FILE OF THE COUNCIL NO. _____

2026

AN ORDINANCE

AMENDING THE ZONING ORDINANCE OF THE CITY OF SCRANTON TO AMEND PROVISIONS RELATED TO DATA CENTERS AND RELATED PROVISIONS AS OUTLINED HEREIN.

WHEREAS, the Scranton City Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of the Zoning Ordinance; and

WHEREAS, the continued growth of artificial intelligence and digital services has generated demand for the development of data centers and associated energy infrastructure; and

WHEREAS, adding use regulations for data centers to the Zoning Ordinance allows the City of Scranton to make clarifying technical amendments and establish appropriate standards and requirements for data centers operating in the City; and

WHEREAS, this amendment will promote and protect the public health and the general welfare in the City of Scranton; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Zoning Ordinance of the City of Scranton, as adopted by File of Council 54 of 2023, shall be amended as follows:

Article 2 – Definitions

Section 2.2 – Definitions

Artificial Intelligence (AI) – A computational system that, for a given set of human-defined objectives, prompts, or inputs, can make predictions, recommendations, or decisions, simulate human intelligence to perform complex tasks, solve problems, perceive real and virtual environments, generate information based on abstract perceptions and algorithmic data analysis, and use model inference to formulate options for information or action.

Battery – A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.

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Battery Energy Storage System (BESS) – One or more batteries, assembled together into a system rated at 20 kWh or higher and including any enclosures, cabinets, and containers, capable of storing electrical energy for later use. The term does not include stand-alone 12-volt car batteries, electric motor vehicles, small store-bought batteries designed and used purely for household electronic items, or residential backup battery systems designed and used for a single residential property.

Battery Management System – An electronic regulator that manages a battery energy storage system; monitors individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault, and DC surge; protects battery energy storage systems from operating outside their safe operating parameters; and disconnects electrical power to the battery energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Closed-Loop Cooling System – A sealed, recirculating circuit in which a fixed volume of water is circulated to absorb heat from Data Center Equipment and transfer it to a heat exchanger or cooling tower for release. This system minimizes water loss and reduces environmental impact by reusing the same water repeatedly but requires its eventual disposal as industrial process water.

Community Benefits Agreement (CBA) – An agreement memorializing projects, programs, and solutions from a completed CBP for funding and implementation and which is enforceable via a Developer's Agreement.

Community Benefits Plan (CBP) – A third-party evaluative study and strategic implementation plan funded by the Data Center Applicant and/or Data Center Operator which identifies community issues and concerns as well as potential projects, programs, and solutions to public safety, health, education, community amenities, or infrastructure enhancements designed to proportionally offset impacts of the Data Center and to protect and promote the welfare of the citizens of Scranton.

Data Center – A use on which a building or buildings is used to house, operate, manage, and/or co-locate computers, servers, or telecommunications equipment and where digital information (data) is processed, received, transferred, stored, aggregated, and/or transformed, primarily to and from off-site locations. This use does not include computers, servers, or telecommunications equipment secondary and customarily incidental to an otherwise permitted principal use on the same property, unless located in a separate building on a separate lot or not clearly ancillary to the principal use. The term "Data Center" also includes facilities used primarily for cryptocurrency mining, blockchain transaction processing, and generation of artificial intelligence. The use shall include any "Data Center Accessory Use" but shall not include an Energy Generation System, which shall be regulated as a separate conditional use, even if collocated on the same lot or within the same Data Center Property. Data Centers can be further defined by the following two sub-types:

A. **Data Center, Type 1** – A Data Center with a maximum projected electrical demand and/or capacity of two (2) megawatts (MW) or less at full build-out, measured as the combined

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electrical load of all tenants and facility operations. Type 1 Data Centers are typically associated with localized network, enterprise, or edge computing functions.

B. **Data Center, Type 2** – A Data Center with a maximum projected electrical demand and/or capacity of greater than two (2) megawatts (MW) at full build-out. Type 2 Data Centers are commonly associated with colocation or multi-tenant facilities and may require substantial utility coordination.

Data Center Accessory Uses – Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber-optic, storage, and security features, 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 and wastewater treatment facilities; water holding facilities; pump stations; water towers; and environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment); provided such uses/structures are located on the same lot as a Data Center Principal Building or on the same Data Center Property. Energy Generation Systems shall be excluded from the definition of a Data Center Accessory Use and shall be regulated as a separate conditional use, even if collocated on the same Data Center Property.

Data Center Applicant – Any person or entity that has filed an application for conditional use and/or development for a Data Center within the City of Scranton.

Data Center Equipment – Equipment, systems, and appurtenances customarily associated with and incidental to the operations of a Data Center, including: electrical switchgear; transformers; uninterruptible power supply (UPS) systems; battery energy storage systems (BESS) serving UPS or emergency functions; cooling and heat rejection equipment (including chillers, cooling towers, dry coolers, pumps, and related mechanical systems); standby/emergency generators; fuel storage tanks serving standby/emergency generators; and associated enclosures for buffering/screening. Data Center Equipment is considered a Data Center Accessory Use for the purpose of this Ordinance.

Data Center Operator – Any person or entity that owns, leases, manages, operates, or controls a Data Center within the City of Scranton, including any successor operator.

Data Center Principal Building – A building that contains office and/or data storage and processing functions for a Data Center Property.

Data Center Property – A development tract, which may include an assemblage of individual contiguous lots, under the control of a single owner or his or her designee (i.e., a data center developer), on which one (1) or more Data Center Principal Buildings and Data Center Accessory Uses are proposed and/or located. When the Data Center Property is comprised of multiple lots or two (2) or more Data Center Principal Buildings, it is known as a "Data Center Campus."

Developer's Agreement – An agreement in writing prepared and submitted by an applicant for a Data Center specifying certain conditions and responsibilities that the Data Center

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Applicant and/or Data Center Operator is bound to and establishing the terms under which the proposed Data Center development may proceed.

Digital Services – Services which are delivered over the internet or an electronic network and the nature of which renders their supply essentially automated, involving minimal human intervention, and impossible to ensure in the absence of information technology. Examples of digital services include, but are not limited to, artificial intelligence, blockchain technology, and cryptocurrency.

Emergency – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

Energy Generation System – A facility and its associated infrastructure used or intended to be used to generate and supply electrical power to a specific principal use during non-emergency operations or to generate electrical energy for sale, distribution, and export to off-site users or to the electricity grid.

Equipment – Any devices or combination of devices used to accomplish a desired end and which are powered by electricity or fuel energy. Examples include such devices as construction vehicles and earth-moving machinery, generators, HVAC units, computer servers, pumps, motors, and meters.

Generator – Any appliance or piece of equipment which operates during an electric power outage or shortage, whether automatically or manually, and which uses diesel, natural gas, or propane to fuel its operation. Generators can be further defined by the following two sub-types:

A. **Generator, Backup/Portable** – A generator characterized by its portability (i.e., not permanently affixed to the ground) and which serves to provide temporary backup electric power on an as-needed basis.

B. **Generator, Standby/Permanent** – A generator affixed to the ground or to a building foundation, typically featuring automatic detection of an electric power outage, upon which the generator starts and runs until electric power returns, upon which it stops (i.e., returns to "standby" mode).

HVAC – Heating, ventilation, and air conditioning.

LEED – Leadership in Energy and Environmental Design, a certification system recognizing sustainability achievement in building design, construction, and operation.

Muffler or Sound-Dissipative Device – A device designed or used for decreasing or abating the level of sound escaping from an engine, machinery system, or other equipment.

NFPA – The National Fire Protection Association.

PFAS – Per- and polyfluoroalkyl substances, a group of long-lasting chemicals commonly used in non-stick cookware, waterproof fabrics, cosmetics, fast-food wrappers, and firefighting

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foam, which break down very slowly over time, are linked to several health issues, and contaminate drinking water, air, and soil.

