SMITHFIELD TOWNSHIP
MONROE COUNTY,
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. XXX

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 REGULATIONS FOR DATA CENTERS, DISASTER RECOVERY FACILITIES, AND DATA CENTER ACCESSORY USE AND REPEAL ALL PARTS OF THE ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, the Township of Smithfield (hereinafter "Township") is a Second Class Township located within the County of Monroe, Commonwealth of Pennsylvania, with an office address of 1155 Red Fox Road, East Stroudsburg, PA 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 regulations for data centers, disaster recovery facilities, and data center accessory use(s); and

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

WHEREAS, the Township is of the opinion that the regulations for data centers, disaster recovery facilities, and data center accessory use(s) need to be updated to preserve, maintain and promote the health, safety, and welfare of the residents of Smithfield Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Smithfield Township, Monroe County, Pennsylvania, as follows:

SECTION 1. Chapter 27, Section 1002 – Other Words, the definition of "Sensitive Receptor" shall be repealed and replaced as follows:

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.

SECTION 2. Chapter 27, Section 309 - Schedule of District Regulations shall be amended as follows:

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"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 H-1 Heavy Industrial District.

SECTION 3. The Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 201 – Names of Districts is amended to insert "H-1 Heavy Industrial District." after "M-1 Industrial District."

SECTION 4. The Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 202 – Zoning Map is amended and the accompanying Zoning Map are amended whereby parcels 16.8.2.41, 16.8.2.24, 16.8.2.39-2, 16.8.2.21-2, 16.8.2.38, 16.8.2.39-1, 16.8.2.30, & 16.8.2.31-10 are rezoned from M-1 Industrial to H-1 Heavy Industrial.

SECTION 5. A copy of a Map depicting the parcels to be rezoned is attached hereto and marked Exhibit "A" and is hereby made a part thereof.

SECTION 6. The Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 309 – Schedule of District Regulations is amended to insert a new section, "H-1 Heavy Industrial District," as demonstrated as Exhibit "B" attached.

SECTION 6. 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:

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 Conditional Use in the H-1 Heavy Industrial 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 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, (§27-511(22)G).

(3) A noise and 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)H.

(4) The applicant shall thoroughly demonstrate capacity to comply with all decommissioning criteria compliance, per §27-511(22)N.

(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 set as follows:

(1) The maximum square footage of a data center shall be 50,000 square feet.

~~(1)~~(2) 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.

(a) Roof-mounted equipment shall be set back from the parapet at least as far as the equipment's height above the roof surface.

~~(2)~~(3) The maximum height of a data center accessory use shall be no greater than the height of the principal building.

~~(3)~~(4) The front setback shall be 250 feet.

~~(4)~~(5) The side setback shall be 2~~1~~50 feet.

~~(5)~~(6) The rear setback shall be 2~~1~~50 feet.

~~(6)~~(7) Data centers, disaster recovery facilities, and data center accessory uses shall be set back 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)~~(8) A maximum of 35~~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.

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 native evergreen and native deciduous shrubs along at least 50% of the length of the facade. A minimum of 30% of all foundation plantings shall be pollinator friendly native species that support native bees, butterflies, and migratory songbirds.

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).

(2) Building Façades 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) No more than 80 percent of a principal building façade may consist of one building material.

(c) No more than 80 percent of a principal building façade may consist of one color, texture, or pattern.

(d) 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 500 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 native 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, razor 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 250~~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 large evergreen tree per 15~~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. Acceptable evergreen tree species shall be limited to species known to retain full lower foliage at maturity.

(b) One deciduous canopy (shade) tree per 30~~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 25~~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~~ Ten shrubs per ~~25~~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 (after invasive vegetation is removed) 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. Projects shall be designed and constructed to meet the current USGBC LEED BD+C: Data Centers rating system, or equivalent design standard, as approved by the municipal engineer.

(1) Power.

(a) The applicant for a data center shall provide an Energy Usage Plan with the Conditional Use application. The Energy Usage Plan will be prepared and certified by a professional engineer. The plan shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended plans based upon comments by the

municipality prior to any zoning approval. The Energy Usage Plan shall provide or identify, at a minimum:

1) Annual electricity demand.

2) Energy supply sources that will be utilized.

3) Proposed sources of backup power.

4) Impacts on electric rates.

(b) If the applicant proposes connecting a data center, disaster recovery facility, or data center accessory use to the energy grid, the applicant shall provide documentation of the energy utility interconnection approval process that shall include:

1) Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.

2) Documentation that a transmission security agreement has been received by the applicant.

3) Documentation that the transmission security agreement has been signed by all necessary parties.

