

Article IV: Use Regulations

Prior articles to address in future meetings:

Article I – Legislative Intent; Objective

Article II – Definitions

Article III - Districts

§ 114 – 400 (or entirely numerical starting at Article I as 141 – 1). Regulation of uses.

Commented [MP1]: Anything under 10 write out

- A. Except as provided for by law, no building, structure, land, lot, or premises shall be used for purposes other than as permitted in this chapter.

§ 114 – 401. Intent.

- A. It is the intent of this article to provide clear and specific definitions of uses permitted within the various Springfield Township zoning districts, including development standards for uses that are permitted in more than one district.

§ 114 – 402. Applicability and interpretation.

- A. When a use is proposed, the Zoning Officer shall make the final determination on which use classification described herein best defines or matches the use being proposed. If a proposed use meets the definition of more than one use classification, as defined herein, the most specific use classification which matches more precisely the proposed use shall be used.
- B. When a proposed use does not precisely match a use classification defined herein, the Zoning Officer shall determine which described use it most closely matches. If the principal use proposed is similar in most respects to a given described use, as determined by the Zoning Officer, then the proposed use shall be classified according to the use defined herein.
- C. All uses permitted by right, by conditional use or by special exception, shall be subject to the use regulations herein, as well as any applicable district regulations, and any other applicable provisions as are specified within this chapter. If there is a conflict between the use regulations herein and any other applicable regulations, the more restrictive regulations shall apply, unless otherwise noted.
- D. A building, structure or lot within all residential districts shall be permitted only one principal use.

§ 114 – 403. Legal status of uses.

A. The following terminology is assigned to uses, based upon how they were established and zoning requirements and/or limitation in place at the time.

1. A conforming use: A use that meets all applicable standards and regulations as established by the current Zoning Ordinance.
2. A non-conforming use: A use that does not meet all applicable standards and regulations established in the current Zoning Ordinance.
3. Legal non-conforming use: A use that does not meet all applicable standards and regulations of the current Zoning ordinance but was established and approved by the Township prior to the adoption of the current Zoning Ordinance, was approved by way of variance, predates the current Zoning Ordinance or was illegally created but legally grandfathered.
4. Illegal use: A use which may or may not conform to zoning, but never received the required approvals from the Township.
5. Federal and State controlled properties are subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the United States and Commonwealth of Pennsylvania.

B. A use created by conditional use approval, special exception approval, or variance approval may only undergo an addition, expansion or intensification of use by reapplication and re-approval of the Body granting the original approval.

§ 114 - 404. Permitted uses.

- A. Use by right. In any given district, a use is permitted by right, provided it is listed as such in the district regulations, provided it can comply with the applicable use regulations stated herein, and provided a use and occupancy permit, use and occupancy certificate, and certificate of occupancy, has been duly issued by Springfield Township, as specified in this chapter.
- B. Use by conditional use approval. In any district, a use is permitted by conditional use approval, provided it is listed as such and meets the conditions in the district regulations, and provided it can comply with the applicable use regulations stated herein. In addition, the use is subject to approval or denial by the Springfield Township Board of Commissioners. If approved, the Township Board of Commissioners may impose further conditions to ensure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Township Board of Commissioners, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this chapter.
- C. Use by special exception. In any district, a use is permitted by special exception, provided it is listed as such in the district regulations, and provided it can comply with the applicable regulations stated herein. In addition, the use is subject to approval or disapproval by the Township Zoning Hearing Board. If approved, the Zoning Hearing Board may impose further conditions to ensure the protection of adjacent uses and the

health, safety, and general welfare of the residents. Following approval and conditions of the Township Zoning Hearing Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this chapter.

- D. Use by variance. Any use not permitted in the district regulations or conforming to the use regulations or applicable provisions of this chapter may be permitted if a variance for relief of those requirements is granted by the Township Zoning Hearing Board. If approved, the Board may impose further conditions to ensure the protection of adjacent uses, and the health, safety, and general welfare of the residents. Following approval and conditions of the Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this chapter.
- E. Accessory uses permitted.
 - 1. An accessory use is permitted if it is listed as a permitted accessory use in the district's use provisions. Accessory uses not listed as such are not permitted.
 - 2. Accessory uses, when permitted, are subject to the district regulations, the provisions of the use regulations established herein, and all other applicable sections of this chapter.
- F. Uses not permitted. Any use not listed in the district in question as explained above is not permitted.

§ 114 – 404. Categories of permitted uses.

A. Accessory uses.

- a. Use A-1. Accessory Dwelling Unit: An accessory dwelling unit (ADU) is a dwelling unit that is accessory to a single-family dwelling that is located on the same lot. Accessory dwelling unit is only permitted upon special exception approval by the Zoning Hearing Board
- b. Use A-2. Residential Accessory Structure: A building or structure erected for the private use of the owner or occupant of a residential dwelling, which is located on the same lot as the residence, and used for common household purposes, storage or vehicular parking.
 - i. The building is limited to one story and a maximum of 12 feet in height for a sloped roof structure or 9 feet in height for a flat roof structure on properties 1/3 acre in size or less. On properties greater than 1/3 acre in size, the building height is limited to no greater than 1 story and 15 feet in height.
 - ii. On parcels less than 1/3 of an acre in lot size, the total building area of all detached accessory structures on the property are limited to no greater than 625 square feet. The accessory building must be a minimum of 4 feet from the side and rear property lines and at least 4 feet from the principal structure.

- iii. On lots greater than 1/3 of an acre in lot size, the total building area of all detached accessory structures on the property are limited by the building coverage. The accessory building must be a minimum of 4 feet from the side and rear property lines and at least 4 feet from the principal structure.
 - iv. Detached Accessory buildings are not permitted within front yard setback area, public right-of-ways, easements, or stormwater management swales.
 - v. Structures for domesticated household pets may not be located closer than 4 feet from any property line and are not permitted within a front yard setback area. This does not limit the placement of fencing on a property line.
 - vi. Stables for livestock must be a minimum 25 feet from all property lines and may only be erected on property 3 acres in size or greater. Stables are limited to one story in height but may be no higher than 17 feet in height.
- c. Use A-3. Non-Residential Accessory Structure: A detached accessory building or structure that is used in support of the principal use of the property within non-residentially zoned districts.
- i. The non-residential accessory building may not establish a new use on the property and is limited to vehicle, equipment and product storage related to the principal use of the site.
 - ii. A trailer, freezer or shipping container, even if removed from its wheels, may not be used as a non-residential accessory building.
 - iii. Non-residential accessory buildings are limited in size to 35% of the principal building to which they serve and are required to be a minimum of 15 feet from side and rear property lines. Non-residential accessory buildings are not permitted within a front yard setback area.
 - iv. Prior to the storage of hazardous or flammable materials, prior approval must be obtained from the Springfield Township Fire Marshal.
 - v. Trash Enclosures are not considered non-residential accessory structures however they must be a minimum of 10 feet from side and rear property lines. Trash enclosures are not permitted within a front yard setback area. Trash enclosures are required to be constructed with masonry material and screened in accordance with the landscape requirements of this ordinance.
- d. Use A-4. Recreational Vehicles: The temporary or seasonal outdoor storage of boats, campers and other vehicles used for recreational purposes within residential zoning districts.
- i. A recreational vehicle may only be stored on the premises of the owner of the recreational vehicle.
 - ii. The storage of a recreational vehicle may not reduce the required on-site parking. A recreational vehicle must be parked on a stabilized surface. A recreational vehicle may not be parked within a front yard.

- iii. The storage of recreational vehicles within residential districts is limited to vehicles under 25 feet in length.
- e. Use A-5. Commercial Vehicles: The parking of tractor trailers, panel trucks, state body trucks, and other similar vehicles, whether they contain advertisement or not.
 - i. The vehicle must be used by the business on whose property the commercial vehicle is parked or parked under lease to another commercial business.
 - ii. Commercial vehicles may not be parked in a required buffer, right-of-way, easements or reduce the required on-site parking.
 - iii. Commercial vehicles greater than 25 feet in length may not be parked in a residential or community service zoning district.
- f. Use A-6. Antenna Systems: A system of wires, poles, towers or similar devices used for the reception or transmission of electromagnetic waves external to or attached to the exterior of a building, including the supporting structures for this use.
 - i. Standard non-satellite, home reception antennas and telecommunication antennas are exempt from the requirements of this section. Transmitting antennas requiring FCC approval are included in this section.
 - ii. Antennas are not permitted to be installed within a front yard setback area and must meet the requirements of the Springfield Township Building Code.
 - iii. In non-residential zoning districts ground mounted commercially utilizes antennas exceeding 35 feet in height must be erected at 1/2 the height of the antenna tower. If the equipment adjoins a residential district, the tower must be 100 feet from the property line or 1/2 the height of the tower, whichever is greater.
 - iv. Telecommunication equipment, towers and small cell installations are covered by Section 114 - XIVB981.
 - v. Satellite dish antennas are limited to no greater than 24 inches in diameter and are not permitted to be ground mounted within a front yard setback area. The dish, if ground mounted must be at least 7 feet from the side and rear property lines.
- g. Use A-7. Fences and Walls: An artificially constructed barrier or structure of any materials or combination of materials erected to enclose or screen any portion of a property.
 - i. Fencing that is 4 feet or less may be erected along a property line adjoining a street or public right-of-way. Corner properties have two front yards, and this requirement applies to both.

- ii. Fencing that is 5 feet in height must be set back a minimum of 10 feet from any property line adjoining a street or public right-of-way.
- iii. Fencing that is 6 feet in height must be setback a minimum of 15 feet from any property line adjoining a street or public right-of-way. No fencing within Springfield Township may exceed 6 feet in height.
- iv. Fencing may not cause a sight obstruction at an intersection or to an adjoining property when exiting a driveway.
- v. All fences shall be erected with the finished side facing adjacent properties and right of ways. The finished side shall be considered the side without the structural members exposed.
- vi. Fencing may not be installed within a defined flood plain, easement, swale or water course. Solid fencing may not impede the flow of stormwater runoff.
- vii. Fencing may be installed on a property line providing the survey stakes are visible or the property line has been established. If the property line is in question the Building Code Official may require a field survey to be completed by the property owner installing the fence.
- viii. If the fencing is off set from the property line, the property owner is required to maintain the area between the fencing and the property line.
- h. Use A-8. Home Occupation: An occupation that is conducted from the home that is limited to professional, office oriented in nature, and clearly incidental and accessory to the use of the property as a residential dwelling unit; and which does not alter the exterior of the property or affect the residential character of the neighborhood.
 - i. A home occupation must be conducted completely within the dwelling. There is no outside storage of goods, material or equipment.
 - ii. Signage is limited to a professional plaque that can not exceed 1 square foot and is not permitted to be illuminated. Signage on vehicles, window displays are not permitted.
 - iii. The home occupation must be conducted by the occupants of the home. Employees are limited to no more than 1 non-occupant. that do not reside on the property are not permitted.
 - iv. A home occupation shall not include any retail, wholesale activity, or other similar activities. Trade businesses are limited to office use only. The operation of Home Daycare requires a special exception to be obtained from the Springfield Township Zoning Hearing Board.
 - v. Delivery to the property is limited to parcel drop-off only. There shall be no service by commercial vehicles.

