ~~If the d~~Data centers, disaster recovery facilities, or data center accessory uses ~~will shall~~ be served by a public-central water supply. ~~T~~-the applicant shall submit documentation from the ~~public-appropriate~~ authority certifying that the ~~public~~-authority will supply the water needed.

~~(a)~~(d) The applicant shall submit a baseline groundwater and surface water testing to demonstrate current water conditions on the property.

~~(b)~~(e) In the case where a property is not within the service area of a central water system and ~~if~~ the use(s) are to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use(s) and to estimate the impact of the use(s) on existing wells, groundwater, and surface waters in the vicinity. None of the use(s) in this subsection shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:

- 1) The projected water demands of the use(s), including both average and peak daily consumption;
- 2) The source of water to be used;
- 3) 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, fire suppression, and domestic usage);
- 4) The long-term safe yield of the water source;
- 5) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means and at what temperature;
- ~~6)~~ A ~~geologic-topographic~~ map of the area with a radius of at least ~~one-two~~ miles from the site property lines including;

6)

a) The location of all existing and proposed wells ~~within 1,000 feet of the property boundary~~, with a notation of the capacity of

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all high-yield wells;

~~7~~b) The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges;

c) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries and the use classification thereof (Cold Water Fishes, High Quality, Exceptional Value, etc.), if applicable, as set forth in Chapters 93 and 105 of Title 25 of the Pennsylvania Code, within 1,000 feet of the property boundary and all known point sources of pollution;

~~8~~d) Any known potential habitats for threatened or endangered species.

~~9~~7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table;

~~10~~8) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

~~e~~f) The applicant shall provide proof of review and approval from the Delaware River Basin Commission for projects proposing:

- 1) 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
- 2) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.
- 3) This subsection shall comply with **§ 27-511(22)F(3)(b)5**.

(4) Sewer.

~~a~~) Data centers, disaster recovery facilities, or data center accessory uses shall be served by a central sewer system.

~~e~~b) In the case where a property is not within the service area of a central sewer system, the applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

G. Sound, Noise, and Vibration.

(1) The applicant shall submit a professional pre-construction study to establish baseline ambient noise and vibration levels over a 72-hour period.

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(2) Noise from operations, including cooling units and backup generators, shall not exceed 40 dBA or 55 dBC at the property line adjoining any residential zone between 10:00 p.m. and 7:00 a.m., and shall not exceed 45 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.

(3) Every data center, disaster recovery facility, and/or data center accessory use shall be operated so that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point along any boundary of the zoning district in which the use is located or at the boundary with an adjacent residential property, or a property with a sensitive receptor.

(4) The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the data center, disaster recovery facility, data center accessory use(s), or associated equipment will be perceptible to the human sense of feeling beyond the property line.

(5) The applicant shall demonstrate through a sound and vibration study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Disaster Recovery Facility and/or Data Center Accessory Uses during normal operations shall conform with this section and Chapter 10, Part 2 – Noise and Nuisances. Where any parts of these regulations conflict, the more restrictive provision shall prevail. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

(a) A preliminary study shall be conducted as part of the land development approval process. The preliminary sound and vibration study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.

(b) An interim sound and vibration study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center, Disaster Recovery Facility, and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.

(c) An as-built sound and vibration study shall be conducted three (3) months, six (6) months, nine (9) months, and twelve (12) months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase.

(d) An as-built sound and vibration study may also be required thereafter by the Township. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Chapter.

(6) Tonal noise penalty.

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(a) Each sound study shall include a narrow band frequency analysis for the purpose of identifying audible tones generated by the use. Audibility of tones shall be calculated in accordance with International Organization for Standardization Technical Specification (ISO/TS) 20065:2022 – Acoustics – Objective Method for Assessing the Audibility of Tones in Noise – Engineering Method.

(b) If the decisive audibility of any narrow-band averaged spectrum is 10 dB or more, a 6 dB penalty shall be applied to the overall A-weighted sound measurement for purposes of determining compliance with Paragraph (1) above.