4) The date that the electric utility provider provided for the proposed energization of the data center.

(c) A proposed Data Center whose Energy Usage Plan ~~shows power demand of over 50 megawatts (MW) and that~~ proposes to connect to the power grid shall be required to procure a minimum of 10% of its power from renewable generation sources generated within the PJM region, which include solar, wind, hydroelectric power, geothermal, and waste heat from data center cooling processes. Electricity supply shall be procured through a power purchase agreement or similar mechanism as opposed to purchasing renewable energy credits (RECs) only.

(d) 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 all state and federal regulations along with municipal zoning regulation applicable to such use. The applicant shall select, design, and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible. Data center principal buildings shall be located between energy generation systems and residential districts or any sensitive receptor.

(e) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5kV and below shall be buried.

(f) No electrical disturbances which adversely impact the operation of any

equipment beyond the property line shall be permitted.

(2) Backup Power.

(a) Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.

(b) Diesel generators shall undergo annual testing, and reports shall be provided to the municipality to ensure that data center equipment is performing as designed and that emissions from the data center do not exceed permitted limits.

(c) Except for generator testing or commissioning activities, generator use shall otherwise be limited to backup/emergency use only.

(d) Emergency energy generation that uses diesel, gasoline, or another fossil fuel shall be used only at the following times:

1) When the primary source of energy is not available due to an emergency outage.

2) During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year.

3) Routine maintenance and/or testing of back-up fossil fuel-powered generators is restricted to the hours of 9:00am through 3:00pm Monday through Friday.

(e) Use of backup power for peak shaving or supplying power to the grid is prohibited. The applicant shall design and locate emergency energy generation systems to limit noise and visual impacts as much as possible.

(3) Water.

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

(b) Data centers shall be designed to include a closed-loop water circulation system to cool data center processing equipment. The applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed-loop systems to the satisfaction of the municipal engineer.

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

(d) The applicant shall submit a baseline groundwater and surface water testing to demonstrate current water conditions on the property. A statement of the qualifications and the signature(s) of the person(s) preparing the study shall be includes with the study.

~~(e) In the case where a property is not within the service area of a central water system and 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 average and peak daily consumption, as well as seasonal fluctuations;~~

~~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 topographic map of the area with a radius of at least two miles from the site property lines including:~~

~~a) The location of all existing and proposed wells, with a notation of the capacity of all high-yield wells;~~

~~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, and all known point sources of pollution;~~

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

~~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;~~

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

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~~(f)~~(e) 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)(e)5).

~~(g)~~(f) The applicant shall provide a drought response plan to demonstrate compliance with state, water supplier, and local drought declaration requirements.

(4) Sewer/Wastewater.

~~(a) The applicant shall submit an analysis of wastewater disposal needs for either a public sewer system or private system to the Township, indicating the quantity and chemical composition of wastewater generation expected. Wastewater shall include sewage and water discharged as part of the data center's HVAC system.~~

(a) Data centers, disaster recovery facilities, or data center accessory uses shall be served by a central sewer system. The applicant shall submit documentation certified by the public authority that the public authority can support the conveyance and treatment needed.

(b) The applicant shall submit an analysis of wastewater disposal needs to the Township, indicating the quantity and chemical composition of wastewater generation expected. Wastewater shall include sewage and water discharged as part of the data center's HVAC system.

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~~(c) 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. The applicant shall present a wastewater feasibility study with the conditional use application. The purpose of the study is to determine if there is an adequate capacity to dispose of wastewater and that the disposal technique does not pose adverse impacts on surrounding water bodies. A wastewater feasibility study shall include the following information at a minimum:~~

~~1) Calculations of the projected wastewater generation including the sources of wastewater.~~

~~2) A geologic map of the area with a radius of at least one mile from the site property boundary.~~

~~3) The location of all existing and proposed wells within 1,000 feet of the~~

~~property boundary, with reference to the capacity of all high-yield wells.~~

~~4) The location of all surface waters within 1,000 feet of the property boundary and all known point sources of pollution.~~

~~5) Identification of the process by which water will be recycled or released into surrounding water bodies.~~

~~6) A determination that the proposed wastewater disposal system has no adverse impact on the quantity and quality of water in nearby wells, surface waters, and the groundwater table.~~

~~7) A statement of the qualifications and the signature(s) of the person(s) preparing the study.~~

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~~(d)~~(c) Any untreated wastewater generated is prohibited to be discharged to stormwater systems or surface waters.