Commented [MP2]: Change to no=impact home business?

- vi. The floor area devoted to the home occupation is limited to 25% of the ground floor area of the principal building. No group sessions are permitted.
- vii. Visitation by clients must be by appointment only. A home occupation requires a minimum of 2 additional off-street parking stalls. Garage parking may be counted as 1/2 of total number of garage stalls. Residential parking stalls must be a minimum of 10 feet in width by 18 feet in length.
- i. Use A-9. Outdoor Storage: The outdoor storage or keeping of materials, merchandise, vehicles or any other goods in an open, roofed or unroofed area for more than 24 hours.
 - i. No part of the public right-of-way, buffer area, required front yard setback area, stormwater management system, fire lane or required parking stall may be used for outdoor storage.
 - ii. Outdoor storage and the display of goods offered for sale on the property are limited to products sold within the store, garden materials, seasonal items and products approved by Springfield Township.
 - iii. Outside storage areas are required to be screened from a public view with either fencing, landscaping or a combination of the two. The outdoor storage area must be located a minimum of 15 feet from all side and rear property lines. These areas are also required to be secured.
 - iv. The storage or parking of tractor trailers, vans and/or company vehicles must be located within the rear yard area and vehicles with advertisement or company logos are not permitted to be parked overnight within a front yard setback area.
- j. Use A-10. Swimming Pool, residential: A man-made container or body of water capable of being filled to a depth of greater than 12 inches at the lowest point. Wading pools are exempt from these provisions and are considered temporary pools if made of plastic, light metal, or other light duty materials which do not exceed a full volume depth of 12 inches at the lowest point. Wading pools are required to be emptied when not in use.
 - i. Swimming pools, whether above or below ground are required to meet the zoning district requirements with respect to lot coverage, and the surface of the pool water is not considered impervious coverage.
 - ii. As an accessory structure, they are permitted to be located no closer than 10 feet from the side and rear property lines and must be a minimum of 10 feet any addition accessory structures or the principal structure on the property.

Commented [MP3]: See if there are additional places with this setback?

Commented [MP3R2]: PC - Consider taking this "ii" out. Do not see too much evidence of this or similar setbacks, other than Abington/Cheltenham

- iii. Swimming pools are not permitted within any front yard setback area, drainage swales, stormwater management system, flood plain or other restricted ground.
 - iv. The installation of a swimming pool must meet the building, electrical, mechanical and safety codes of Springfield Township. Building, electrical and mechanical permits are required to be obtained. This includes the minimum separation distance from overhead electrical lines.
 - v. Swimming pools must be discharged in accordance with the requirements of the Department of Environmental Protection. In no event may a treated pool water be discharged to a public street or stormwater management system, nor shall it be discharged or directed to adjoining property.
 - vi. Pool lighting must comply with the lighting standards of this ordinance. All pools must be equipped with a filtration system, always kept healthy and sanitary, and shall not emit offensive odors that create a nuisance or unhealthy condition.
 - vii. Building permits for an inground pool must include a survey and a sealed grading plan, to include the proposed soil erosion controls to be installed and detailed stormwater management design.
 - viii. Spas or hot tubs shall meet the same requirements as a swimming pool, except that they are not required to be located a minimum of 10 feet from the principal structure.
 - ix. Cabana or pool houses shall be permitted provided they are separate from the pool water edge and other structures by a minimum of 10 feet. They are limited to a single story and may not exceed the height limitations imposed for residential accessory buildings.
 - x. No portion of the pool or pool equipment can be more than 4 feet from the property line.
- k. Use A-11. Sports Courts: A recreational playing court accessory to residential properties for the sport or game intended. The court consists of the playing surfaces and any structures signed to contain the playing area surrounding the court.
- i. The outer edge of the playing surface, including any fencing installed to contain the playing area, may not be located closer than 10 feet from any property line and may not be located within a front yard setback area.
 - ii. Fencing used to contain the playing area may not exceed 12 feet in height and must be a minimum of 10 feet from all property lines.
 - iii. Lighting may be installed. All light fixtures must have a completely enclosed light source, and the light source cannot be visible from off-site. Lighting is not permitted to be cast over a property line.

- iv. Unless installed of pervious material, sports courts are included in the impervious coverage calculations for the property. On-site stormwater management regulations will be applied.
- l. Use A-12. Play Structure: Any device, structure or combination of materials erected on the property that is intended for climbing, swinging, or other forms of recreational activities. Such uses include but are not limited to swing sets, playhouse, forts, permanent basketball poles, climbing structures and the like. This does not include lawn furniture, landscaping designs, picnic tables, trampolines, or games not attached to the ground.
 - i. Play structures must be located at least 7 feet from all property lines and may not be located within a front yard setback area.
 - ii. Play structures must adhere to the same height limitations as residential accessory structures.
- m. Use A-13. Chickens/Fowl/Poultry:
 - i. Properties under 12,500 square feet in total lot area are limited to no more than 8 hens.
 - ii. Birds shall be provided with a shelter having a roof and at least three enclosed sides and shall be contained within a fenced area.
 - iii. Chicken coups and pens must be a minimum of 7 feet from all property lines.
 - iv. Shelters and fenced areas surrounding shelters shall only be located in the rear or side yard; all shelters and fenced areas shall be located at least 7 feet from any residence and property line.
 - v. Chickens/hens are only permitted to be kept in the rear yard of a residential property, and the rear yard or pen must be fenced. Free range chickens are not permitted. Chickens must be contained on the property of the owner.
 - vi. No roosters shall be kept on properties that are under 3 acres in total lot area.
- n. Use A-14. Small-scale Accessory Use Solar Energy Systems, ground-mounted: A Solar Energy System which is secured to the ground via a pole, ballast system, or other mounting system; is detached from any other structure; and which generated electricity for onsite or offsite consumption.
 - i. Shall be permitted in all zoning districts as an accessory use to a permitted principal use and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the standards for accessory uses in the applicable zoning district and the specific criteria set forth in this Article.
 - ii. An applicant shall locate a Solar Energy System so that tree removal is not required to the extent practical.

Commented [MP4]: PC - Let's revisit. Consider putting this within the general code and add in beekeeping. Discuss where would be most beneficial.

- iii. Owners of solar energy systems are encouraged but not required to obtain solar access easements from neighboring landowners to ensure solar access. The Township does not guarantee and will not protect any individual or property rights with respect to solar access.
- iv. Glare. All solar panels shall have anti-reflective coating(s).
- v. Setbacks. The location of the ground-mounted system shall meet all applicable accessory use setback requirements of the District in which it is located. All ground-mounted solar energy systems shall only be installed in the side or rear yards in residential districts.
- vi. Height.
 - 1. Ground-mounted solar energy systems shall not exceed applicable maximum accessory structure height in the zoning district in which the solar energy system is located.
 - 2. A solar energy system may exceed the applicable maximum accessory structure height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles.
- vii. Impervious surface coverage:
 - 1. For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted solar energy systems, including solar photovoltaic cells, panels, arrays, inverters, shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.
- viii. Screening/Visibility
 - 1. Ground mounted small scale solar energy systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, fencing, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
- o. Use A-15. Small-scale Accessory Use Solar Energy System, Roof-mounted : A Solar Energy System located on the roof of any legally permitted building or structure that produced electricity for onsite or offsite consumption.
 - i. Shall be permitted in all zoning districts as an accessory use to a permitted principal use and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the standards for

Commented [MP5]: Potentially consider in spaces with larger front yards ex. ground-mounted systems shall not be permitted in a front yard unless the applicant demonstrates that the rear yard locations will not result in acceptable solar access", or in areas where residential districts are particularly rural, municipalities may wish to allow solar by right in front yards.

Commented [MP6]: OR: Ground-mounted solar energy systems shall not exceed height of 15 feet in the zoning district in which the solar energy system is located.

* This language may prohibit solar if the accessory structure height limit of the zoning district is less than 15 feet. If this is the case -may want to consider a height exemption of up to 15 feet for ground mounted systems. Or may want to consider a height exemption to allow livestock to graze underneath the solar panels.

Commented [MP7]: Counting solar systems as impervious could severely limit a citizen's ability to place solar on their property.

accessory uses in the applicable zoning district and the specific criteria set forth in this Article.

- ii. An applicant shall locate a Solar Energy System so that tree removal is not required to the extent practical.
- iii. Owners of solar energy systems are encouraged but not required to obtain solar access easements from neighboring landowners to ensure solar access. The Township does not guarantee and will not protect any individual or property rights with respect to solar access.
- iv. Setbacks. Setbacks for roof mounted solar panels should conform to the latest adopted National Fire Protection Code; or an alternative design that provides safe access to the roof, and roof ridge, that is approved by the Township Engineer.
- v. Glare. All Solar Panels shall have anti-reflective coating(s).
- vi. Height.
 - 1. Solar Panels on pitched roofs, shall be installed parallel to the roof surface on which they are mounted or attached.
 - 2. For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached as allowed by setback requirements.
 - 3. For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district's height limit of up to fifteen (15) feet above the rooftop to which it is attached.
 - 4. A solar energy system may exceed the applicable maximum accessory structure height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles.
- p. Use A-16. Club house: A building or group of buildings used for meetings or social events operated by the Homeowner's Association and prohibited from being rented or leased to the public.
- q. Use A-17. Agriculture: A use and related structures on a parcel or lot that is primarily used for soil-dependent cultivation of agricultural crop production for sale to the public.
 - i. The minimum lot area for an agriculture use will be 10 acres and must be held in single ownership or by one legal entity.
 - ii. The maximum length of any building on the site is limited to no greater than 200 feet.

r. Use A-18. Livestock: The keeping of animals other than domesticated pets and fowl/poultry shall be limited to lots of at least one acre in size and shall be limited to two heads of livestock per acre, with the exception of horses, which shall be limited to one horse per acre. Riding academies, livery or boarding stables, and commercial kennels are not included in this provision.

