SMITHFIELD TOWNSHIP
MONROE COUNTY,
COMMONWEALTH OF
PENNSYLVANIA

ORDINANCE NO. 260

AN ORDINANCE OF SMITHFIELD TOWNSHIP, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE TOWNSHIP CODE OF ORDINANCES OF SMITHFIELD TOWNSHIP CHAPTER 27 – ZONING TO SET FORTH UPDATED STANDARDS AND CRITERIA FOR DATA CENTERS, DISASTER RECOVERY FACILITIES, AND DATA CENTER ACCESSORY USE AND REPEAL ALL PARTS OF THE ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, Smithfield Township (the "Township") is a political subdivision of the County of Monroe, Commonwealth of Pennsylvania and is a Second Class Township with offices located at 1155 Red Fox Road, East Stroudsburg, Pennsylvania, 18301; and

WHEREAS, the Township has adopted a Zoning Ordinance found in the Township Code of Ordinances, Chapter 27 (hereinafter "Zoning Ordinance"); and

WHEREAS, the Township Zoning Ordinance established some standards and criteria for data centers and disaster recovery facilities; and

WHEREAS, advancements in data center, disaster recovery facilities, and data center accessory use technology necessitate updated Township regulations, a modified schedule of district regulations, and updated and new definitions to ensure these uses are effectively designed, planned, and managed to balance safety, community health, and welfare, and environmental protection; and

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code, both the Township Planning Commission and the Monroe County Planning Commission reviewed the proposed amendments to the Township Zoning Ordinance; and

WHEREAS, the Smithfield Township Board of Supervisors conducted a public hearing pursuant to public notice concerning the proposed amendments to the Smithfield Township Zoning Ordinance; and

WHEREAS, after holding a public hearing, the Smithfield Township Board of Supervisors desires to ordain and adopt the amendments to the Township Zoning Ordinance as set forth hereinafter; and

WHEREAS, this ordinance serves as an amendment to the Township's existing Zoning Ordinance, and is consistent with the Pennsylvania Second Class Township Code and the Pennsylvania Municipalities Planning Code; and

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of

Supervisors of Smithfield Township, Pennsylvania, that the Board hereby adopts the following ordinance amendments in the Smithfield Township Code of Ordinances:

SECTION 1. Chapter 27, Section 1002 - Other Words, shall be amended by adding the following 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. 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, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.

SECTION 2. Chapter 27, Section 1002 – Other Words, shall be amended by repealing the present definitions of "Data Center" and "Disaster Recovery Facility" and replacing those definitions in their entirety with the following:

DATA CENTER: A building or buildings which 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 does not include computers or telecommunications-related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

DISASTER RECOVERY FACILITY: A building used for the continued operation of an off-site business in the event of a natural or man- made disaster that causes the interruption of that business. Such facilities may include digital storage of business documentation, records, and other information. A Disaster Recovery facility may include Data Center Accessory Uses.

SECTION 3. Chapter 27, Section 309 - Schedule of District Regulations shall be amended as follows:

1. "Data Centers" and "Disaster Recovery Facilities" shall be deleted and removed as Principal Permitted Uses in the ED Economic Development District.

2. "Data Centers", "Data Center Accessory Use", and "Disaster Recovery Facilities" shall be listed as a Conditional Use in the ED Economic Development District.

3. "Data Centers", "Data Center Accessory Use", and "Disaster Recovery Facilities" shall be listed as a Principal Permitted Use in the M-1 Industrial District.

SECTION 4. Section 511(22) of Chapter 27 - Supplementary Regulations Applicable to Other Uses, specifically, Subsection (22) entitled "Data Centers and Disaster Recovery Facilities," is hereby repealed in its entirety and replaced as follows:

§27-511(22) **Data Centers, Disaster Recovery Facilities, and Data Center Accessory Use.**

Data centers, disaster recovery facilities, and data center accessory use are permitted as a principle permitted 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 center, disaster recovery facilities, and data center accessory use shall be subject to the following additional regulations:

(A) **Submission Checklist for Data Centers, Disaster Recovery Facilities, and Data Center Accessory Use.**

This section 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 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,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:

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. Data centers, disaster recovery facilities, and data center accessory uses shall be set back 200 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.

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 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).

(C) **Aesthetics.**

1. Main Entrance Features.

A. Main Entrance Design.

i. 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 façade by a change in building material, pattern, texture, color, or accent material.

ii. The entrance feature shall also either project from or recess into the adjoining building plane.

B. Foundation Plantings or Enhanced Landscaping.

i. 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 façade.

ii. These foundation plantings are in addition to any required buffers or landscaping mandated by Township Ordinances.

iii. 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).

2. Building Facades and Fenestration.

A. Differentiated Surfaces.

Principal façades 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 façade must incorporate a change in at least one of the following design elements:

i. Building material.

ii. Pattern.

iii. Texture.

iv. Color.

v. Accent material.

B. Fenestration: Windows and Doors.

i. Windows, doors, or similar fenestration design features, such as faux windows, must be distributed horizontally and vertically across the façade.

ii. Fenestration must comprise a minimum of 30% of the total area of the individual façade.

(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 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 subsection §27-511(22)(E).

B. By the principal data center or disaster recovery facility buildings.

C. An earthen berm averaging a minimum of five (5) 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:

A. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

B. One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2½ 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 (8) feet in height for multistemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.

D. Five (5) 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 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:

      i. Be reviewed and accepted by the local fire department and emergency

management services as part of the conditional use and/or land development process;

ii. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

iii. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

iv. Ensure that all first responders receive adequate training specific to the installed system;

v. 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.

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. If the data center, disaster recovery facility, or data center accessory use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

B. 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 Part 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:

i. The projected water demands of the Use(s);

ii. The source of water to be used;

iii. 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);

iv. The long-term safe yield of the water source;

v. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;

vi. A geologic map of the area with a radius of at least one mile from the site;

vii. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;

viii. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;

ix. 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;

x. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

C. The applicant shall provide proof of review and approval from the Delaware River Basin Commission for projects proposing:

i. 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

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

iii. This section shall comply with §27-511.22.F.3.B.v.

D. 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.**

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 Part 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 ordinance.

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 part, it shall be considered a violation of this Ordinance.

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

(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.

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.

(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.

(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, §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.

(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.

4. Activities which emit dangerous or harmful radioactivity are prohibited.

(L) **Decommissioning.**

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.

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 twelve (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) **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 (6) feet in height at the time of planting or a six (6) foot-high solid visual screening fence, such as a wooden fence.

(N) **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 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.

SECTION 5. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Ordinance.

SECTION 6. Repealer, Continued Application, and Interpretation Clause: If one of the

Township's existing ordinance or regulations conflicts with these provisions herein, the more restrictive provision shall prevail.

SECTION 7. Effective Date. This Ordinance shall become effective five (5) days after the date of enactment as provided by law and shall remain in force until modified, amended, or rescinded by Smithfield Township, Monroe County, Pennsylvania.

ADOPTED this 22nd day of October, 2025 at a public meeting held by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania.

SMITHFIELD TOWNSHIP
BOARD OF SUPERVISORS

_____
Jacob A. Pride, Chair

_____
Robert Lovenheim, Vice Chair

_____
Michael Albert, Supervisor

Attest:_____
Julia Heilakka
Township Secretary