Sensitive Receptor – A land use that by nature of its human occupancy characteristics or environmental sensitivity may be particularly affected by proximity to uses of higher intensity. For the purposes of this Ordinance, sensitive receptors shall be defined as residential uses, schools, preschools, day care centers and day care homes, long-term care facilities, retirement and nursing homes, community centers, places of worship, parks, and recreational facilities.

Substation – Electrical system infrastructure, such as a group of transformers or a switching yard, that changes voltage levels or switches circuits for the transmission of electric power over long distances or the distribution of electric power from an Energy Generation System to end consumers.

Article 3 – District Regulations and Zoning Map

Section 3.4 – District Quick Views

1. Amend Section 3.4.19, "Highway Commercial," subsection A, "Table of Principal Use Regulations," to add the following principal uses as conditional uses (denoted as such by the letter "C"):

   Data Center, Type 1
   Data Center, Type 2

2. Amend Section 3.4.19, "Highway Commercial," subsection B, "Table of Accessory Use Regulations," to add the following accessory uses as conditional uses (denoted as such by the letter "C"):

   Energy Generation System

3. Amend Section 3.4.21, "Commercial Industrial," subsection A, "Table of Principal Use Regulations," to add the following principal uses as conditional uses (denoted as such by the letter "C"):

   Data Center, Type 1
   Data Center, Type 2

4. Amend Section 3.4.21, "Commercial Industrial," subsection B, "Table of Accessory Use Regulations," to add the following accessory uses as conditional uses (denoted as such by the letter "C"):

   Energy Generation System

5. Amend Section 3.4.22, "Light Industrial," subsection A, "Table of Principal Use Regulations," to add the following principal uses as conditional uses (denoted as such by the letter "C"):

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Data Center, Type 1
Data Center, Type 2

6. Amend Section 3.4.22, "Light Industrial," subsection B, "Table of Accessory Use Regulations," to add the following accessory uses as conditional uses (denoted as such by the letter "C"):

Energy Generation System

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Article 6 – Specific Criteria, Conditional Uses, and Special Exceptions

Section 6.4 – Specific Regulations for Conditional Uses and Uses by Special Exception

Add the following new Section 6.4.HHH, "Data Centers":

HHH Data Centers.

1. Application Requirements.

   a. Technology and Energy Overlay (TEO) District.

      All Data Center Properties on which a Data Center approved by conditional use is located shall become part of the Technology and Energy Overlay (TEO) District and shall be subject to the provisions thereof for all additional proposed uses, structures, or activities on the Data Center Property that require a zoning permit. If a Data Center is subsequently abandoned or decommissioned, the zoning classification for the subject property reverts to the underlying zoning district without the TEO classification included.

   b. Conditional Use Application Process.

      (1) Proposed Data Centers shall follow the application process for conditional uses as provided in Section 6.2.

      (2) Applications for zoning and building permits shall be required in accordance with Sections 11.B.1 and 11.B.3, respectively.

      (3) An application to the City Council for a Data Center as a use by conditional use may be submitted concurrently with an application to the City Planning and Zoning Department for a preliminary land development for the proposed Data Center. However, no preliminary land development will be approved by the Planning Commission prior to approval of the conditional use by the City Council.

   c. Land Development Application Process.

      (1) Land development applications for proposed Data Centers shall follow the standards for preliminary and final plans outlined in Articles VI and VII of Chapter 423, Subdivision and Land Development, including all submission requirements for major land developments.

      (2) The applicant shall pay all land development application fees and engineer review fees when seeking approval of a Data Center. All fees shall be paid before final approval is granted and a certificate of use and occupancy is issued.

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2. Types of Data Centers and Requirements by Data Center Type.

All Data Centers permitted by conditional use shall fall under the classification of either a Type 1 Data Center or a Type 2 Data Center, as defined in Article 2, Definitions. The minimum and maximum requirements for the two data center types are provided in Table HHH-1.

Table HHH-1: Minimum/Maximum Requirements by Data Center Type

		Data Center, Type 1	Data Center, Type 2
Minimum	Projected electrical demand/capacity at full build-out	--	2.01 megawatts
	Size of lot or total assemblage of lots (development tract)	--	3.01 acres
	Gross building area (for all buildings combined, not per building)	--	50,001 square feet
	Setbacks for all buildings and noise-generating equipment	25 feet	300 feet from the lot line of a sensitive receptor; otherwise, 200 feet
	Setbacks for parking, loading, storage areas, and non-noise-generating equipment	25 feet	200 feet from the lot line of a sensitive receptor; otherwise, 100 feet
Maximum	Projected electrical demand/capacity at full build-out	2 megawatts	--
	Size of lot or total assemblage of lots (development tract)	3 acres	15 acres
	Gross building area (for all buildings combined, not per building)	50,000 square feet	250,000 square feet
	Impervious surface coverage	60%	60%
	Building height	50 feet	50 feet

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3. Buffering, Screening, and Fencing Requirements.

a. Buffer Yard Location.

(1) Data Centers shall include buffer yards along all property boundary lines, except at ingress and egress points between the site and the street.

(2) In the case of a single-lot Data Center, the buffer yards shall be located along the lot lines.

(3) In the case of a Data Center comprised of an assemblage of multiple lots, the buffer yards shall be located along the boundary of the entire development tract (i.e., the Data Center Property).

(4) If a drainage or utility easement is required along a lot line, the minimum width requirements of this subsection shall be measured from the interior boundary of the easement.

b. Buffer Yard Minimum Width Requirements.

(1) Along the entire length of the public street frontage:

(a) Data Center, Type 1: 25 feet.

(b) Data Center, Type 2: 50 feet.

(2) Along any property line adjacent to a CONSV, REC, R-6, R-8, R-9, R-10, or R-11 district:

(a) Data Center, Type 1: 25 feet.

(b) Data Center, Type 2: 75 feet.

(3) Along any property line shared with a use meeting the definition of a sensitive receptor:

(a) Data Center, Type 1: 25 feet.

(b) Data Center, Type 2: 75 feet.

(4) Along any other property line:

(a) Data Center, Type 1: 25 feet.

(b) Data Center, Type 2: 50 feet.

c. Buffer Yard Development Restrictions.

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(1) No principal and accessory buildings or paved areas associated with a Data Center, except for vehicular and pedestrian ingress and egress points, sidewalks and walking trails, required fences, signs, and non-noise-generating equipment, shall be located in any buffer yard.

(2) No substations or noise-generating equipment associated with a Data Center shall be located in any required setbacks, including those portions of the required setback outside of buffer yards.

(3) Utility and telecommunications lines within the buffer yard shall be buried underground to the extent physically feasible. If a utility or telecommunications line must cross the buffer yard above ground, it shall be by the minimum traversal distance and shall include a screen wall or comparable feature if vegetative screening is not possible. Utilities and telecommunications infrastructure shall be co-located as much as feasible to minimize the number of crossings through the required buffer yard.

d. Buffer Yard Landscaping Requirements.

(1) Buffer yard plantings shall primarily serve as a screen to obscure Data Center buildings and accessory uses from adjacent properties and streets. Plantings shall meet the requirements of Section 5.6.C.

(2) Buffer yard landscaping shall meet or exceed the requirements in Section 5.6.B(1) for a Class A Buffer Area as well as the landscaping and tree preservation requirements in Section 5.7.

(3) Use of existing vegetation in buffer yards is strongly encouraged and may be substituted for new plantings if requested by the applicant and approved by the City Council. The applicant shall follow the provisions of Section 5.6.D regarding the reuse and crediting of existing vegetation.

(4) Vegetation planted within the buffer area shall not include species listed on the Invasive Plant List maintained by the Pennsylvania Department of Conservation and Natural Resources (DCNR).

(5) Stormwater management facilities may be located within required buffer yards but must be screened with buffer yard plantings.

(6) It shall be the responsibility of the Data Center applicant, operator, and/or property owner to maintain all buffer yards in good condition, free of rubbish, and to replace any dying or dead plants or deteriorating landscape material. Plantings shall be maintained permanently and any plant material, which does not live, shall be replaced at the start of the next growing season.

e. Screening Requirements.