G.—

~~(1) The applicant shall demonstrate through a sound study(s) conducted by a qualified professional acoustical expert that the sound generated by a data center, disaster recovery facility, and/or data center accessory use during normal operations shall not exceed the standards established in this subsection at the perimeter property boundaries of receiving land uses. The study(s) must be submitted to the Township Supervisors, Township Planning Commission, and Township Engineer for review. Such sound study shall be conducted using a sound level meter equipped with a modern octave band filter according to standards prescribed by the American National Standards Institute (ANSI S1.4-2104) or the International Organization for Standardization (ISO 1996):~~

~~(a) A preliminary study shall be conducted as part of the conditional use and/or land development process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the sound limit criteria of this subsection.~~

~~(b) An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the Smithfield Township Supervisors. If it is determined by the as-built sound study that there is a violation of the noise limits in this subsection, it shall be considered a violation of this chapter.~~

~~(2) Sound Levels and Maximum Sound Pressure Levels. Maximum sound pressure levels shall not exceed those provided in the following table. In addition to the table below, and the sound standards in this subsection, the use(s) shall comply with all applicable standards outlined in Chapter 10, Part 2, Noise and Nuisances. Where any provision of this section conflicts with Chapter 10, Part 2, Noise and Nuisances, the provision imposing the more restrictive standard or higher level of protection shall prevail:~~

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

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

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H. Floodplain, Airports, and Railroads.

~~(1)~~ No data center, disaster recovery facility, and/or data center accessory use, and any associated structures, including electrical substations, backup generators and fuel storage, may be located between the 100-year and 500-year flood elevations as shown in the most recent Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency for the Township.

(1)

- (2) No data center, disaster recovery facility, or data center accessory use shall be located within the conical, horizontal, transitional, primary or approach surface zones for an airport.
- (3) No data center, disaster recovery facility, or data center accessory use shall be located within 800 feet of a railroad, railroad station, railroad yard, and freight station.

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I. Equipment Testing Times.

- (1) Generator Testing Adjacent to Residential Zoning Districts or Sensitive Receptor(s). For any data center, disaster recovery facility, and/or data center accessory use located on a parcel adjacent to property with existing residential development, a sensitive receptor, or a residential zoning district, the following standard applies to generator testing:
 - (a) Generator testing is limited to between 7:00 a.m and 5:00 p.m. during all months of the year.
 - (b) Except for generator testing or commissioning activities, generator use shall otherwise be limited to backup/emergency use only.

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J. Lighting and Heat.

- (1) Outdoor Lighting and Glare: This use(s) shall comply with the lighting regulations in Chapter 32, Outdoor Lighting Standards, and Chapter 22, § 22-1020.
- (2) No direct or reflected glare, or measurable heat, from any source shall be perceptible at or beyond the property line of the zoning district in which the use is located, nor at or beyond the property line of any adjacent residential zoned property, or property which contains a sensitive receptor.

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K. Emissions ~~and Ground Vibrations~~.

- (1) The emission of any smoke, odorous gases, other odorous matter, or steam in

quantities perceptible at or beyond the boundary with an adjacent residential zoned property, or property which contains a sensitive receptor shall be prohibited.

- ~~(2) Every data center, disaster recovery facility, and/or data center accessory use shall be operated so that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point along any boundary of the zoning district in which the use is located or at the boundary with an adjacent residential property, or a property with a sensitive receptor.~~
- ~~(3) The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the data center, disaster recovery facility, data center accessory use(s), or associated equipment will be perceptible to the human sense of feeling beyond the property line.~~

(2) Activities which emit dangerous or harmful radioactivity are prohibited.

L. Environmental and Community Impact.

- (1) Applicant shall submit an economic community impact study from a licensed real estate agent that the proposed Data Center and accessories will not negatively impact the surrounding real estate property values.
- (2) Applicant shall submit baseline soil testing to establish existing conditions on the property.
- ~~(4)~~(3) Applicant shall submit a pre-development inventory of wildlife, habitat, and ecological conditions on the property, including identification of sensitive or protected species and habitat corridors.

L.M. Decommissioning.

- (1) For a data center, disaster recovery facility, or data center accessory use, it is the facility owner's responsibility to submit a decommissioning plan that ensures that at the end of the project life or active use of the facility as a data center, disaster recovery facility, or data center accessory use, the site must be restored to a condition that existed prior to the project or the facility altered in a manner that will allow for a beneficial reuse of the property. This would involve the removal of all equipment, structures, containment ponds, etc. that are no longer in use or cannot be reasonably reused. Applicant shall have the burden of demonstrating which facilities and infrastructure has an ongoing purpose and the same shall be reviewed during the Conditional Use and Land Development process, and during the five-year updates as set forth below.
- (2) The Facility Owner or Operator is required to notify the Township immediately upon cessation or abandonment of the use. The use shall be presumed to be discontinued or abandoned if the data center, disaster recovery facility, or data center accessory use is not operated for a continuous period of twelve (12) months.
- ~~(1)~~A decommissioning agreement will be required to be executed between the Township and the facility owner as part of the land development approval process to ensure the requirements within this section are met within twelve (12) months