G. Emergency Management.

(1) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

(a) Be reviewed and accepted by the local fire department and emergency management services as part of the conditional use and/or land development process;

(b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

(c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

(d) Ensure that all first responders receive adequate training specific to the installed system;

(e) 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.

(2) 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.

(3) 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.

(4) 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.

(5) The applicant shall coordinate with the municipal and county emergency management coordinators to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.

H. Sound, Noise, and Vibration.

(1) 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.

(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, with 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) 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) All noise and vibration studies shall measure sounds and vibrations using full-spectrum modeling to address low-frequency noise and vibrations. Studies shall be conducted over a 72-hour period. Studies shall contain, at minimum, measurements at all property lines at no more than 100-ft intervals.

(5) The applicant shall submit a professional baseline ambient noise and vibration study with the conditional use application, prepared by an acoustical engineer, to establish baseline ambient noise and vibration levels on the property.

(a) If the baseline ambient noise and vibration study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Chapter, the preliminary, interim, and as-built sound and vibration studies shall demonstrate that operations of the proposed use do not increase the baseline ambient noise level as measured at the property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.

(6) 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. The professional acoustical engineer shall be appointed by the Board of Supervisors and paid through an escrow account held by the Township and funded wholly by the applicant. The acoustical engineer shall certify that they have no financial or professional conflict with the applicant. 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 s~~Sound and vibration studies~~y~~ 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.

(7) Tonal noise penalty.

(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.

I. 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~~ within the 100-year ~~and 500-year~~ flood elevations as shown in the most recent Flood Insurance Rate Maps prepared by

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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.

J. Lighting.

(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. If any provision conflicts, the stricter provisions shall apply.

(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. Thermal Impacts.

(1) A Thermal Impact Mitigation Plan shall be submitted with the conditional use application, including, at a minimum:

(a) Identification of primary sources of waste heat (air- and water-based).

(b) Evaluation of potential off-site thermal impacts (including plume/heat discharge and localized heat islands) under representative seasonal conditions.

(c) Description of design measures to minimize heat impacts (e.g., equipment siting, shielding, landscaping, cool roofs/paving where applicable).

(d) Evaluation of feasible opportunities for waste heat reuse. Where reuse is not feasible, the reason(s) why should be given, in which case alternative mitigation shall be identified (e.g., vegetative or green roof and/or site design modifications).

(e) Inclusion of a monitoring/verification approach if required by conditions of approval based on proximity to sensitive receptors or site constraints.

(f) The Plan shall be prepared and certified by a professional engineer.

(g) The Thermal Impact Mitigation Plan shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended plans based upon comments by the municipality prior to any zoning approval.

(h) No measurable heat from any source shall be perceptible at or beyond the property line in which the proposed use is located.

L. Emissions.

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

M. Environmental and Community Impact.

(1) Applicant shall submit an economic community impact study from a licensed ~~real estate agent~~appraiser 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.

(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.

(4) An Electronic Waste Plan shall be submitted outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned. The Report shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended reports based upon comments by the municipality prior to any zoning approval.

N. 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.

(3) 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

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 twenty-five (125%) 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.

(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 Waste (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.

O. 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. Acceptable evergreen tree species shall be limited to species known to retain full lower foliage at maturity.

P. 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 7. Severability. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 8. Repealer. All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

SECTION 9. Effective Date. This Ordinance shall become effective five days after the date of enactment as provided by law.

ADOPTED this _____ day of _____, 2026 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