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(1) Ground-mounted facilities and equipment such as HVAC equipment, generators, substations, and transformers shall be screened by a visually solid (opaque) barrier such as a fence, wall, building, and/or vegetation that absorbs and reduces noise output and protects neighboring properties from noise pollution and visual impacts.

(2) Loading bays, refuse collection areas, and service entrances shall be visually screened with fences, walls, and/or vegetation from public streets, sensitive receptor uses, and the CONSV, REC, R-6, R-8, R-9, R-10, and R-11 districts.

(3) On all sides of each building, roof-mounted equipment shall be fully screened or hidden with a parapet wall or enclosed penthouse that is consistent and harmonious with the building's facade and character. Such screening shall be provided in order to conceal the equipment from off-site view and to buffer noise. Equipment that exceeds the height of the parapet wall shall be set back from the edge of the roof by a distance of no less than the height of said equipment.

(4) When ground-mounted equipment is located between buildings, a combination of walls and gates may be used at the openings between buildings. When in or adjacent to industrial uses, ground-mounted equipment screening is only required between the equipment and public roadways.

f. Fencing Requirements.

(1) A perimeter fence meeting the requirements of Section 5.8.B shall completely enclose the Data Center Property. Such fence may be located within required buffer yards.

(2) Perimeter fences shall be constructed of high-quality, security-grade materials such as black powder-coated chain link, aluminum, or wrought-iron fencing. Fences shall not include barbed, razor, or concertina wire.

(3) Fences shall feature fire-department-accessible locking gates with high-security lock boxes (e.g., a Knox Box).

(4) Fences surrounding power infrastructure, such as substations, generators, and transformers shall include clearly visible warning signs informing individuals of potential voltage hazards.

(5) Perimeter fences and other fencing visible from adjacent properties and streets shall be properly maintained. Failure to repair or replace damaged fencing may result in corrective enforcement action.

4. Other General Requirements.

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a. Locational Requirements.

(1) The entire lot or tract proposed for a Data Center shall be located exclusively within the Highway Commercial (HC) District, Commercial Industrial (CI) District, or Light Industrial District, as designated on the effective date of this Ordinance.

(2) The lot or tract, or any portion thereof, proposed for a Data Center shall satisfy at least one of the following location criteria, based on conditions existing on the effective date of this Ordinance:

(a) Be located within one-half (0.5) mile of Interstate 81 (I-81); or

(b) Be located within one (1) mile west of U.S. Route 11 and within (1.5) miles of the existing 230-kV electrical transmission line.

(3) The boundary of the lot or tract proposed for a Data Center shall not be adjacent to any public or private right-of-way that serves as the sole means of vehicular access to a residential subdivision existing on the effective date of this Ordinance.

b. Access Management Requirements.

(1) Access to and from a Data Center Property shall be via an arterial or collector street as designated by the City's Official Street Classification Map, unless:

(a) The Data Center is to be located within an existing industrial or business park or industrial subdivision served by an existing local street; or

(b) The Data Center applicant requests and the City Council grants an exemption from this provision based on considerations related to the unique nature and circumstances of the site.

(2) Sufficient on-site queueing areas shall be provided at security gates to prevent backups onto the public street. On-site queuing areas shall accommodate a minimum of three (3) tractor-trailers.

(3) All Data Centers shall provide 24-hour emergency contact signage visible at the access entrance to the property. Signs shall include the name of the company operating the Data Center, the owner's name (if different), the telephone number, and the local electric utility company's name and telephone number.

c. Parking and Loading Requirements.

(1) Parking Requirements.

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(a) Off-street parking shall be provided for Data Centers at a ratio of one (1) parking space per 3,000 square feet of gross building area, but in no case shall there be less than one (1) parking space per employee, based upon the maximum number of employees on site during the largest shift.

(b) Parking facilities shall be designed in accordance with Sections 7.1 and 7.2.

(c) The required number of parking spaces accommodating individuals with disabilities shall be provided at the ratio required in Section 7.1.L.1 based on the total number of required off-street parking spaces calculated in subsection (a) above.

(2) Loading Requirements.

(a) Loading areas, unloading areas, and commercial vehicle storage space shall be provided off-street and designed in accordance with Section 7.4.

(b) Loading bays shall be designed to limit obstructions to adjacent street traffic, including during reversing and unloading of commercial vehicles. Sufficient space shall be provided around loading areas to allow for emergency vehicle access.

(c) Loading and unloading areas shall be designed to limit noise, heat, and exhaust from traveling to adjacent conservation, recreation, and residential districts and sensitive receptor uses.

d. Lighting Requirements.

All Data Centers and Data Center Accessory Uses shall comply with the requirements for lighting and glare in Section 5.10, including the maximum illumination provisions for Lighting Zone 2. Outdoor lighting fixtures shall be properly shielded so that such lighting will not adversely affect abutting properties.

e. Avoidance of Environmentally Sensitive Areas.

Data Centers shall minimize impacts to on-site natural resources to the greatest extent possible. In addition to the requirements as stated in 25 Pa. Code § 102.14, the following requirements apply to all proposed Data Centers with respect to development within or near environmentally sensitive areas:

(1) No impervious surfaces, including Data Center buildings, parking areas, and Data Center Accessory Uses, shall be located within any 100-year or 500-year floodplain as shown in the most recent Flood Insurance Rate Maps

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(FIRMs) prepared by the Federal Emergency Management Agency (FEMA).

(2) A riparian buffer is an area of permanent vegetation along a waterway or wetland, consisting predominantly of native trees, shrubs, and forbs. When a riparian buffer exists on the Data Center Property, it shall be left intact, undisturbed, and undeveloped at a width of no less than 150 feet as measured from the natural waterline up the slope of the bank, to allow for the natural succession of native vegetation.

(3) Existing riparian buffers shall be protected in perpetuity through deed, conservation easement, permit conditions, or any other mechanisms that ensure long-term functioning and integrity of the riparian buffer.

f. Stormwater Management Requirements.

(1) Data Centers shall comply with all stormwater management requirements of the Code of the City of Scranton, including Chapter 405, Stormwater Management, and § 423-59, Stormwater Management, within Chapter 423, Subdivision and Land Development.

(2) All stormwater management best management practices (BMPs) shall be designed, implemented, operated, and maintained in accordance with DEP's Pennsylvania Stormwater Best Management Practices Manual and Erosion and Sediment Pollution Control Program Manual, as amended and updated.

g. Community Engagement.

(1) Public Meeting Requirement.

The Data Center developer and/or applicant shall hold a public meeting on the proposed Data Center no later than 21 days and no earlier than 60 days prior to the first hearing on the proposal before the City Council. The meeting shall be publicized and conducted in a manner that informs members of the general public about the proposed Data Center, includes graphic renderings, identifies any requested variances, and allows for attendees to ask the developer and/or applicant questions about the proposal.

(2) Community Benefits Agreement.

Depending on the outcome of the public meeting required in subsection (1) above, the City Council may attach reasonable conditions and safeguards to any approval of a Data Center as a conditional use, to the extent that such conditions and safeguards are specified in this Ordinance. One such request may be that the Data Center developer, owner, and/or operator enter into a community benefits agreement with the City, which could include developer, owner, and/or operator commitments related to:

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(a) Environmental performance — e.g., noise, air quality, energy usage, water usage, wastewater discharge, and heat mitigation;

(b) Site design — e.g., landscaping, buffering and screening, fencing, lighting, and stormwater management;

(c) Operational considerations — e.g., emergency management, noise testing, electronic waste, and decommissioning; and

(d) Community engagement and transparency — e.g., public availability of information, complaint response processes, local hiring, and annual reporting.

h. Emergency Services Training.