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~~of the date at which the facility ceases to operate as a data center, data center accessory use, or a disaster recovery facility. The decommissioning agreement shall include a bond or letter of credit for one hundred and ten (110%) percent of the cost for decommissioning. The Township Engineer shall estimate the total cost of decommissioning. Thereafter, the facility owner shall retain an engineer to provide the Township with cost estimates of decommissioning after the first year of operation and every fifth year thereafter. The financial security shall be updated every five (5) years throughout the life of the project. For a data center, disaster recovery facility, or data center accessory use, it is the facility owner's responsibility that at the end of the project life or active use of the facility as a data center, disaster recovery facility, or data center accessory use the site must be restored to a condition that existed prior to the project or the facility altered in a manner that will allow for a beneficial reuse of the property. This would involve the removal of all equipment, structures, containment ponds, etc., that are no longer in use or cannot be reasonably reused.~~

~~(3)~~

~~(4) Applicant shall provide a decommissioning plan as part of the Conditional Use Application and any land development submission and shall show how the site will be returned to a neutral state, being a condition that is easily adapted to similar uses, and the handling and removal of any Electronic Water (also known as "E-Waste") and/or any other hazardous material, including but not limited to contaminated water, that may be present on the site.~~

~~(5) The decommissioning plan shall include but is not limited to:~~

- ~~(a) Identification of all above-ground structures, equipment, and facilities that have no ongoing purpose which shall be removed;~~
- ~~(b) Hazardous materials, including batteries, fuel, or refrigerants shall be disposed of in compliance with all local, state, and federal regulations;~~
- ~~(c) Disturbed soil shall be stabilized and re-vegetated;~~
- ~~(d) Any utility connections shall be safely disconnected and capped.~~
- ~~(e) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.~~

~~(2) A decommissioning agreement will be required to be executed between the Township and the facility owner to ensure the requirements within this section are met within 12 months of the date at which the facility ceases to operate as a data center, data center accessory use, or a disaster recovery facility.~~

~~M.N.~~ Outdoor Storage. Outdoor storage spaces must be located behind a visually solid evergreen tree screen, where the size of large evergreen trees shall be a minimum of six feet in height at the time of planting or a six-foot-high solid visual screening fence, such as a wooden fence.

~~N.O.~~ Demand-Based Parking for Data Centers, Disaster Recovery Facilities, and Data Center Accessory Use. Parking for these use(s) may be calculated based on demand instead of

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those listed and described in § 27-402(6) as set forth in Schedule II providing the following conditions are met:

- (1) A parking demand study shall be prepared by a qualified professional engineer.
- (2) The study must include methodology, assumptions, and data sources. The ITE Parking Generation Manual may be used as a standard reference for estimating parking demand. Comparison with similar land uses or regional data may also be utilized in the study.
- (3) Where a parking demand study prepared by a qualified professional demonstrates that the required number of parking spaces (per Schedule II) exceeds actual demand, the Board of Supervisors may approve a reduction in the number of spaces required.

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OTHER UPDATES/NOTES

Note: anything highlighted like this is a reference check. References will be double checked and corrected once the ordinance is in final form.

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Note: These updates aren't part of the curative amendment because the curative amendment is only for data center related items, but they've come up in this discussion and will be proposed in a separate ordinance.

ADD 27-704.1.E.11 – Conditional use approval shall be valid for one (1) year from the approval date. Extensions, not to exceed an additional one (1) year, may be granted upon written request and a finding of continued compliance with current laws and regulations. The conditional use approval shall expire if:

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- a. the land development plan for the conditional use has not been submitted to the Township within 1 year of approval of the conditional use; or
- b. the zoning/building permits associated with the conditional use have not been submitted to the Township within 1 year of approval of the conditional use.

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ADD 27-711.4 – Special Exception approval shall be valid for one (1) year from the approval date. Extensions, not to exceed an additional one (1) year, may be granted upon written request and a finding of continued compliance with current laws and regulations. The Special Exception approval shall expire if:

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- a. the land development plan for the Special Exception has not been submitted to the Township within 1 year of approval of the Special Exception; or
- b. the zoning/building permits associated with the Special Exception have not been submitted to the Township within 1 year of approval of the conditional use.

ADD 22-704.7 – Preliminary, Final, or Preliminary/Final Land Development Plan approval shall be valid for three (3) years from the approval date. Extensions, not to exceed an additional one (1) year, may be granted upon written request and a finding of continued compliance with

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current laws and regulations. The Preliminary, Final, or Preliminary/Final Land Development Plan approval shall expire if:

- a. construction has not begun within three (3) years of Preliminary, Final, or Preliminary/Final Land Development Plan approval; or
- b. Construction is not completed with five (5) years of Preliminary, Final, or Preliminary/Final Land Development Plan approval.

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