- i. Structures for the housing of livestock must be located no less than 200 feet from side or rear property lines and are not permitted within a front yard. All other accessory structures must be a minimum of 50 feet from all property lines and are not permitted within the front yard.
- ii. The storage of animal waste must be conducted at least 100 feet from all property lines and must be disposed of in accordance with the best management practices, such as the USDA Storage of Animal Waste and By-Products Code. Waste storage areas must be completely enclosed.
- iii. The boarding of horses and other livestock is a permitted accessory use. The sale of products grown or raised on the site is also a permitted use. Retail sales structures are limited to no greater than 800 square feet.

s. Use A-19. Outdoor dining: An outdoor area where restaurant customers may eat and/or drink the items purchased at the associated food/beverage service establishment.

- i. The outdoor dining area must be clearly defined and separated from the public right-of-way or walkways by a barrier, low level fencing or landscaping. Openings within this barrier are limited to no greater than five feet in width.
- ii. The outdoor dining area may not cause sight obstruction to any street, ingress or egress point.
- iii. The outdoor dining area must be set back at least 10 feet from any fire hydrant or FDC connection.

t. Use A-20. Drive-thru facility. A building, facility, or structure, or portion thereof, from which a business, product, or service is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during the transaction. A design element of a building that allows service to be conducted with a customer located in a motor vehicle. This use is limited to banks, restaurants, and pharmacies.

- i. Stacking must be provided for a minimum of six vehicles. The stacking lane must be separated from and not interfere with the drive lanes or parking stalls within the parking lot.
- ii. A bypass lane must be provided for banks and pharmacies.

Commented [MP8]: Consider maybe discount for installing a bike rack or another type of public improvement to give a bonus. Consider shared parking agreements, peak times off-set reduces impervious and visual impact, but parking still available. Look to this note for parking standards.

Commented [MP9]: PC - Asks is this normal? Typical for restaurant drive-thru, different from drugstore. Mark - either within this section, further define how many stacked vehicles for bank/lane

Commented [MP9R2]: Follow up for PC Review - Cheltenham uses 8, Philly uses 6 for all types of businesses, Bridgeport is 5. East Greenville requires a "queing study" to determine how much space each place should have, how much it needs, and can provide without spilling.

- iii. Drive through facilities that include a menu board, or speakers must be a minimum of 50 feet from all property lines adjoining a residential district or residential use.
- u. Use A-21. Refuse Collection Facilities. The storage of refuse inside a building(s) or within an outdoor area completely enclosed by either walls or opaque fencing (a dumpster enclosure). The following additional regulations shall be satisfied:
 - i. Such facilities shall be architecturally compatible with the principal building(s) on site.
 - ii. Such facilities shall be completely enclosed by either walls or opaque fencing at least six feet in height with self-closing and self-latching gates. No chain-link fences or cinder block shall be used for such enclosures.
 - iii. Such facilities shall be designed in a manner which can accommodate large collection trucks.
 - iv. Landscaping is encouraged around such facilities
 - v. Refuse collection facilities attached to or within buildings shall be subject to the same building setbacks as the buildings.
 - vi. Refuse collection facilities detached from residential buildings shall be subject to the setback of 10 feet from all property lines.

Commented [MP10]: Mark - Consider a decibel limitation. Maybe 40.

Commented [MP10R2]: Look at the noise ordinance.

Commented [MP10R3]: Follow up to PC - Note to align with the noise requirements for the Zoning District. Consider 60-65 for day hours and 5 less for night.

Residential Uses

B-1. Single-family detached dwelling: A dwelling unit designed and used exclusively as the residence for only one family, that is the only dwelling unit located on the parcel it is situated on, and that is not attached to any other structures or dwelling units, except accessory structures permitted in this chapter.

- (a) For approved building lots less than one acre in size, public water and public sewer must be provided.
- (b) The minimum lot size for single-family detached dwellings shall be 5,000 square feet.
- (c) A single-family dwelling unit may only contain one kitchen facility, unless one of the kitchen facilities is located in an Accessory Dwelling Unit (ADU).

B-2. Single-family attached dwelling (townhouse): A single-family attached dwelling, also known as a “townhouse” or “rowhouse”, is a single family attached or semidetached (in the case of end units) dwelling within a multi-dwelling building, consisting of at least three but no more than eight such dwelling units, with each unit occupying the total space from ground to roof and joined to each other by not more than two vertical, common party walls, which also serve as the lot line dividing the properties.

- (d) For approved building lots, public water and public sewer must be provided.

(e) The minimum lot size for single-family attached dwellings shall be 3,750 feet. If the minimum lot size indicated herein conflicts with the minimum lot size of the applicable zoning district, the larger of the two shall apply.

Commented [MP11]: Consider this to switch to 3,750 for both

Commented [MP11R2]: Issue with D residential in min. lot requirement

Commented [MP11R3]: Consider for D Residential, single family homes, so if twin or duplex, instead of 8 x 12, have two side yards of 12 each.

Commented [MP11R4]: Note to Margaux - Move the specific calculations into other document.

B-3. Single-Family semi-detached (twin): A dwelling unit designed and used exclusively as the residence for only one family, that is the only dwelling unit located on the parcel it is situated on, and that is attached to one other such dwelling unit along a shared party wall that acts as a lot line separating the two dwelling units and parcels of land.

(a) For approved building lots, public water and public sewer shall be provided.

(f) The minimum lot size for single-family semidetached dwellings shall be 3,750 square feet. If the minimum lot size indicated herein conflicts with the minimum lot size of the applicable zoning district, the larger of the two shall apply.

B-4: Two-Family semi-detached dwelling (Duplex): A building having two separate dwelling units, one over the other or side-by-side. Both dwelling units are located on a single parcel and are under common ownership.

Commented [MP12]: Consider setbacks of 12 and 12. right now we penalize corner properties, consider changing options for corner lots (a lot of townships provide a credit for two front yards, and reduce it by 10 feet. Ex. 10x10 side yards, nad 20x20 front yard. More flexibility with building envelope.

Commented [MP12R2]: Note for future - look to this for districts.

(a) The duplex shall be located entirely on one lot to meet the zoning district requirements in which it is located.

(b) Separate ingress and egress shall be provided to each unit.

(c) For approved building lots, public water and public sewer shall be provided.

(d) The minimum lot size for duplex dwellings shall meet the underlying district requirements.

(e) Parking spaces shall be at least nine feet by 18 feet for single family use.

(f) If the unit will have two separate dwellings side-by-side, it must abide by the fire protection standards of a twin unit.

Commented [MP13]: Each requires 2 off street parking, Add to Parking Standards when we get to.

B-5: Multifamily Building/Unit: A multifamily development is a residential building containing at least three permanent dwelling units in a variety of combinations, including side-by-side, over and under, or back-to-back with another dwelling unit. The following additional standards shall be satisfied:

(a) Minimum unit size. Dwelling units in a multifamily development must meet or exceed the following minimum unit sizes:

a. 0 bedrooms (studio): 400 square feet per unit

b. One bedroom: 500 square feet per unit.

c. Two or more bedrooms: 600 square feet per unit, plus an additional 100 square feet per additional bedroom beyond two.

Commented [MP14]: Consider as per the building code? Consider 1-bedroom by 600 square feet. Typically studio converted added.

Commented [MP14R2]: Mark - ask Building Inspector.

- (b) Shared access. The dwelling units may share outside access and internal hallways, lobbies, and similar facilities. All common areas must be separately metered.
- (c) Lotting. The dwelling units cannot be individually lotted, but shall share a lot or parcel on which the building is located; except under condominium law.
- (d) Multiple building permitted. When two or more multifamily buildings are proposed, they shall be separated by a minimum distance of 30 feet.
- (e) In order to mitigate potential impacts from the proposed development, any multifamily development with eight or more units must also satisfy the following requirements:
 - a. Landscape buffer required. A landscaped screen buffer in compliance with the §95-434. of the Subdivision and Land Development Ordinance shall be provided.
 - b. Refuse collection facilities required. A refuse collection area that is convenient for access by residents and meeting the requirements of use A-21. Refuse Collection Facilities. Refuse collection facilities shall be provided on site.
 - c. Centralized postal service hub(s) required. In order to ensure efficient and secure postal service, a central location where residents' mail and parcel/packages may be delivered shall be provided on-site. Each building in a multifamily development must either offer a single mailroom where all residents may receive mail, or an exterior cluster or mailboxes that limits the number of delivery locations for postal workers.
- (f) Accessory uses. Any accessory use on the same lot and that is determined to be customarily incidental to this use by the Zoning Officer is permitted. Such accessory use(s) may include, but is not limited to, any administrative offices, laundry facilities, refuse collection facilities, or recreation facilities that are used exclusively by residents, their visitors, or employees.

B-6: Multifamily Building Campus. A group of more than one Multifamily Buildings contained and developed on a single lot or premises:

- (a) Individual buildings shall comply with the standards of use B-5: Multifamily Building/unit.
- (b) Minimum lot area per campus: one or two acres.
- (c) The maximum length of any such building shall be 160 feet.
- (d) Multifamily building campuses containing more than three buildings shall be arranged in groups or clusters, and not in long rows or parallel to street lines.
- (e) Each building shall contain its own screened dumpster area in accordance with Township Code.
- (f) Each building shall be separated by a minimum distance of 30 feet.
- (g) Parking spaces shall not be located within ten (10) feet of any structure, or within ten (10) feet of any property line.
- (h) Internal access roads shall be constructed to the Township code.

Commented [MP15]: Right now, 5,000 is too much, min. lot per unit, ex. 1,000 per unit. Neighboring communities, look into this, what if it's a smaller development?

Commented [MP15R2]: For PC Review- Update. Consider removing "campus" use and putting information into multifamily building that permits multiple buildings, with a separation distance, no minimum lot area. And add in landscape buffer requirements for a 15 foot screen.