Prior to the issuance of a Certificate of Use and Occupancy, the applicant shall provide specialized training and is strongly encouraged to provide and fund necessary equipment, for the City's fire department and other relevant emergency responders regarding the unique hazards and operational characteristics of the Data Center facility. This training shall cover, but not be limited to, emergency shutdown procedures, hazardous materials handling (if applicable), access points, and specific fire suppression system operations. Ongoing training, as required under Section 6.4.HHH. 7.k(3)(b), shall be provided by the Data Center operator periodically thereafter as deemed necessary by the City Council and authority(s) having jurisdiction to ensure continued preparedness.

i. Electrical and Communications Interference.

Data Centers and their accessory uses shall not interfere with radio, television, telecommunications, or other electrical signals. There shall be no activities which emit dangerous or harmful radioactivity or that adversely affect the operation of any equipment located beyond the boundaries of the Data Center Property.

j. Adequate Radio Coverage Required.

The applicant shall ensure there is adequate radio coverage for emergency responders at and within the Data Center Property and within the interior of buildings, and shall install enhancement systems if needed to meet compliance.

5. Site, Building, and Operational Standards.

a. Data Center Accessory Uses.

(1) If the Data Center Accessory Use or structure includes power generation, refer to Section 6.4.HHH.7.

(2) All proposed accessory uses associated with a Data Center are subject to review and approval by the City Council. Examples of such accessory uses

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include but are not limited to accessory solar and wind energy systems, power plants, substations, microreactors, battery energy storage systems, generators, pump stations, water and wastewater treatment facilities, emergency backup facilities, and security features.

(3) Uses and equipment accessory to the operation of a Data Center shall adhere to the same standards for noise control and electrical interference as the principal Data Center use.

(4) Access and parking shall be provided in relationship to the maintenance and servicing of the accessory uses and structures.

(5) The location, design, and operation of Data Center Accessory Uses and structures shall not adversely affect the character of any adjacent residential properties. Outside lighting shall be directed away from adjacent properties.

(6) It shall be surrounded by a fence or wall with a fire-department-accessible gate as well as permanent evergreen shrubbery or tree plantings of a type that will grow to not less than the heights of the fence or wall.

(7) The height of Data Center Accessory Uses and Data Center Equipment such as towers and substations may not exceed the maximum height permitted for Data Center principal buildings.

b. Architectural, Building Placement, and Orientation Standards.

(1) Buildings shall be sited and oriented to minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and nearby uses meeting the definition of a sensitive receptor.

(2) Buildings shall not be designed with uninterrupted blank wall facades visible from a public right-of-way or property line. Design variations on long exterior walls shall be employed in order to create visual interest. Examples include, but are not limited to, banding, windows, scoring of building facades, color changes, texture or material changes, and variety in building height.

(3) Exterior walls shall incorporate articulating elements that create patterns of facade recession, offsets, and extrusions along the entire length of the facade. For every two hundred (200) feet of exterior wall length, a recession, offset, and/or extrusion must be incorporated at a minimum of twenty (20) feet in length and five (5) feet in depth.

(4) In lieu of meeting the articulation requirements in Subsection (3), a green wall system may be implemented along the applicable facade(s), incorporating living evergreen foliage, provided that the system is continually and properly maintained in good growing condition.

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(5) Data Centers containing multiple buildings shall provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site.

(6) Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

(7) External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

(8) Site elements, equipment, and service areas, including but not limited to meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, refuse areas, and trash containers, shall be designed, located, or screened so as to minimize their off-site visibility and visual impact.

c. Landscape Standards.

(1) Data Center applicants, owners, and operators shall follow the requirements and standards in Section 5.7, Landscaping and Tree Preservation, for all pervious areas of the site.

(2) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

(3) A tree survey completed by a certified arborist shall be required to identify any on-site trees of 30 inches caliper or greater at breast height. If such trees are to be removed, 15 trees of the equivalent species of a minimum 3-1/2 inches caliper at breast height shall be planted to replace each removed tree.

(4) At property lines abutting residential and conservation zoning districts, existing healthy and mature trees and vegetation shall be preserved to the greatest extent possible. Trees that are in good health and that are at least 3-1/2 inches caliper at breast height shall be preserved where reasonably practical. Trees within these areas may be removed if they present a danger to persons or property.

(5) Street Trees. A row of street trees comprised of a mixture of deciduous and evergreen species shall be established along all publicly dedicated rights-of-way and shall be planted in clusters at a density along the length of the right-of-way of one (1) tree per 15 feet. The trees shall be a minimum of 2-1/2 inches caliper at breast height and shall not include species listed on the Invasive Plant List maintained by the Pennsylvania Department of Conservation and Natural Resources (DCNR). All street trees that are not

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installed prior to infrastructure acceptance shall be bonded to guarantee installation.

(6) Parking Lots. There shall be no less than one (1) tree planted for every six (6) parking spaces located therein. The density of trees in the parking lot shall be at least one (1) tree per every 200 square feet of pavement. Parking lots shall be designed to accommodate parking lot islands and endcaps with tree(s) at the end of parking aisles.

(7) Standard tree preservation practices shall be in place to preserve and protect trees during all phases of construction and operation.

(8) Existing vegetation and/or topography may be credited toward the buffer requirements where the Data Center applicant demonstrates, through plans and field verification, that the provisions of Section 5.6.D will be met and that the existing conditions provide substantially equivalent year-round screening. The applicant shall submit:

(a) A plan identifying vegetations/topography to remain.

(b) Construction protection measures (including limits of disturbance and tree protection).

(c) Any supplemental planting required to achieve equivalent screening. Any credited vegetation removed or destroyed shall be replaced to meet the requirements of this Section.

(9) All new planting species shall be selected on the basis of their resistance to diesel exhaust and shall be planted on the top and exterior of earthen berms, where required, to provide effective screening.

d. General Environmental Performance Standards.

(1) Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be conducted in such a manner that such environmental externalities are not perceptible at or beyond the lot line of the Data Center or the boundary of the entire development tract when a Data Center is made up of an assemblage of multiple lots.

(2) Unless physically impossible, loading bays, truck entries, and truck drive aisles shall be located as far away as possible from uses meeting the definition of a sensitive receptor and oriented away from such uses to minimize noise disturbances, exhaust, glare, and heat.

(3) Data Centers shall strive to deploy technologies for water conservation to reduce the demand for public water. Cooling systems shall be accompanied by a water-use management plan and employ recycled/recirculated or closed-loop systems where feasible.

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(4) Data Centers shall make good faith efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable power purchase agreements (PPAs).

(5) Data Centers are encouraged to implement low-impact development practices in site design, such as, but not limited to the following:

(a) Selection of a site that avoids sensitive lands such as wetlands, floodplains, and steep slopes.

(b) Minimization of land disturbance.

(c) Maximization of tree preservation.

(d) Minimization of impervious surfaces beyond the percentage required in Table HHH-1.

(e) Minimization of potential nuisance impacts (e.g., noise, vibration, glare, heat, etc.) on adjacent properties and public roadways.

(6) Data Centers are encouraged to implement energy and resource efficiency practices, such as, but not limited to the following:

(a) Orientation of buildings to take advantage of passive cooling and daylight opportunities.

(b) Utilization of alternative energy sources (i.e., energy not derived from the burning of fossil fuels) as much as possible.

(c) Implementation of an energy storage system and energy management best practices to monitor and regulate energy consumption.

(d) Installation of water-efficient landscape materials.

(e) Utilization of reclaimed water for cooling.

(7) Pursuit of building performance benchmarking that meets LEED sustainability standards (with or without formal LEED certification) is strongly encouraged.

e. Noise Standards.

Data Centers shall demonstrate compliance with Section 5.9.A, Noise Control, including the maximum permitted sound levels specified in dBA. Applicants shall strive to install equipment with the quietest specifications possible and perform any upgrades as needed to maintain compliance with these standards. Any emission of noise above the applicable maximum permitted sound level shall be deemed a public nuisance and may be subject to summary abatement procedures.

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f. Vibration Standards.