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EXHIBIT A

~~PENDING~~

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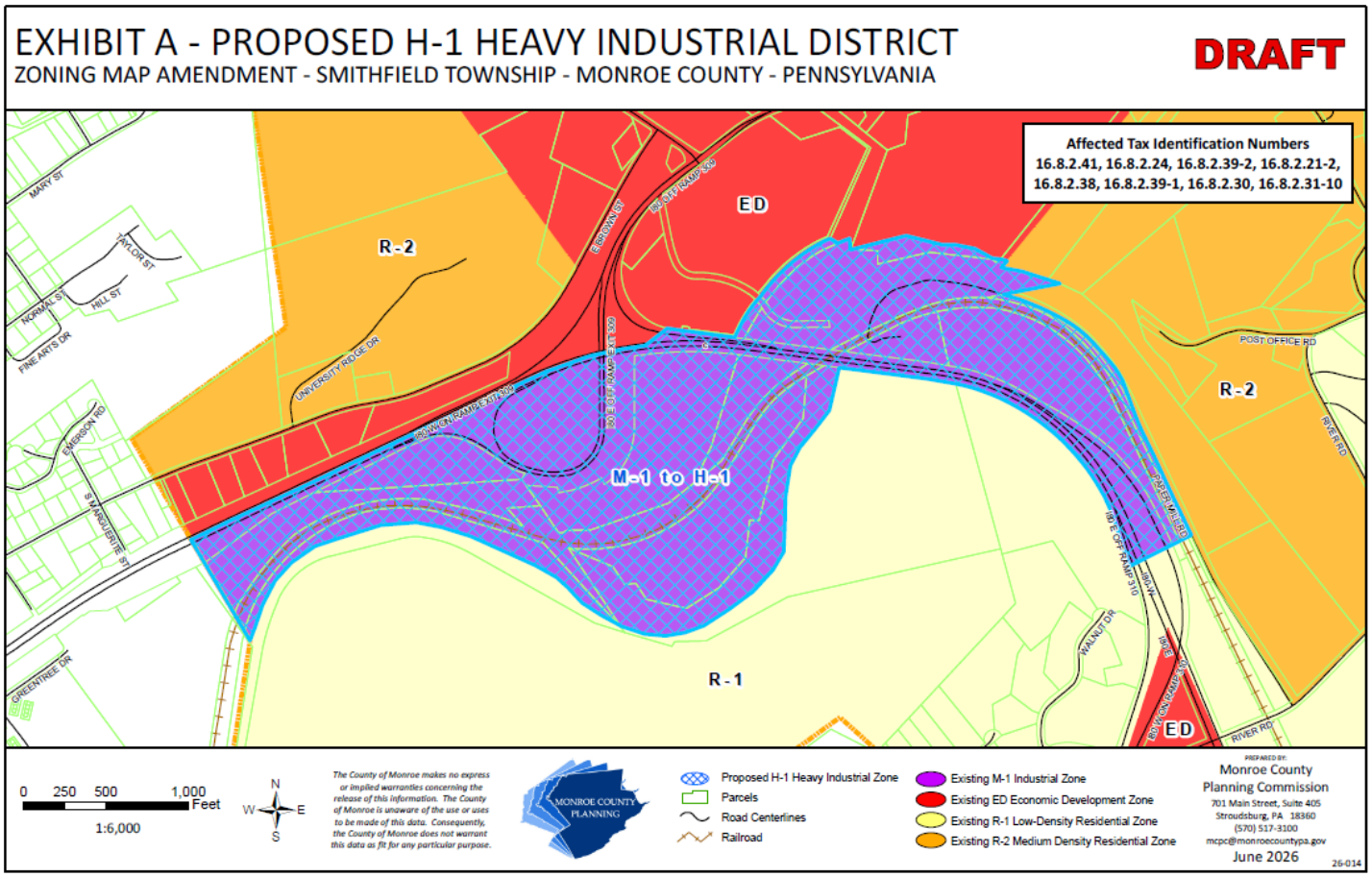

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EXHIBIT B

District Intent	Principal Permitted Uses	Conditional Uses	Accessory Uses	Development Standards				
H-1 Heavy Industrial District								
This District is intended to include areas most suitable for heavy industrial and extractive land uses.	Accessory solar energy system Self-storage facilities	All uses permitted in the ED District as a conditional use Adult entertainment/business Airports Data centers Data center accessory use Disaster recovery facilities Distribution plants Federal, state and county buildings and uses Fulfillment centers Laboratories Logistics distribution and/or depots Outdoor shooting ranges Outdoor storage facilities (see § 27-511, Subsection 18, of this Chapter) Paper mills Quarries and other extractive industries Railroad yards and freight stations Solar energy facilities - uses and structures Truck terminals Warehouse (whether over or under gross area of 50,000 square feet) Wholesale establishments Other similar uses Lawful uses not otherwise permitted	Accessory use and structure Signs as provided hereunder	Minimums:	A	B	C	D
				Lot area:	40,000 sf	40,000 sf	40,000 sf	20,000 sf
				Lot width:	150 feet	150 feet	150 feet	150 feet
				Lot depth:	200 feet	200 feet	200 feet	200 feet
				Front yard:	50 feet	50 feet	50 feet	50 feet
				Side yard:	20 feet*	20 feet*	20 feet*	20 feet*
				Rear yard:	20 feet**	20 feet**	20 feet**	20 feet**
				Maximums:				
				Building coverage:	35%	35%	35%	35%
				Building height:	35 feet	35 feet	35 feet	35 feet
				* Add 25 feet where abutting a residential district boundary ** Add 35 feet where abutting a residential district boundary				
				A = On-site sewage and water				
				B = Central water only				
				C = Central sewage only				
				D = Central sewage & water				