Commented [MP16]: Do we want to increase, but can be extended with 8 or 10 foot offsets, draft up --- Mark has. Advantages to building offset: reduced footprint, can be green space,

Commented [MP16R2]: To Mark - Review with PC.

B-7: Mobile Home Development. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more lots, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of mobile homes.

- (a) The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed by the owners of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved.
- (b) Any parcel to be used for mobile home development shall have a minimum tract area of 10 contiguous acres of land.
- (c) Distance between mobile homes. The minimum distance between mobile home units shall be 25 feet.
- (d) Recreation and open space.
 - a. No less than 25% of this area shall be maintained as open space usable for recreation and leisure activities of residents of the development.
 - b. No more than 25% of this area may be required buffer area.
- (e) Nonresidential units. No part of a mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing, recreation and well-being of the residents and for the management and maintenance of the park (such as community center, or office not exceeding 2,000 square feet).
- (f) Lighting facilities. Lighting facilities shall be required for the safety and convenience of residents. These facilities shall be arranged in a manner which will protect streets and neighboring properties from unreasonable glare or hazardous interference of any kind.
- (g) Accessory uses. Structures customarily incidental to the maintenance, service and well-being of mobile home park residents.
- (h) Density. The maximum permitted density in the mobile home developments shall be 8 dwelling units per acre.
- (i) Dimensional regulations.
 - a. Min. Lot Size: 5,000 Square feet
 - b. Min. Lot width: 50 feet.
 - c. Min. front setback: 25 feet.
 - d. Min. Side yard setback: 10 feet (per side)
 - e. Min. rear yard setback: 15 feet.

Commented [MP17]: How control? They could double in size, no real density, depends if developed like a condo, Horsham ecode, walnut meadows, Neshaminy Falls, not thrilled with original

Commented [MP17R2]: To PC - Consider taking this out entirely. Other municipalities use it, Cheltenham, North Wales, but understand concern.

Commercial Uses

- v. C-1. Automotive detailing: Thorough cleaning, waxing or polishing of an automotive vehicle. This use also includes automotive wrapping.
 - i. Vehicles are permitted to be stored outside overnight.
 - ii. Commercial and/or abandoned vehicles are not permitted to be stored on the site.
 - iii. All waste must be stored in enclosed containers and be screened from public view.
- w. C-2. Automotive Sales: Automotive sales includes facilities for the sale or lease of new or used automobiles, motorcycles, trailers, trucks, boats, and the like. Facilities may include a showroom, office, display parking, service, repair, and delivery areas providing.
 - i. All vehicle repairs must be done within a building. At no time may vehicles that are missing body parts or in a state of disrepair be stored outside the building.
 - ii. All loading and unloading of vehicles, equipment and parts must be done onsite and is not permitted to interfere with onsite parking areas, drive lanes or within the public right-of-way.
 - iii. Customer parking stalls must be clearly identified.
 - iv. Vehicles display spaces may be reduced to 8 feet in width by 16 feet in depth and may be stacked up to three deep.
 - v. Vehicle displays are permitted within a front yard area but are not permitted to be elevated or extend into the public right-of-way.
 - vi. Each service bay or work area is required to have a minimum of five off street parking stalls.
 - vii. Auto body repair is a permitted accessory use but must be conducted by the dealership or a third-party lease. Auto-body repair bays and paint booths must be located to the side or rear of the building.
 - viii. Outside storage of waste materials, including tires, body parts and the like must be stored in an enclosed area.
 - ix. Sound systems are not permitted to be audible off site.
- x. C-3. Automotive Service: These uses include the repair of automotive vehicles, trucks, trailers, motorcycles and the like. This includes specialty repair work of a vehicle's body and spray painting in conjunction with the repair. This use allows for automotive wrapping as an accessory use.
 - i. Tractor trailers and abandoned vehicles are not permitted to be stored on the site. The overnight parking of tractor trailers is not permitted. Vehicles awaiting repair are not permitted to be stored on the site longer than 14 consecutive days
 - ii. All repairs must be made inside the building.

- iii. All storage, including parts, tires, refuse and other similar materials must be stored within the building or fully enclosed structure.
- iv. The sale of vehicles is prohibited. The retail sale of parts is permitted but must be accessory to the automotive service use.
- v. Five on-site parking stalls are required for each service bay or workstation. Parking stalls may be reduced to 8 feet in width and 16 feet in depth and stacked three deep if parked by an employee.
- vi. Vehicles are permitted to be stored onsite no longer than 14 days.
- y. C-3. Bank: A financial establishment where the primary use is the processing of monetary, credit and loan transactions, this includes savings and loan association, credit unions and the like.
 - i. A drive-through facility is not permitted within the front yard. This includes both teller windows and ATMs.
 - ii. Each drive-through lane must have a minimum stacking for two vehicles and additional shared stacking for six vehicles. The stacking for drive-through lanes may not interfere with on-site parking or the drive lanes.
 - iii. A bypass lane must be provided and shall be separate from the drive lanes or parking stalls.
- z. C-4. Bed and Breakfast: A dwelling which provides, by rent, overnight sleeping accommodations, and bathroom access for guests. This use does not provide for use of kitchen facilities. All meals are served at stated time and at a common table. Meals are to be served to overnight guests only.
 - i. The bed and breakfast must be owner occupied.
 - ii. The rental of rooms shall exceed 14 days in a 30-day period.
 - iii. This use does not include group homes, hotels, motels or boarding homes.
- aa. C-5. Car Wash: A building with automated machines or hand operated equipment used for the cleaning, polishing, washing, or waxing of motor vehicles to include the interior and exterior of the vehicle.
 - i. On-site drainage is required to ensure water used in the cleaning process is contained on-site and not discharged to adjoining properties or the public right-of-way.
 - ii. Trash receptacles must be provided for each wash bay or drive lane.
 - iii. Vehicle stacking for automated car washes must provide, and cannot interfere with the on-site parking, drive lanes or the public right-of-way.
 - iv. The washing, waxing or polishing of vehicles must be done within an enclosed building or structure.
- bb. C-6. Club: A group of individuals, together with buildings and facilities owned or operated by an association, corporation, or other legal entity, convening for educational, social or recreational purposes, not incidental to other business, and

not operated primarily for profit, or to render a service that is customarily carried on as a business enterprise:

- i. The use shall be for dues-paying members and their authorized guests only, and such use shall not be open to the general public.
 - ii. A club shall not include uses specifically defined elsewhere within this section of the Ordinance.
 - iii. The rules and by-laws shall be provided to the Township at the time of occupancy certification.
- cc. C-7. Commercial School: Such use shall include a commercial school, trade school, professional school, music school, dance school, and the like. It shall not include K-12, or elementary school education uses excluding trade schools.
- dd. C-8. Convenience Store : A minifood market, where there are retail sales of coffee, dairy products, prepackaged foods, grocery items, newspapers and similar products.
- i. No outside vending machines are permitted.
 - ii. Accessory uses such as an ATM, lottery sales, the sale of alcohol and the like require one additional on-site parking stall for each accessory use.
 - iii. Fuel Sale and the stacking for fuel islands shall not interfere with the required on-site parking, the required drive lanes or the public right-of-way.
- ee. C-9. Convenience Store with Fuel Dispensing Facilities. A Convenience Store with Fuel Dispensing Facilities shall meet the following standards and regulations, which standards and regulations are in place of and supersede any conflicting Zoning Ordinance provisions.
- i. The property on which the Convenience Store with Fuel Dispensing Facilities is located shall have at least one frontage on a PennDOT highway.
 - ii. Area and bulk regulations. Except as specifically modified by subparagraphs (a) through (d) below, the development shall comply with §
 - (a) Lot Area. The minimum lot area is 60,000 square feet.
 - (b) Setbacks. The required front yard setback shall be five (5) feet along each street frontage.
 - (c) Maximum impervious surface. The maximum impervious surface shall not exceed 75% of the gross lot area. Maximum impervious surface coverage may be increased to 85% if landscaping meeting the buffer requirements of § is provided.
 - (d) Buffer area. A minimum buffer area of 4' in width shall be provided directly adjacent to parking areas along PennDOT

Commented [MP18]: Check to see if road classification should be changed.

highway frontages. A minimum buffer area of 10' in width shall be provided along the side yard property line. A minimum buffer area of 2' in width shall be provided along the rear yard property line. Buffer areas shall contain vegetation. Buffer areas shall not contain impervious surfaces such as sidewalks but may contain retaining walls.

iii. Lighting regulations. Except as specifically modified by subparagraphs (a) through (d) below, all lighting shall comply with §114 - Lighting Standards.

1. Lighting intensity within parking facilities measured at grade shall be a minimum of 0.5 fc and a maximum-to-minimum ratio not to exceed 15:1. The fuel canopy shall be illuminated to an average of 20-30 fc in accordance with the Illuminating Engineering Society (IES) recommended standards.
2. Illumination levels measured at grade along a public road right-of-way shall not exceed 1.0 fc except for driveways and building doorways where light levels shall not exceed 5.0 fc to permit safe vehicular and pedestrian ingress and egress to and from the property and the building. Illumination onto neighboring non-residential properties shall not exceed 1.0 fc at grade, and shall not exceed 0.5 fc at grade on residential properties.
3. For convenience stores with fuel dispensing facilities that operate on a 24/7 basis, no extinguishment or reduction in site lighting intensity is required.
4. Light fixtures that yield zero up-light per the IES Luminaire Classification System shall not exceed 20 feet in height above the finished grade. Light fixtures that do not yield zero up-light per the IES Luminaire Classification System shall not exceed 20 feet in height above the finished grade.

iv. Signage regulations. Except as specifically modified by (a) through (e) below all signage shall comply with §Signs.

1. The convenience store building shall be permitted a maximum of two (2) illuminated building signs not to exceed 68 square feet each.
2. The fueling canopy shall be permitted a maximum of one (1) illuminated canopy sign not to exceed 10 square feet.
3. The under-canopy fuel pump area shall be permitted a maximum of two (2) non-illuminated spanner signs not to exceed 8 square feet each.