Data Centers shall meet all requirements of Section 5.9.B, Vibration Control, which prohibits the operation of any device or conduct of any use that creates vibration above the vibration perception threshold (vibration detectable without instruments) of a person beyond the property boundaries of the Data Center. Any emission of vibration above the vibration perception threshold shall be deemed a public nuisance and may be subject to summary abatement procedures.

6. Required Impact Studies and Analyses.

a. Utility Capacity Documentation.

Data Center applicants shall provide letters from all applicable public utilities certifying that these systems will provide utility services for the proposed Data Center and have the capacity to meet the Data Center's demands while maintaining the same levels of service for existing City residents and businesses. Zoning approval will not be granted unless the utility providers acknowledge that infrastructure, existing or proposed, can accommodate the Data Center use. Cumulative impacts of Data Center projects shall be considered during approval.

The following documentation shall be submitted with a Data Center application:

(1) Electric Power: An electric utility capacity/feasibility letter shall be provided by PPL Electric Utilities or its successor as the City's incumbent electric utility if the Data Center will use electricity supplied by PPL. Such letter shall document regional impacts and must demonstrate no adverse effects on the local grid and to existing users. PPL shall certify that during service outages, interruptions, or other emergencies, the City's residents and existing businesses will receive priority over the Data Center for restoration of service.

(2) Water Supply and Conservation: A water supply capacity/feasibility letter shall be provided by Pennsylvania American Water or its successor as the City's public water utility, with approval by the City Engineer. The letter must indicate no adverse impact on the local water supply, quality, and availability to existing users. The water utility shall certify that during service outages, interruptions, or other emergencies, the City's residents and existing businesses will receive priority over the Data Center for restoration of service. The certification letter from the water utility shall specify the volume and/or proportion of utility-supplied water that the Data Center may use during a declared drought event. The letter shall also state that the City's residents and existing businesses will receive priority over the Data Center for the distribution of water during such drought events. If the Data Center proposes using non-public water, the Water Feasibility Study in Section 6.4.HHH.7.e shall be required.

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(3) Wastewater/Sewage: All applicants shall obtain a verification letter from the Scranton Sewer Authority or its successor that demonstrates adequate capacity for the discharge of industrial wastewater, including any cooling water that will enter the sewer system. This letter shall be approved by the City Engineer and Sewer Enforcement Officer.

(4) Telecommunications: The applicant shall obtain a certification letter from any applicable telecommunications and broadband providers serving City residents and businesses that the Data Center's operations will not negatively affect connectivity speeds and capacity for existing users.

b. Traffic Study.

(1) All Data Center applications shall be accompanied by a traffic impact study (TIS) prepared by a certified professional engineer, experienced in traffic engineering studies, licensed by the Commonwealth of Pennsylvania. All costs of the traffic study shall be borne by the property owner or applicant. The following components shall be required:

(a) General site description. A detailed description of the highway network in the immediate vicinity of the site, a description of the proposed land uses, the anticipated stages of construction and the anticipated completion date of the proposed Data Center. This description shall include a map of the immediate vicinity of the site with the following items: all major intersections, all proposed ingress and egress locations, all existing and proposed streets, rights-of-way and driveway widths, including cartway and shoulder widths, vertical grades, horizontal curvatures, obstructions, sight distance, posted speed limits, signage or other notable features; all existing traffic control devices and, if applicable, all existing and proposed public transportation services and facilities.

(b) Description of the existing traffic conditions and volumes (weekday, morning, and evening peak hours and one Saturday peak hour).

(c) Transportation impact of the Data Center using the ratios and methodology contained in the current edition of the Manual of the Institute of Traffic Engineers (ITE).

(d) Determination of street and intersection service levels.

(e) Traffic accident history.

(f) Impact on pedestrians.

(g) Traffic improvements, planned or recommended (e.g., additional traffic lanes, traffic signal, traffic signage, etc.).

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(h) Estimates of trip generation. Trip generation can be estimated using any one of the following three methods: analogy, trip distribution model or surrogate data. Whatever method is used, trip distribution shall be estimated and analyzed for the horizon year and a ten-year projection (both with and without development). Consideration should also be given to whether inbound and outbound trips will have similar distributions.

(2) If the operating speed of 85% or more of the vehicles using the subject street exceeds the posted speed limit by more than 10 miles per hour, then the 85th percentile speed of vehicles shall be used by the TIS.

(3) The study shall be submitted to the City Engineer for review and comments. A copy shall also be forwarded to the PennDOT if streets under their jurisdiction are in the study area.

(4) When a proposed Data Center is projected to have an adverse impact sufficient to exceed an acceptable level of service or standard defined by the Pennsylvania Code, Title 67, Chapter 201 regulations, or its succeeding regulations, then the City may require changes to the proposed development plan in order to ensure adequate mitigation of negative traffic impacts. These required changes may include, but are not limited to:

(a) Altering the proposed development plan to reduce impacts.

(b) The phasing of construction plans to coincide with the completion of state or municipal transportation improvements. Phasing shall not be required unless the improvements have been budgeted for by the responsible body and scheduled for commencement no later than six (6) months after approval of the proposed Data Center and for completion no later than 18 months after said approval date.

(c) The construction of transportation improvements within the proposed Data Center Property, or in the immediate vicinity thereof necessary for directing, providing, or controlling access to the property. Such improvements shall be limited to the aforesaid needs which are proximately caused by and directly benefit the proposed Data Center and are to be separate and distinct from general transportation improvements contemplated under Article V-A of the Pennsylvania Municipalities Planning Code (MPC), as amended.

c. Sound and Vibration Studies.

Sound and vibration studies, preliminary, interim, post-construction, and as-built, shall be conducted by a professional acoustical expert paid for by the applicant. Such sound studies shall be conducted using properly calibrated sound level meters as specified in ANSI S1.4-2014 and shall meet the following requirements:

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(1) The studies shall examine all exterior utility functions of the building(s) (rooftop and ground-mounted) that produce sound. A post-construction sound study shall be submitted prior to an occupancy permit being issued for the building(s).

(2) The studies shall demonstrate that the installation of one or more sound reducing materials or systems, or by distance of a noise source to a lot line, will effectively reduce the sound generated during both normal operations and emergency operations (time of power loss) to the maximum permitted sound levels (dBA) specified in Section 5.9.A.1, Sound Level Limits and Permitted Hours by Receiving Land Use Group.

(3) Preliminary Sound Study. The preliminary sound study shall be conducted to evaluate sound levels estimated by the applicant's professional acoustic consultant using generally accepted criteria. The ambient daytime and evening sound levels for the site proposed for the Major Data Center or Telecommunications Hub shall be established as part of the preliminary sound study through measurement by a properly calibrated ANSI S1.4 sound level meter over a minimum continuous period of 72 hours.

(4) Interim Sound Study. The interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Major Data Center or Telecommunications Hub and its buildings. The noise reducing materials and/or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center.

(5) Post-Construction Sound Study. The post-construction sound study shall be submitted prior to a Certificate of Use and Occupancy being issued for the Data Center's buildings and structures.

(6) As-Built Sound Study. An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center building or buildings and prior to the final escrow release for any Data Center land development phase evaluating both normal and emergency operations (i.e., all standby emergency equipment, including but not limited to generators running).

d. Environmental and Community Impact Analysis.

Data Center applicants shall provide an Environmental and Community Impact Analysis, which shall include the following components:

(1) A narrative description of the nature of the on-site activities and operations proposed, including:

(a) The market area to be served by the Data Center facility.

(b) The Data Center's hours of operation.

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(c) The total number of employees on each shift.

(d) The times, frequencies, and types of vehicle trips to be generated.

(e) The types of materials to be stored on-site and the duration of their storage.

(2) A written assessment of and labeled site plan showing potential disturbance to the following environmentally sensitive features on the property and within 1,000 feet of property boundaries, during both construction and operation:

(a) Floodplains.

(b) Wetlands, hydric soils, and areas of high water table.

(c) Streams and other waterbodies.

(d) Springs, perennial stream heads, and headwater features.