4. Two (2) freestanding signs displaying illuminated color fuel pricing and a business logo shall be permitted. The maximum freestanding sign height shall be 14'. The maximum freestanding sign area shall be 60 square feet. Freestanding and directional signs shall be setback a minimum of 10' from the right-of-way.
 5. The maximum permitted total sign area per lot is 250 square feet. Directional entrance/exit signs are permitted and are not to be included in the calculation of total sign area per lot.
- ff. C-10. Dry Cleaners (Drop-off): A facility that does not have any on-site cleaning or processing equipment but is permitted to do alterations and the pressing of clothing.
- gg. C-11. Dry Cleaners (On-Site): A shop or facility that provides on-site processing of laundry, dry-cleaning, alterations and pressing of clothing.
- i. This use must be a minimum of 200 feet from an adjoining residential district or use.
 - ii. This use is only permitted on a site that is 1 acre or greater.
- hh. C-12. Farmers Market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, prepared foods, other products from local sources, fresh flowers, and items customarily sold or dispensed at farmers' markets from booths, tables, or vehicles located on site.
- i. All farmers markets and their vendors shall comply with all federal, commonwealth and local laws relating to the operation, use and enjoyment of the market premises.
 - ii. Farmers' markets shall be held in the same fixed location and may be conducted year-round or may be operated on an occasional or periodic basis as a seasonal or temporary use.
- ii. C-13. Funeral Home: A building or portions thereof used for human funeral services. Such facilities may contain provisions for chapels, embalming, viewing, and other services used in preparation of the dead, including the storage of caskets, supplies and funeral vehicles.
- jj. C-14. Hotel/Inn. A facility offering transient lodging accommodations on a daily or weekly basis to the general public, having access to the accommodations only through a central lobby, and providing additional services such as restaurants, meeting rooms and recreational facilities:
- i. The use must have access to major collector or higher classification highway.
 - ii. A maximum permitted density is thirty-two (32) overnight guest rooms per acre of land developed for this use.

Commented [MP19]: Add in an acre or more in size if this will be cremated.. Address stacked parking in parking standards.

Commented [MP19R2]: Add in that shared parking agreements are favorable into Parking Standards.

- iii. The length in occupancy per transient guest shall be at least one night and no more than 30 nights.
- kk. C-15. Microbrewery, microdistillery, or microwinery. A building or portion thereof wherein the production, packaging, sampling, sale and on- or off-premises consumption of beer, wine, cider, malt beverages and/or distilled liquors occurs. Production of beer, wine, cider, malt beverages and/or distilled liquors shall not exceed a combined total of 100,000 gallons annually. Such use may be associated with use (X): Restaurant, dine-in. The following additional standards shall be satisfied.
 - i. The facility shall be licensed by the Pennsylvania Liquor Control Board.
 - ii. Use (Outdoor dining) may be established as an accessory use to a microbrewery, micro distillery, or micro winery, provided that all requirements of the use are met.
 - iii. Production of beer, wine, cider, malt beverages and/or distilled liquors exceeding a combined total of 100,000 gallons annually shall be considered use (X) Manufacturing, processing, and production.
- ll. C-16. Mixed Use Building – Office/Residential/Retail:
 - i. A building use or structure, other than a grocery store, shopping center or mall, comprised of any mixture of office, retail, and residential dwelling units.
 - 1. A mix of uses is separated by floors within the building, such that similar use classifications are located on the same floor.
 - 2. If the building contains less than four (4) individual uses, or less than five thousand (5000) square feet, parking is calculated according to the sum of the individual uses and not by complex of uses.
- mm. C-17. Parking Garage: As a principal use, a building designed and used for the parking of motor vehicles, operated as business enterprise with a service charge or fee being paid to the owner or operator.
 - i. Parking decks may be constructed to the following minimum standards indicated below:
 - 1. Parking decks shall have a minimum setback of thirty (30) feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the zoning district in which it is located.
 - 2. A minimum twenty (20) foot wide planting strip shall be provided between the face of the parking deck and the public right of way.
 - 3. The street wall of the parking deck facing a public street or right-of-way shall be treated in such a manner as to partially screen street-level parking, and provide visual interest to the pedestrian.

Commented [MP20]: Check to make sure common

This can be accomplished through the use of articulated precast concrete panels, ornamental grillwork ,or by other means, such as utilizing a variety of building materials.

4. Underground Parking Structures: Underground parking structures are permitted within any required setback, side yard, and rear yard, on any lot in any non-residential zoning district, provided no portion of the underground structure extends above grade more than three (3) feet at any point. as permitted by the building code, is set back from the property line at least three (3) feet; and has openings equal to at least fifty (50) percent of its surface along each side. Along any lot line abutting a street, “grade” means the elevation at the center line of the street. Along any lot line not abutting a street, “grade” means ground elevation at the property line. Such structures must conform to any corner site distance requirements..

nn. C-18. Parking Lot.

- i. As a primary use, an area comprising a collective number of individual parking spaces, designed according to the standards of this Ordinance, and not within a building where motor vehicles may be parked for the purpose of temporary, hourly, daily, or overnight off-street parking, when such parking is operated as a business enterprise. Parking lots utilized by uses established on the premises is operated as a business enterprise. Parking lots utilized by uses established on the premises where the parking occurs are permitted as accessory uses in all non-residential districts, provided:
 1. Parking lots must be designed, surfaced and striped according to the standards set forth in the parking and transportation section of this Ordinance.
 2. They are not located in required buffer areas.
 3. The re-striping of a parking lot shall require a permit from the Township to assure inspection for spacing requirements and conformance to approved plans.

oo. C-19. Service/personal care business: A building or portion thereof engaged in providing service involving the care of a person or personal items. A personal care business requires direct, physical contact with the customer in the performance of a personal service. Examples of such use includes barbers, beauticians, nail manicurists, estheticians, tattoo parlors, tanning salons, massage therapy, tailors, and seamstresses. The following additional standards shall be satisfied:

- i. When such use requires a license from the Commonwealth Department of Professional Occupations, proof of licensure shall be provided to the Township.

Commented [MP21]: Note for later articles - Add low-medium-high intensity screened buffer depending on the use, add in the landscaping not into here, but the zoning

Commented [MP21R2]: Or put in supplemental design standards or refer to the design standards.

pp. C-20. Restaurant, dine-in. A building or portion thereof where food and beverages are sold for direct consumption on the premises to persons seated within the building. Customers are normally served by a restaurant employee while seated at the table or counter at which said items are consumed. A dine-in restaurant may include carry-out services, but shall not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, entertainment, or to the sale of merchandise or non-food related services.

- i. Brewpubs shall comply with all the requirements of restaurants, and not Taverns/Bars, as defined herein, and shall be permitted to operate as a use (Microbrewery/Microdistillery/Microwinery) as an accessory use to a restaurant, only when the following conditions are met:
 1. The area for brewing, distilling, fermenting, bottling, and keggings shall not exceed 40% of the total gross leasable floor area.
 2. No brewed, fermented or distilled beverage shall be sold wholesale or distributed by the manufacturing entity beyond what is sold on-site for either on- or off-premises consumption.
- ii. See also (Restaurant, take-out and Microbrewery)
- iii. Outdoor dining may be established as an accessory use to a dine-in restaurant provided that all requirements of the use are met.

qq. C-21. Restaurant, take-out. A building or portion thereof where food and beverages are sold primarily in single-use or disposable containers for take-out and where the food/beverages are primarily consumed off-site. Customers generally pay for their food/beverage prior to consumption either at a counter or by paying ahead of time via computer/phone. Limited sit-down service may be provided when it is incidental to the take-out function and does not occupy more than 20% of the customer area of the use. See also use (Restaurant, dine-in), and use (X): Microbrewery/microdistillery/microwinery.

- i. Use (X): Drive-through facility may be established as an accessory use to a take-out restaurant provided that all requirements of the use are met.
 - ii. Use (X): Outdoor dining may be established as an accessory use to a take-out restaurant provided that all requirements of the use are met.
- rr. C-22. Retail Shop. A small shop or store where the single principal use of the premises is the retail sale of goods and merchandise and whose marketplace draw is considered as largely local in scope or services:
- i. There shall be no outdoor display or storage unless permitted by district regulations.
 - ii. The making or selling of cooked food shall not be permitted as an accessory use.
 - iii. The gross leasable floor area devoted to retail use and storage is less than five thousand (5,000) square feet.

Commented [MP22]: Look at the existing single use plastic bag ordinance to make sure it is consistent, take out

- iv. More than one business enterprise is permitted on the premises or lot, provided that each enterprise has direct building access, physical separation between enterprises, and entrances for each enterprise facing the street. (More than one enterprise may be permitted as a part of the Use (X): Mixed-Use Building.
- ss. C-23. Retail Store: A retail facility that may sell a wide range of goods. Examples of retail stores are supermarkets, department stores, discount stores, and specialized retail exceeding 10,000 square feet in gross floor area. The following additional standards shall be satisfied:
 - i. To qualify for this category, the store must be an individual use located in a free standing business.
 - ii. A retail store shall not include wholesale, manufacturing, processing, or production of goods.
 - iii. Shopping cart return areas, and other designated areas, where provided shall be located such that they do not impede the flow of vehicles and shall not be located in any required parking space. |
 - iv. Outdoor sales or display areas are permitted so long as they are not located within the following locations:
 - 1. Within any required yard setbacks or buffer areas.
 - 2. Within any required vehicle parking spaces.
 - 3. In any location that distracts drivers or is otherwise a safety hazard.
- tt. C-24. Service Station: Any premises, lot or parcel where the primary use is the storage, dispensing and supply of gasoline, other petroleum fuels, and/or alternative fuels for vehicles are sold; and/or light maintenance activities such as engine tuneups, lubrication, battery and tire replacement, inspections, and other minor repairs on vehicles is performed. Service stations shall not include premises or uses where heavy automotive maintenance and repair activities such as engine overhaul, transmission, painting or body work is conducted.
 - i. Such use may include facilities for the limited sale of convenience items as an accessory use, provided parking requirements for the retail area are satisfied.
 - ii. Canopies shall meet the setback requirements of principal structures.
- uu. C-25. Shopping Center: A building or group of buildings and related uses, primarily designed to service a limited neighborhood or community area, where more than three retail or service businesses share a single premises or lot with common parking facilities:
 - i. In order to qualify, such center shall have at least two acres in site area.

Commented [MP23]: Can't take up a required parking stall.