(e) Groundwater resources and critical recharge areas.

(f) Slopes of greater than 15%.

(g) Mature stands of woodlands and native vegetation.

(h) Riparian buffers.

(i) Cultural and historic resources.

(3) An environmental impact report, prepared by a professional environmental engineer, environmental planner, ecologist, or other qualified individual licensed to do business in Pennsylvania, evaluating the environmental impacts that are likely to be generated from among the following list, with descriptions of measures (best management practices) that will be employed to mitigate, minimize, or eliminate these impacts:

(a) Identification of potential environmental impacts that are likely to be generated, including but not limited to noise, odor, smoke, vapor, dust, litter, glare, heat islands, vibration, electrical disturbance, etc.

(b) An assessment of potential impacts of operation and maintenance of the Data Center and Data Center Accessory Uses on groundwater, creeks and streams, the air, and the grounds of the Data Center Property and within 1,000 feet of the Data Center Property boundary, including, but not limited to, during periods of emergency power, fire, and fire suppression and control; storage of petroleum-based or other

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combustible materials (if any); and release of gasses and/or other contaminants into the air, ground, surface water, or groundwater.

(c) Identification of all potential sources of the following: carbon monoxide, fine particulate matter (PM2.5), volatile organic compounds (VOCs), nitrogen oxides, sulfur oxides, and methane.

(d) Potential public nuisances from operations and truck traffic.

(e) Stormwater generation and discharge.

(f) Wastewater and sewage generation.

(g) Solid waste generation.

(h) Electrical interference.

(i) Public water supply.

(j) Any disturbances to environmentally sensitive features identified in subsection (2) above.

(k) Any impacts to the environment and human health that cannot be avoided.

(4) A Pennsylvania Natural Diversity Inventory (PNDI) Receipt obtained from the Pennsylvania Department of Conservation and Natural Resources (DCNR), through the agency's online PNDI Environmental Review Tool, no earlier than two (2) years prior to zoning application submission.

(5) A statement of consistency with the City's and Lackawanna County's respective comprehensive plans.

(6) Proposed measures to prevent or, as the case may be, mitigate, negative environmental impacts identified by the Environmental and Community Impact Analysis.

e. Fiscal Impact Analysis.

The applicant shall provide a Fiscal Impact Analysis prepared by a qualified professional with demonstrated expertise in fiscal impact analysis which shall include the following:

(1) An estimate of the costs that may be incurred by the City related to infrastructure, emergency preparedness, administrative costs, and police and fire protection.

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(2) An estimate of the anticipated revenues to be generated by the development, including revenues generated from real estate sales, real estate taxes and income taxes for the City, school district, and Lackawanna County.

(3) The educational and professional credentials and experience of the person that conducted the Fiscal Impact Analysis.

f. Viewshed Analysis.

The applicant shall submit a viewshed analysis prepared by a Pennsylvania-registered architect or landscape architect illustrating the areas from which any buildings 40 feet in height or greater will be visible.

g. Toxicity Testing.

Any equipment used must pass the United States Environmental Protection Agency (U.S. EPA) Toxicity Characteristic Leaching Procedure Test (TCLP) to evidence its non-toxic status and be UL listed. It is also encouraged that the Applicant purchase the equipment from a manufacturer that participates in a federal and/ or state recycling program or has another specific recycling contract. The manufacturer specifications for the key components of any equipment shall be submitted as part of the application, including composition, toxicological information and the physical and chemical properties of all devices used.

7. Additional Plans and Reports.

a. Noise Mitigation Plan.

The applicant shall identify in a Noise Mitigation Plan all building and power systems which make noise that can be heard outdoors and shall further identify all sound-dissipative devices or enclosures that are to be used to prevent such systems from exceeding the maximum permitted sound levels specified in Section 5.9.A.1. The plan shall be amended whenever additional noise-generating equipment is to be deployed or at the direction of the City.

b. Heat Mitigation Plan.

A Heat Mitigation Plan shall be submitted and include, at a minimum, strategies for waste heat reuse or dissipation and vegetative or green roof and/or site design to offset urban heat island effects. The plan shall be prepared and certified by a professional engineer and shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended plans based upon comments emerging from the review prior to any zoning approval.

c. Lighting Plan.

A lighting plan shall be submitted demonstrating consistency with the provisions of Section 5.10 and the reduction requirements listed in the International Dark

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Sky Association Model Lighting Ordinance. Applicants shall strive to use the best available technologies and practices to comply with Dark Sky Lighting Principles.

d. Stormwater Management Site Plan.

A stormwater management site plan shall be submitted meeting the standards and requirements of Chapter 405, Stormwater Management, including but not limited to Article V, Stormwater Management Standards, and Article VI, Stormwater Management (SWM) Site Plan Requirements.

e. Water Demand and Supply Source Plan.

A Water Demand and Supply Source Plan shall be submitted detailing, at a minimum, the total daily intake volume and source(s) of Data Center water, discharge volumes and destinations, and cooling system type and efficiency. The plan shall be prepared and certified by a professional engineer and shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended studies based upon comments emerging from the review prior to any zoning approval.

f. Sewage Facilities Plan.

All Data Center applicants shall complete the DEP sewage facilities planning module unless approved for an exemption. A copy of the sewage facilities planning module and all accompanying data required by DEP shall be submitted.

g. Erosion and Sedimentation Control Plan.

An erosion and sedimentation control plan shall be submitted that meets the definition for such plan as provided in Chapter 423, Subdivision and Land Development, Article III, Definitions. The plan shall indicate the measures to be undertaken to prevent soil erosion and sedimentation, which shall follow DEP regulations and the standards of the Lackawanna County Conservation District.

h. Emergency Management Plan (EMP).

Data Center applicants shall develop an Emergency Management Plan (EMP) in accordance with state and federal requirements and generally accepted practice and submit the plan for review and comment by the City of Scranton's public safety and emergency management personnel. The EMP shall show, at a minimum, that the Data Center has a plan in effect to deal with emergencies resulting from flood, fire, explosion, and catastrophic weather events. The City shall have the right to require supplemental or amended plans based upon the comments of City public safety and emergency management personnel prior to any zoning approval.

i. Security Plan.

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A plan for the security of the Data Center site shall be provided. The plan shall address the security needs to protect the health and safety of the occupants of the proposed Data Center, identify the forms of security that will normally be required, and detail the specific measures to be taken in the construction, development, and operation of the Data Center so as to provide appropriate security. The security plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for a barrier by means of a combination of fencing and signs meeting the requirements of Chapter 445, Article VII, Signs.

j. e-Waste and Hazardous Waste Plan.

(1) A hazardous waste plan shall be submitted that describes the Data Center operator's procedures for the responsible disposal, reuse, and/or recycling of hazardous waste. Such plan shall include protocols for any substances used in the operation of the Data Center and its accessory uses that are included on DEP's Regulated Substances List, materials classified as electronic waste (e-waste) by the U.S. Environmental Protection Agency (U.S. EPA), and devices regulated by the Commonwealth of Pennsylvania's Covered Device Recycling Act (CDRA; Act of Nov. 23, 2010, P.L. 1083, No. 108, as amended).

(2) Documentation shall be provided with the conditional use application outlining procedures for safe removal and recycling or disposal of electronic waste and other waste including but not limited to, computers, computer servers, server infrastructure, batteries, hazardous and extremely hazardous substances, and related materials.

k. Fire Prevention and Safety Plan.

(1) All Data Centers shall meet the requirements of the 1999 BOCA National Fire Prevention Code, the City of Scranton's adopted Fire Prevention Code, as stipulated in Chapter 243, Fire Prevention.

(2) Battery storage systems shall comply with NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) and applicable Underwriters Laboratories Standards (UL 1741, 1973, 9540, and 9540A).

(3) In addition, the following shall be required:

(a) A fire prevention and safety plan shall be submitted that meets the standards of the National Fire Protection Association's NFPA 75 "Standard for the Fire Protection of Information Technology Equipment," as amended.