Commented [MP23R2]: Add that language in

- ii. In order to maintain the retail nature of the center, no more than 20% of the gross floor area of the entire complex shall be devoted to office or professional service businesses.
 - iii. In order to provide architectural variety, no individual section or strip of stores shall exceed 150 feet in length without an offset greater than six feet in depth.
 - iv. Parking shall be designed to be as centrally located to each use as possible. No store shall be located in the rear of any center unless sufficient parking spaces are available on the rear side.
 - v. Shopping centers with more than four businesses or establishments shall provide pedestrian and path systems to the major collector or higher classification highway on which they take ingress or egress, and to adjacent commercial or residential neighborhoods. Such paths shall be separate and distinct from required parking and aisleways.
 - vi. In addition to the standards expressed in this subsection, anchor or retail stores greater than 25,000 square feet shall be required to comply with the standards for retail stores with respect to customer pickup area and shopping cart return areas, if applicable.
 - vii. Anchor stores, large retail stores banks, supermarkets, and other spaces which constitute a separate or detached building on the lot or premises of the shopping center, shall provide a green buffer of no less than ten feet wide along all walls of the building not identified as the main entrance or containing drive-in facilities.
 - viii. Load/unload zones, dumpsters, and service structures shall not be located in front of the store building façade, and shall not face the public streets surrounding the shopping center. Dumpsters must be screened as per the Landscaping section of this ordinance.
- vv. C-26. Shopping Mall. A building or group of connected buildings and related uses where more than fifteen individual retail or service businesses, primarily designed to service a regional market, share a single premises or lot with interior access from a mall or common area, and share common parking facilities:
- i. In order to qualify, malls shall have at least fifteen (15) acres in the site area.
 - ii. In order to maintain the retail nature of the center, no more than 20% of the gross floor area of the entire complex shall be devoted to office or professional service businesses, medical offices, mixed-use building, restaurants, or food court areas.
 - iii. Anchor stores greater than fifty thousand (50,000) square feet in floor areas and movie theaters shall be located at the ends of the shopping center or in separate wings.

Commented [MP24]: Maybe require a 8-10 foot buffer for a lease areas. Allow for parking lot buffering for another site.

Commented [MP24R2]: 10 foot would actually be 14 because of sidewalk for ADA, so push buffering to lease lines

Commented [MP25]: Get the zoning specs of the Promenade in Upper Dublin, find all the uses, BET investments, built Work Play Horsham

- iv. In order to provide architectural variety, no individual section or strip of stores shall exceed three hundred (300) feet in length without an offset greater than twelve (12) feet in depth.
- v. Parking shall be designed to be as centrally located to each use as possible, and shall be located on all sides of the mall.
- vi. Malls shall provide pedestrian and bicycle path systems to the collector or arterial highways on which they take ingress and egress, and to adjacent commercial or residential community neighborhoods. Such paths shall be separate and distinct from required parking and aisleways.
- vii. In addition to the standards expressed in this subsection, anchor or retail stores greater than fifty thousand (50,000) square feet shall be required to meet the standards for retail stores with respect to customer pickup areas and shopping cart return areas, if applicable.
- viii. Anchor stores, large retail stores banks, supermarkets, and other spaces which constitute a separate or detached building on the lot or premises of the shopping center, shall provide a green buffer of no less than ten feet wide along three walls of the building, not identified as the main entrance side; or containing drive-in facilities. Such detached buildings and uses may not be located closer than five feet to any street surrounding the center.
- ix. Load/unload zones, dumpsters, and service structures shall not be located in front of the store building façade, and shall not face the public streets surrounding the shopping center.
- x. Only anchor stores larger than fifty thousand (50,000) square feet, restaurants (exclusive of food court areas), and movie theaters are permitted public entrances directly to the outside. All other spaces must take access from common mall entrances.
- xi. There shall be no outside storage or outside sales. All areas of parking of tractor trailers must be shielded from public view.
- ww. C-27. Tavern/Bar/Nightclub: A building or portion thereof wherein alcoholic beverages are served or sold at retail for consumption on the premises, of which the principal business is the sale of such beverages, and where the sale of such beverages comprises at least 75% or more of gross receipts. Such facilities must be licensed by the Pennsylvania Liquor Control Board.
- xx. C-28. Veterinary Clinic: Such use shall include the office of a veterinarian with accessory animal pens, which shall not be allowed as a primary use:
 - i. A minimum lot size of one half (0.5) acre shall be required for interior pens.
 - ii. Interior pens shall be sound-proofed so that the animal noises will not be heard off-premises.

- iii. If outdoor boarding of animals, outdoor pens, or animal runways are provided, the minimum lot size shall be one (1) acre.
- iv. Accessory pens and runways shall be kept a minimum of fifty (50) feet from any property line, and are not to be used for the boarding of animals.

Community Service, Institutional, and Utility Uses

D-1: Age-regulated use. An age-regulated use shall include the following uses as defined in §114, Article II, Definitions: adult use, bail bond agency, check cashing business, gun shop, hookah bar, pawnshop, payday lender, shooting range, significant tobacco retailer. Any business that sells or offers products containing Delta-8 THC (tetrahydrocannabinol) or Kratom, and any business that permits or sanctions off-track betting or gambling on horse racing outside a racetrack shall also be considered an age-regulated use. These enumerated uses have statutory limitations that allow patronage only by individuals 18 years of age or older; however, a minor individual may accompany an adult under certain circumstances (e.g., an individual under 16 years of age may not use a shooting range unless accompanied by a person 18 years of age or older, pursuant to 58 Pa. Code § 135.181). The following additional regulations must be satisfied:

- (a) No age-regulated use shall be located on a lot that directly abuts a lot occupied by an existing residence, place of worship, public or private school, playground, or park.
- (b) Age-regulated uses shall be housed in completely enclosed buildings, designed and used in a manner which prevents the viewing of age-restricted activities, products, or materials from outside the building. No exterior display of products or activities shall be permitted, except for a sign that identifies the name of the establishment and its hours of operation, in conformance with the requirements of Article XX, Signs, of this chapter.

- (c) If any portion of a proposed use meets the definition of an age-regulated use, then the use shall be considered an age-regulated use and shall comply with the requirements of use D-1: Age-regulated use.

D-2: Cemetery. An area of land used for the burial of remains, dedicated for such purposes and licensed by the state authority having jurisdiction. It includes columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery::

- (a) No more than 10% of the lot area may be devoted to accessory buildings not serving as burial markers or memorials.
- (b) A forty-foot screening or opaque buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.
- (c) Any entrance features such as gates or columns shall not exceed 15 feet.

D-4: Conservation/Recreational Park or Facility. An area of land which is used for open space, forest, stream, or wildlife preservation, or for some other general conservation purpose. Such use shall also include a publicly owned or publicly operated recreational facility or park.

D-5: Child Care Center. The premises in which care is provided at any one time for seven or more children unrelated to the operator.. Such use shall be distinct from use () Day-Care home, family. The following additional standards shall be satisfied:

- (a) When such facilities meet the definition of a child-care center, pursuant to 55 Pa. Code Chapter 3270, or a group child-care home, pursuant to 55 Pa. Code Chapter 3280, strict compliance with all applicable regulations is required. Furthermore, proof of licensure shall be provided to the Township upon request.
- (b) Such facilities shall include constant supervision of clients during all hours of operation.
- (c) Any outdoor play area shall be enclosed by fencing four to six feet in height in order to physically contain the activity of clients. Play equipment, such as a swing set or slide, shall not be located closer than 10 feet from any property line.
- (d) A dropoff/pickup area with sufficient capacity for one parking space per 20 clients shall be provided on site. The parking spaces for dropoff/pickup may be the same as required by the minimum parking requirements of this chapter.

D-6: Family child-care home. The premises in which care is provided at one time for more than 6 but fewer than 16 older school-age level children or more than 6 but fewer than 14 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or other premises. In all residential districts, any day-care home provider proposing to operate a day-care home, family, shall, prior to the commencement of operation of such day-care home, obtain an annual day-care use permit from the Township and shall demonstrate compliance with the following conditions:

Commented [MP26]: Cheltenham: H-1: Common Conservation/Recreation Space. A lot, parcel, or area of land which is suitable for active or passive recreation by residents of a development or the general public that is legally protected to prevent future development and subdivision, in perpetuity, by dedication to the municipality or a conservation easement and/or deed and has an appropriate system established to ensure proper maintenance and oversight of the land. Areas so dedicated in conjunction with subdivision or land development plans shall follow the district guidelines, and deed-restricted open space areas shall follow the open space provisions in this chapter, governmental. The following areas shall not be considered Common Conservation/Recreation Space.

Areas with a width of less than 50 feet.

(b) Existing or future street rights-of-way.

(c) Stormwater management facilities, except for areas that an applicant proves will be a scenic asset or will be suitable for recreation during a vast majority of the year.

(d) Areas within 30 feet of an overhead electric transmission tower with a capacity of 35 kilovolts or greater.

- (a) The day-care provider shall provide to the Township's Code Enforcement Department a copy of either such day-care provider's registration certificate issued by the Department of Public Welfare of the Commonwealth of Pennsylvania, in the case of a proposed family day-care home, or such day-care provider's license issued by the Department of Public Welfare of the Commonwealth of Pennsylvania, in the case of a proposed group day-care home. The day-care provider shall execute a consent to the Township's Code Enforcement Department that will allow such Department to be informed by the Department of Public Welfare of the termination or revocation of such registration certificate or license.
- (b) Any property located on a state or county highway upon which a family or group day-care home is to be located shall have a driveway designed so that the dropping off of children can be accomplished off-street and all vehicles can be turned around on the property so as to avoid vehicles having to back onto any street after dropping off children. As a special exception, an applicant may obtain a waiver of this condition by the Zoning Hearing Board, provided such applicant can demonstrate that the access street to such family or group day-care home is of such a nature that compliance with this condition is not required for public safety.
- (c) All trash or refuse generated by the operation of any family day-care home or group day-care home shall be placed for disposal in a container with a close-fitting lid. All trash and recycling shall be disposed of in a refuse collection area that meets the requirements of (Refuse Collection Use).
- (d) The use of the premises as a day-care home shall not be the principal use of the property but shall be accessory to the use of the premises as a single-family dwelling unit. Accordingly, the day-care home provider must have his or her principal place of residence at the same location as the proposed family day-care home or group day-care home and must be present on the premises during the hours of operation of such day-care home.
- (e) There shall be at least two day-care providers present at any time when there are more than six children, including relatives of such day-care providers, present at one time in any group day-care home.
- (f) The day-care provider shall provide evidence of compliance with other applicable provisions of the Township Code, including, but not limited to, the Fire Prevention Code, Building Code, and Existing Structure Code.

D-6. Group Child Care Home- The premises in which care is provided at one time for more than 6 but fewer than 16 older school-age level children or more than 6 but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or other premises.

D-7: Educational institution. A facility, building, parcel, use, or group of facilities, buildings and uses that provide a broad educational curriculum to individuals enrolled therein, and is licensed by the State Department of Education, including private and public kindergartens, elementary schools, junior and senior high schools, colleges, and universities, . The following additional standards shall be satisfied:

- (a) Minimum lot area shall be (5) acres.
- (b) Building spacing. The distance between the closest points between any buildings shall be not less than 25 feet.
- (c) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required. Transportation impacts studies shall be prepared pursuant to the code.
- (d) Fencing. Fencing surrounding outdoor recreation areas, such as sports courts, shall be required and may be as high as 12 feet provided that the fence is set back a minimum of 10 feet from all property lines.

Commented [MP27]: Mark has - this is likely less

D-8. Emergency services. A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that provide for ambulance, fire, police, rescue, and other emergency services of a municipal or volunteer nature. May include a supporting social club building or facility. The following additional standards must be satisfied:

- (a) The space for parking and maneuvering for volunteers and emergency equipment shall be provided based upon the number or size of the vehicles anticipated. The parking space requirements of Chapter 114, Article XIII General regulations, Off-Street Parking and Loading shall apply.
- (b) All emergency vehicles, except those immediately available for use, shall be stored at all times in a fully enclosed building.
- (c) Outdoor lighting shall be regulated to eliminate glare on surrounding properties. See {Updated Lighting Ordinance Reference}.

Commented [MP28]: Take a look into this, fire companies have emergency hazmat outside, water rescue, not fully enclosed in building.

D-9: Hospital. An institution providing human health care services primarily as an in-patient facility, and offering clinical, temporary, or emergency medical or surgical care procedures to the sick and injured, and licensed by the commonwealth to provide such facilities and services. A hospital includes not only the facilities where such service is rendered, but includes related facilities such as laboratories, outpatient departments, training facilities, central services, and staff offices that are essential to the service delivery. The following additional standards shall be satisfied:

- (a) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be

required. Transportation impact studies shall be prepared pursuant to §(Updated Code),
Transportation impact study.

D-10: Library, museum, or community center. A facility that is open to the general public or a subset thereof (e.g., senior citizens) for educational, social or recreational programs and other community uses, and owned and operated by a civic, educational, municipal, religious, or tax-exempt entity. The following additional standards shall be satisfied:

- (a) Retail activity shall be permitted only as an accessory use incidental to the primary purpose of the library, museum, or community center.

D-11: Place of worship. A church, synagogue, temple, mosque, or other place of religious worship. The following additional standards shall be satisfied:

- (a) Any accessory use on the same lot with and customarily incidental to this use is permitted, including any accessory administrative offices, educational institutional, residence(s), or day-care facility.
- (b) If the place of worship is located on a parcel of property in conjunction with use C-4: Education institution, as defined in this article, the minimum lot size shall be five acres and the use conditions associated with use C-4: Education institution shall also apply.

D-12: Residential Care Facility. A facility in which residents that are elderly, ailing, or recovering from illness/injury reside within rentable rooms or dwelling units and where they have access to skilled medical care and are provided supervision or assistance with activities of daily living. The following additional standards shall be satisfied:

Commented [MP29]: Is this different from 502?

- (a) Leasable dwelling units may contain kitchen facilities and any other facility that a traditional dwelling unit may contain.
- (b) Accessory uses. Any accessory use on the same lot with and that is determined to be customarily incidental to this use by the Zoning Officer is permitted. Such accessory use(s) may include but is not limited to any administrative offices, laundry facilities, refuse collection facilities, or recreation facilities that are used exclusively by residents, their visitors, or employees.

D-13: Art Gallery/Gallery. A public or private facility that is operated as an exhibition space for individual art pieces not mass produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, photographic prints, or other art mediums; may include the sale or loan of the individual art pieces or the sale of related objects and services, including educational events or private lessons.

Use D-14. Nursing Home. Such use shall include a licensed nursing or convalescent home, subject to the following additional provisions:

- (a) The minimum lot area in all districts shall be five acres.
- (b) The maximum residential density permitted shall be 15 beds per acre.
- (c) Dwelling areas containing beds are not permitted to be self-contained dwelling units complete with kitchen facilities.
- (d) 24-hour care will be provided.

Commented [MP30]: Check if nonconforming.

Commented [MP31]: Check this

D-15: Assisted Living Facility. A housing facility in which elderly residents have access to skilled nursing care, providing occasional supervision or assistance with activities of daily living, but who do not require twenty-four-hour medical care or supervision, and live more independently than those residing in Use C-10: Nursing Home.

- (a) The minimum lot area in all districts shall be five acres.
- (b) The maximum residential density permitted shall be 15 beds per acre.
- (c) Dwelling areas containing beds are permitted to be self-contained dwelling units with kitchen facilities.
- (d) Any accessory use on the same lot with and customarily incidental this use is permitted, including any accessory retail, personal care business, office or cafeteria use that is used exclusively by residents, their visitors, or employees.

Commented [MP32]: Check this if nonconforming

D-16: Utility Operating Facility: Such use shall include a transformer station, pumping station, water tower, relay station, electric or telephone towers, substation, sewage treatment plant, and any similar or related installation, not including an incinerator or landfill. Utility operating facilities owned or operated by municipalities shall not fall under this use classification.

- (a) No public business office, retail activity, or storage is permitted in connection with the use.
- (b) Except when located in utility or public rights-of-way, such structures and uses other than bus shelters shall meet the required dimensional criteria for the district in which they are located.
- (c) Whenever possible, such uses shall be located underground.

D-17: Sanitary Sewage Equalization Tank and/or Sanitary Sewage Treatment Plant: Such use shall include a sanitary equalization or holding tank, a sanitary sewage treatment plant, a package sewage treatment plant and other similar sewage detention or treatment facilities.

D-18: Age-regulated use. An age-regulated use shall include the following uses as defined in § { : adult use, bail bond agency, check cashing business, gun shop, hookah bar, pawnshop, payday lender, shooting range, and significant tobacco retailer. Any business that sells or offers products containing Delta-8 THC (tetrahydrocannabinol) or Kratom, and any business that permits or sanctions off-track betting or gambling on horse racing outside a racetrack shall also be considered an age-regulated use. These enumerated uses have statutory limitations that allow patronage only by individuals 18 years of age or older; however, a minor individual may accompany an adult under certain circumstances (e.g., an individual under 16 years of age may

not use a shooting range unless accompanied by a person 18 years of age or older, pursuant to 58 Pa. Code § 135.181). The following additional regulations must be satisfied:

- (a) No age-regulated use shall be located on a lot that directly abuts a lot occupied by an existing residence, place of worship, public or private school, playground, or park.
- (b) Age-regulated uses shall be housed in completely enclosed buildings, designed and used in a manner which prevents the viewing of age-restricted activities, products, or materials from outside the building. No exterior display of products or activities shall be permitted, except for a sign that identifies the name of the establishment and its hours of operation, in conformance with the requirements of Article XX, Signs, of this chapter.
- (c) If any portion of a proposed use meets the definition of an age-regulated use, then the use shall be considered an age-regulated use and shall comply with the requirements of use D-1: Age-regulated use.

OFFICE USES

Use O-1: Office, business/professional. A building or portion thereof consisting of facilities for the conducting of businesses by employees and which may involve public access or appointment-only customer/client interaction. Such use shall not include the offices of medical or dental professionals, which are defined as Use O-2. Medical Clinic.

Use O-2: Medical Clinic. Such use shall include a building or group of buildings for the office of three or more dentist or physician whose practices are not related, and are used for the diagnosis, examination, or treatment of persons as outpatients and for laboratories incidental thereto.

Use O-3: Medical Office. Such use shall include an office for the services of a dentist, doctor, chiropractor, or other similar medical professionals including such assistants as are necessary to perform the service but not including other doctors with separate practices. See "Medical Clinic".

Use O-5. Medical Clinic or Office. A building or portion thereof consisting of offices and facilities for the examination, diagnosis and/or treatment of medical or dental concerns for outpatients. Such facilities may operate by appointment-only or allow for walk-in service. A medical office or clinic may include a reception or waiting area, examination rooms, X-ray or other imaging facilities, employee breakrooms, and pharmacy facilities. Patients may remain on the premises overnight when medically necessary.

Use O-4: Office Campus. Such use shall include multiple office buildings greater than 10,000 square feet in total gross leasable floor area on a single site, or combination of sites:

- (a) All "O" use code classifications are permitted.
- (b) All buildings shall be separated by a minimum of 30 feet, and provided with direct access from an internal or public street.
- (c) Parking spaces shall be evenly distributed among the individual buildings or uses, based on parking demand generated by use.
- (d) Off-street parking, dumpsters, and loading space shall be provided in accordance with the requirements of this chapter, and shall be located immediately contiguous to the building served.

Use O-8: Co-working space. A building(or portion thereof) or outdoor space containing desks or other workspaces and facilities that involve a shared working environment for people who are usually not employed by the same organization. Co-working sites typically operate on a membership basis, though they may host classes or events which are open to the public or to prospective members. Common facilities such as a kitchen, meeting rooms, and the like shall be permitted.

Final Questions:

- Determine what uses in age-regulated uses you'd like defined.

April 2026

Data Center Ordinance Guide

VERSION 1.0

PREPARED BY
CHESTER COUNTY AND MONTGOMERY COUNTY PLANNING COMMISSIONS



HOW TO USE THIS GUIDE

This guide is intended to provide information based on our current understanding of data centers.

Information and approaches may evolve, and we will aim to update this document when warranted. Some data center issues are better regulated by state or federal governments and regional energy markets. While some of those issues may be acknowledged, the purpose of this guide is to provide and explain zoning language pertaining to a principal data center use.

We strongly recommend that the ordinance language presented in this document be integrated fully under a Conditional Use scenario. After an introduction to the issues, the remainder of this guide will highlight specific Conditional Use zoning ordinance recommendations. The format identifies each issue with an explanation followed by suggested zoning language in bold text. As always, each municipality should review the recommendations and thoughtfully consider how they may best be applied in a specific community or district.