(b) Owners and/or operators of Data Centers shall be required to participate in annual emergency management and fire mitigation

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training, including facility tour, with the City of Scranton Fire Department.

(c) Data Center applicants shall furnish evidence of an on-site water supply adequate for and exclusively used for firefighting purposes. The supply must include ample water to mitigate a fire in anticipation of a 20-minute response time for fire service arrival and shall be approved by the City of Scranton Fire Chief on an annual basis.

l. Energy Management Plan.

An Energy Management Plan shall be submitted detailing at a minimum, annual electricity demand, what supply sources will be utilized, energy storage capacity (if applicable), and efforts made to maximize use of renewable or clean energy. The plan shall be prepared and certified by a professional engineer and shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended plans based upon comments emerging from the review prior to any zoning approval.

m. Drought Contingency Plan.

A Drought Contingency Plan for the Data Center shall be submitted if the City, County, or Commonwealth declares a water shortage due to a drought emergency.

8. Energy Generation and Backup Power.

a. On-Site Energy Generation.

(1) All Data Center principal building roofs shall be "solar-ready," which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of roof-mounted solar energy systems at some point after the building has been constructed.

(2) All Data Centers shall install on-site solar energy generation systems sufficient to offset a minimum of 25% of the facility's projected annual electricity consumption during normal operations. The applicant shall submit a Solar Energy Plan prepared by a qualified professional demonstrating:

(a) The Data Center's projected annual electricity consumption in kilowatt hours (kWh).

(b) The type, capacity, and location of proposed solar energy systems.

(c) Calculations showing that the proposed systems will generate at least 25% of the projected annual consumption.

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(d) A timeline for installation of solar energy systems, which shall be completed no later than 12 months following issuance of the Certificate of Occupancy for the Data Center.

(3) On-site or behind-the-meter energy generation systems using natural gas or renewable energy are permissible. All systems shall meet environmental, safety, and utility interconnection standards. Data Centers may install on-site accessory solar and/or wind energy systems to offset peak electricity consumption, provided that such systems meet the design, dimensional, locational, height, and screening requirements in Sections 5.16 and 5.21. The restriction of one (1) accessory wind energy system per lot shall apply, except that such restriction applies to the entire Data Center property when made up of an assemblage of multiple contiguous lots.

b. Battery Energy Storage Systems (BESS).

(1) Certification and Regulatory Compliance.

(a) BESS and associated equipment shall be listed by a Nationally Recognized Testing Laboratory (NRTL) to UL 9540 (Standard for Battery Storage Systems and Equipment) or an approved equivalent standard. Subcomponents shall meet the latest version of each of the following standards as applicable:

i. UL 1973 (Standard for Batteries for Use in Stationary and Motive Auxiliary Power Applications).

ii. UL 1642 (Standard for Lithium Batteries).

iii. UL 1741 (Standard for Inverters, Converters, Controllers and Interconnection Systems Equipment for Use With Distributed Energy Resources).

(b) Certification under the applicable electrical, building, and fire codes as required.

(c) All BESS shall be designed, erected, and installed in accordance with all applicable provisions of the building code, fire code, all applicable state and federal regulations (including applicable environmental standards), and all applicable standards in the City's Zoning Ordinance and Subdivision and Land Development Ordinance. Installation of a BESS shall not commence until all necessary permits have been obtained.

(d) BESS installation and all associated plans, manuals, and procedures shall be compliant with the standards of NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems).

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(2) General Requirements and Standards.

(a) BESS and associated equipment shall not exceed the maximum sound level and vibration limits in this Ordinance.

(b) Illumination of a BESS is limited to the minimum light necessary for safe operation. Any lighting must not extend beyond the perimeter of the Data Center Property.

(c) The BESS must not produce any glare that is visible to neighboring properties or to persons traveling on public roadways.

(d) BESS shall include containment systems to prevent chemicals, fire suppressant agents, or similar hazards and substances, including PFAS-classified chemical compounds, from contaminating soil, surface water, groundwater and public or private wells, and to minimize the risk of human exposure.

(e) The use of a computer-based Battery Management System shall be required for all BESS operations. Such system shall monitor operations and alert of potentially dangerous conditions, shut down equipment when necessary, and be able to automatically summon services and repair personnel. To ensure public safety, the City shall be notified of all alerts from the Battery Management System.

(3) Other BESS Requirements.

(a) Battery energy storage systems (BESS) shall not be located within 150 feet of a stream, wetland, or 100-year floodplain.

(b) Rooftop or building-mounted battery storage systems shall comply with the City's Building Code and NFPA 855.

(c) Installations shall not obstruct emergency vehicle access routes, stormwater conveyance systems, or required buffer areas.

(d) No system component shall discharge pollutants, vapors, or waste materials inconsistent with DEP and U.S. EPA regulations.

(e) The area around the BESS shall remain free of combustible waste, debris, or vegetation accumulation at all times to reduce the risk of fire.

(f) All systems shall include remote monitoring of temperature, voltage, and status through a manufacturer-approved monitoring facility, 24 hours a day, seven (7) days a week.

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(g) All fire protection and gas detection systems shall transmit alarms to an approved central station.

(h) All systems shall be subject to annual City and Fire Department inspection for compliance with landscaping, noise, safety, and maintenance standards.

(i) Records of inspections, maintenance, and incidents shall be maintained on-site and available for City review.

(j) The City may revoke operational permits or require immediate shutdown of any system found to pose a health, fire, or environmental hazard.

c. Generators.

(1) Diesel generators, whether portable or permanent, shall be used sparingly and may not be located closer than five hundred (500) feet from any lot line of a residential lot or any residential or conservation district. There shall be a minimum separation between individual diesel generators of five (5) feet.

(2) Generator testing shall only take place between 9:00 a.m. and 5:00 p.m., Monday through Friday, unless emergency conditions require otherwise.

(3) Diesel generators shall meet the requirements of all applicable emissions standards from DEP; the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended; and National Emissions Standards for Hazardous Air Pollutants administered by the U.S. EPA under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.

(4) Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A (7), or its most recent update.

(5) No person shall cause, suffer or permit the emission of fugitive particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of the person where the source is being generated.

(6) No person shall cause, suffer or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the Data Center. Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.

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(7) Proposals for diesel generators should use U.S. EPA Tier IV with selective catalytic reduction systems or, if practical, use alternative fuels such as hydro-treated vegetable oil. Onsite battery systems can help reduce the amount of time diesel generators must be run when line voltage is insufficient.

(8) Diesel generators shall include a muffler or enclosure to limit noise. Noise shall not exceed the maximum sound levels specified in Section 5.9.A.1 when measured at the property lines of the Data Center Property and its abutting land uses on adjacent lots, using ANSI standard meters. Exceptions may be allowed during emergencies which must be temporary in nature.

(9) To reduce sound and exhaust, any grouping of two (2) or more non-portable diesel generators shall be surrounded by a fence or wall with a fire-department-accessible gate as well as permanent evergreen shrubbery or tree plantings of a type that will grow to not less than the heights of the fence or wall.

(10) Backup generators shall be subject to the noise standards in Section 6.4.HHH.5.e.

9. Other Application and Submission Requirements.

a. Statement of Intent.

As a prerequisite to conditional use approval of a Data Center, the Data Center Applicant shall be required to provide a signed affidavit agreeing to the following statements of intent:

(1) The Data Center Applicant will submit to the City prior to final land development approval complete versions of all letters, studies, and plans required under this Section, including but not limited to the utility capacity certification letters specified, the sound studies, the Emergency Management Plan (EMP), the Lighting Plan, the Transportation Impact Study, and proof of certification of on-site equipment as specified.

(2) The Data Center Applicant will fund the preparation of and participate in the development of a Community Benefits Plan (CBP) in accordance with these criteria, the completion of which is required prior to submission of a final land development application and the results of which will be used in the development of a Community Benefits Agreement (CBA).

(3) The Data Center Applicant will submit to the City a Decommissioning Plan at the time of final land development application in accordance with the requirements as stated and the City's Subdivision and Land Development Ordinance. After final land development approval, the applicant will provide the requisite decommissioning financial security in accordance with a signed Developer's Agreement and the final Decommissioning Plan.

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(4) The Data Center Applicant will submit to the City a Developer's Agreement prior to final land development approval in accordance with the requirements and the City's Subdivision and Land Development Ordinance. The final Developer's Agreement shall be executed after final land development approval.

In reviewing an application for a Data Center, the City Council may require additional earth excavation, setbacks, landscaping, utility services, and lighting controls as they determine to be necessary to provide compatibility with adjacent districts. These measures shall be designed to minimize glare, noise, soot, dust, air pollutants, and other nuisances to businesses and residents of the City.

b. Community Benefits.

(1) Community Benefits Plan (CBP).

(a) The CBP shall be prepared by a third-party consultant hired by the City, who will work with City Staff, the Planning Commission, City Council, the applicant and/or developer, and City residents to develop the plan.

(b) The applicant and/or developer is responsible for all consultant fees from the preparation of the CBP and is expected to participate with the community and the City in its development.

(c) The CBP shall accomplish the following:

i. Identify issues of concern and priority in the City, including community needs and the effects of the proposed Data Center.

ii. Provide opportunities for public participation in the identification of such issues and needs and the development of solutions.

iii. Identify and provide cost valuations for potential projects and programming that address the community issues and needs and solutions to mitigating the effects of the proposed Data Center related to environmental performance, site design, operational considerations, and community transparency.

(2) Community Benefits Agreement (CBA).

(a) Based on the issues, needs, and potential projects, programming, and solutions identified in the CBP, a CBA shall be drafted collaboratively by the applicant and the City Solicitor memorializing feasible projects, programming, and solutions from the CBP for implementation.

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(b) The CBA shall be executed after final land development approval and included as part of the final Developer's Agreement.

c. Decommissioning.

(1) Applicability. Data Centers that cease operation for twelve (12) consecutive months shall be deemed abandoned and immediately decommissioned accordingly unless the owner/operator maintains the facility in compliance with the requirements of this Ordinance.

(2) Decommissioning Plan. The Decommissioning Plan shall be executed after final land development approval and shall be included as part of the final Developer's Agreement.

(a) A Decommissioning Plan shall be prepared in draft form and submitted as part of the applicant's final land development application.

(b) The final Decommissioning Plan shall be executed after final land development approval and included as part of the final Developer's Agreement.

(c) The Decommissioning Plan shall incorporate the following items:

i. Cost estimate for decommissioning and removal activities, including:

1. Removal of all Data Center Equipment (DCE), other than electrical substations, transformer facilities, and switchyards.

2. Proper disposal of all battery components, electronic waste (e-waste), and hazardous materials in compliance with DEP and U.S. EPA regulations.

3. Disconnection and discontinuation of public utilities.

4. Site restoration with planting or seeding of native vegetation and soil stabilization.

ii. Financial security provided in a form acceptable to the City Solicitor to guarantee proper decommissioning, such as a posted bond. The requirements of the financial security shall be as follows:

1. The applicant, owner, tenant, or developer, whichever responsible party is memorialized in the Developer's Agreement (and lease agreement, where applicable), shall

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post financial security in the amount of 110 percent of the decommissioning cost, as approved by the City Engineer, securing the decommissioning obligations of the Data Center and naming the City as beneficiary, the original of which security shall be delivered to the City. The form of the financial security shall be subject to the review and approval of the City Solicitor.

2. Every five (5) years, the applicant, owner, tenant, or developer, whichever responsible party is memorialized in the Developer's Agreement (and lease agreement, where applicable), shall provide an updated decommission cost estimate to be approved by the City Engineer. If the decommissioning financial security amount increases, the responsible party designated in the Developer's Agreement shall remit the increased financial security to the City within 30 days of the approval of the updated decommissioning financial security estimate by the City. If the decommissioning financial security amount decreases by greater than 10 percent, the City shall release any amounts held in excess of 110 percent of the updated decommission cost estimate.

3. After the Data Center is fully decommissioned and written certification is issued by the City Engineer to the City Council that the Data Center Property has been restored to an environmentally stable condition, the City shall release the decommissioning financial security.

4. The decommissioning financial security shall be in a form to be approved by the City Solicitor. If the applicant, owner, or developer, whichever responsible party is memorialized in the Developer's Agreement, fails to remove all equipment and waste in accordance with the requirements of this Section, the City shall have the authority to execute upon the decommissioning financial security, enter the property, physically remove the remaining equipment and/or waste, and restore the property to its original, pre-construction condition. The responsible party designated in the Developer's Agreement shall be liable for all costs incurred by the City associated with the decommissioning, including attorneys' fees and engineering fees and any costs or fees associated with drawing on the financial security.

(3) The party responsible for decommissioning, as memorialized in the Developer's Agreement, is encouraged to resell or salvage materials to the fullest extent possible. However, materials that cannot be re-sold or

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salvaged shall be disposed of at a facility authorized to dispose of such materials in accordance with federal or state law.

(4) Any soil exposed during the removal shall be stabilized in accordance with applicable standards.

(5) Any paved access drives from public roads shall remain for future use unless directed otherwise by the landowner.

(6) Unless specifically directed by the City, all buildings shall remain intact and shall not be demolished or deconstructed.

(7) The applicant, owner, or developer, whichever responsible party is memorialized in the Developer's Agreement, is required to notify the City immediately upon permanent cessation or abandonment of the Data Center. A change in ownership or operator shall not relieve the party identified in the Developer's Agreement from compliance with all decommissioning responsibilities.

(8) In the event the present owner and/or operator of the Data Center has temporarily ceased its operation but is in the process of transferring ownership, management, and/or operation, the present owner and/or operator has the responsibility of notifying the City. The decommissioning financial security also must be maintained during this time.

d. Developer's Agreement.

A Developer's Agreement shall be executed after final land development approval. In addition to the final Decommissioning Plan and Community Benefits Agreement (CBA), the Developer's Agreement shall include:

(1) Proof of written agreement between the property owner and the party or parties responsible for decommissioning (e.g., the property owner, a developer, a tenant, a leaseholder, or an operator, etc.), identifying the responsible party or parties and their responsibilities.

(2) Any proposal from the applicant that intends to generate on-site electricity (commonly referred to as "bring-your-own-power") through an ancillary power generation system.

10. Administration and Enforcement.

a. Determination of Application Completeness.

Before an application for a Data Center is deemed complete by the Zoning Officer, the Data Center Applicant shall, at a minimum, provide the information required by this Chapter and the information required for land developments in Chapter

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423, Subdivision and Land Development. In addition, the following items shall be submitted prior to the City's acceptance of a Data Center application:

(1) Site plan showing property boundaries, existing and proposed buildings, fencing, buffers, access drives, parking areas, hydrants, accessory buildings and structures, and ground-mounted equipment.

(2) Utility capacity and feasibility documentation/letters from all applicable utility and telecommunications providers, as required under Section 6.4.HHH.6.a.

(3) All required impact studies, analyses, operational plans, and reports listed in Section 6.4.HHH.6, unless specifically exempted upon petition by the Data Center Applicant.

b. Enforcement.

(1) Any person, partnership, or corporation who or which has violated the provisions of this Section shall, upon being found liable therefore in a civil enforcement initially brought before a magisterial district judge, pay a judgment of not more than $5,000 plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure.

(2) Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation in violation to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge, and thereafter each day that a violation continues shall constitute a separate violation.

(3) Nothing herein shall prevent the City from seeking such other legal remedies available to prevent or remedy any violations of this Section.

c. Continual Validity of a Zoning Permit.

The continual validity of a zoning permit obtained for a Data Center that has been approved as a conditional use requires that construction of a Data Center principal building be commenced within one (1) year after the date of issuance of the permit. If not, the permit shall expire.

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