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Disclaimer

The information provided in the Data Center Ordinance Guide (the "Guide") is for educational and general informational purposes and does not comprise and is not intended as legal advice. All information contained in the Guide is provided in good faith, however the authors make no representation or warranty of any kind, express or implied, regarding the accuracy or completeness of any information contained in the Guide. It is recommended that you consult with a solicitor or other qualified professional before making any decisions based on information provided in the Guide.

INTRODUCTION

Like the electric grid and roadway networks that form the more traditional parts of our critical infrastructure, data centers are becoming a component of modern-day infrastructure that drives our increasingly digitally-oriented lives and economy. Until recently, data centers were often accessory to the corporate office or research and development buildings they supported, and larger data centers were concentrated in certain parts of the country such as northern Virginia and the Pacific Northwest. The advent of artificial intelligence and its exponential growth is driving unprecedented investment from the tech industry in data center development to win a global AI race. Some states, Pennsylvania included, are interested in the potential economic impact of this investment and are considering the incentivizing of data center development. At the same time, local municipalities are beginning to understand the potential environmental and community impacts of this use and recognize a need to provide regulations specific to large data centers.

These facilities require substantial and continuous electrical power, fiber connectivity, specialized cooling systems, and often significant land area. As this use was not contemplated in many existing zoning and land development regulations, municipalities should proactively evaluate and establish clear standards to address siting, design, environmental performance, power generation and grid interconnection, and compatibility with surrounding land uses. The **purpose of this data center ordinance guide** is to define large-scale data centers as a unique land use and to provide a regulatory framework that protects public health, safety, and welfare while offering predictability for property owners, residents, and developers. This ordinance guide provides information about the key topics related to data center development and recommendations for performance standards that can help ensure that any data centers provide the most community benefit with the least impact. Ultimately, this guide and the adoption of a data center ordinance are not an indication of advocacy or opposition, but an establishment of prudent safeguards to help municipalities navigate any interest that may come their way.

WHAT IS A DATA CENTER?

Data centers are buildings that often resemble warehouses or when designed well, office buildings, that serve as a physical hub for the flow of digital information. They house network infrastructure such as computers and/or telecommunications and related equipment (e.g., rows of servers, routers, switches, firewalls, and storage systems) where information (commonly referred to as “the cloud”) is stored, processed, and/or distributed, and where data flows continuously through fiber optic cables. They range greatly in size; some are as small as 5,000 square feet, while some are as large as a few million square feet. A data center may include more than one principal building, in which case it may be described as a “data center campus.”

TYPES OF DATA CENTERS

In the 1990s and 2000s, **corporate** or **enterprise data centers** were commonly developed to store and process a single entity’s data and were sometimes located on the same site as a company’s office building. Data centers being developed as a principal use are more common now and are defined based on their business model. These include:

- **Retail data centers** lease space and equipment in the data center to multiple companies or to a single company with turnkey data center service. The data center operator provides day-to-day operational services.
- **Wholesale data centers** also lease space in a data center building to multiple companies, or more commonly a single company, but provides only the space within the data center and power. The lessee provides, operates and maintains the computing infrastructure it needs.
- **Hyperscale data centers** are large facilities built by a single company to meet their specific needs. They are primarily used for cloud storage, artificial intelligence, subscription-based software, and other processes that require massive computing capacity. They are designed to be scalable (up or down) to meet changing demand and workloads.

These data center types’ square footage and power usage can vary. This guide is designed to address the largest of data centers - those over 100,000 square feet. We suggest that data centers under 100,000 square feet in size could be allowed as an industrial or accessory use; however, municipalities should still ensure that zoning regulations for them are comprehensive. For reference, the large-scale data centers that have been proposed in our region between 2022 and the present have ranged from one to six million square feet with a proposed energy demand ranging between 50 megawatts to 1 gigawatt.

Ordinance Definitions:

DATA CENTER: A facility primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

DATA CENTER CAMPUS: A data center campus includes all of the structures and real estate owned, controlled, leased or otherwise occupied primarily for the use and purpose as Data Center(s), including: (i) Data Center(s); (ii) Data Center Accessory Uses; and (iii) all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance, and/or protection of the Data Center(s) and/or the data center campus.

SENSITIVE RECEPTOR: Buildings used for residences (including institutional uses with a residential component), schools, daycare centers, preschools, hospitals, community centers, and similar institutional uses.

POTENTIAL BENEFITS

Economic Impact

The economic benefits to local municipalities can vary based on the scale of data center development along with the existing conditions or uses preceding the data center. Known examples vary greatly. Data centers can also have spin-off economic impacts where adjacent or nearby uses are incentivized to locate or invest in sites that may be able to use the additional data facilities, such as a biotech campus.

Municipalities with local real estate taxes stand to gain more from data center developments than those with earned income taxes. Business privilege taxes or fees can also boost a municipality's revenue related to data centers. Additionally, municipalities can gain significant revenue from application review and permit fees related to data centers; however, reviews may require gaining additional technical expertise, and municipalities should review their fee schedule to ensure that revenue will cover expenses.

Jobs

Data centers generate fewer permanent jobs by square footage compared to other industrial and research & development uses, though some of the jobs created are high-paying permanent ones for which traditional college degrees may not be required. Data centers also generate security and maintenance related jobs. Jobs generated by data centers in the construction industry are more significant but they only exist during the construction period.

Low Traffic

Compared with other uses, data centers generate relatively little traffic given the smaller number of employees and low delivery needs. Construction-related traffic, however, can last longer than that for other land developments given that some large-scale data centers are built in phases to get individual buildings up and running as quickly as possible. Construction could be a 24-hour operation, generating traffic at all hours of the day and night, depending on what the municipal code allows.

CONDITIONAL USE

Most Pennsylvania models suggest a Conditional Use (CU) approach to allow for detailed consideration by the elected government body with the ultimate power to approve or deny during a public hearing. We also recommend the Conditional Use approach. Conditional uses are intended to permit uses that are appropriate within a zoning district, subject to specific standards and conditions, to ensure compatibility with surrounding land uses and the protection of the public health, safety, and welfare. However, it's important to remember that Conditional Uses are still by-right uses in Pennsylvania, but subject to the standards within the CU ordinance. Failing to meet those standards as a CU allows the municipality to deny approval. All of the following ordinance language is intended to be applied within a Conditional Use section for data centers.

It is also recommended to require concurrent Conditional Use and Preliminary Land Development Applications. This will ensure that all pertinent material to the land development proposal is submitted and available to the elected officials as they consider the Conditional Use application.

ACCESSORY USES FOR DATA CENTERS

Accessory uses for a data center may be substantial in number, scale, and potential for generating nuisances. Equipment associated with data centers, or their potential accessory structures, may include: mechanical equipment; backup power generation facilities ranging from power plants to generator banks and batteries; water towers;

water and/or sewage treatment facilities and pump stations; above and below ground utility lines including water, power, and high-speed internet; environmental controls (air conditioning or cooling towers to prevent equipment from overheating, fire suppression, etc.); and security features like fencing and gatehouses.

Some data center developers are proposing to build on-site power generation as their primary source of energy (called “co-location”). Such power generation facilities are best considered and regulated as a second principal use. Municipalities may need to review their code to assure that multiple principal uses are allowed on one parcel or allow for an exception associated with a data center use.

Ordinance Definition:

DATA CENTER ACCESSORY USE: Ancillary uses or structures secondary and incidental to a Data Center Use. Accessory uses secondary and incidental to a data center are allowed, including but not limited to:

- a. **Back-Up Energy Generation.** The use shall not include energy generation systems used or intended to be used to supply power to the data center during normal operations.
- b. **Administrative**
- c. **Security**
- d. **Fiber optic lines**
- e. **Utility lines**
- f. **Electrical substations**
- g. **Domestic and non-contact cooling water and wastewater treatment facilities**
- h. **Water towers**
- i. **Pump stations**
- j. **Heating, ventilation, air conditioning, and cooling towers**

SITE ELEMENTS THAT ATTRACT DATA CENTERS

There are several necessary infrastructure components to make a site feasible for data center development. However, in the push to expand computing capacity, data centers may be built in locations with less-than-optimal infrastructure access. For example, if a data center cannot obtain the power or interconnection it needs from the grid, it could attempt to develop its own dedicated power supply. The primary infrastructure considerations are listed below. Municipalities should identify locations within their boundaries that meet these criteria and ensure regulations are in place that: 1) clearly specify in which zoning district(s) data centers are a permitted use, or 2) put regulations

in place specific to data center development if the parcels or tracts are in an appropriate location for a data center, i.e., an industrial district.

- **Power:** Data centers need access to high-voltage transmission lines to obtain the massive amount of power needed for their operations. The closer a data center is to a transmission line, the less expensive it will be to power their facility, though up to 2 miles away could be feasible.
- **Natural gas pipelines:** If electric transmission lines are not accessible or adequate power is not available, some data centers may opt to co-locate and build a behind-the-meter power generation facility: most frequently a natural gas turbine. Developers of these systems will look to be located near a high-capacity natural gas pipeline to power their generation plant. In these cases, interconnection with the grid may still be desirable or even necessary for back-up power, but the grid supplier may not be willing to interconnect and meet the potential energy demand if it will not be the primary source of power.
- **Fiber optic:** Digital information to and from a data center flows through underground fiber optic cables. Thinking of the fiber optic network like the road network, data centers need access to the “interstate highway” level fiber optic lines, not the “collector road” fiber optic lines.
- **Water:** Some data centers rely on water to cool the thousands of processors within the building, potentially requiring millions of gallons of water per day depending on the cooling system used and the outside temperature. It is less common for data centers to draw water directly from surface or ground water; rather, most water-cooled data centers prefer to connect to a public water system.
- **Land:** Data centers are often built as part of sprawling campuses, sometimes including their own energy generation facility, requiring large tracts of land for the facility itself and for buffering adjacent uses.
- **Access:** Although data centers generate relatively little traffic when operational, the construction phase can generate truck traffic, so access to an arterial roadway is optimal.

ZONING DISTRICTS

In Southeast Pennsylvania, data centers are most appropriate in heavy industrial settings, which are typically located away from residential or other sensitive uses and may have existing power infrastructure. Depending on the scale of the data center and the distance from sensitive uses such as residences, schools, medical facilities, public places, and other institutional uses, light industrial districts could also be appropriate.

Municipalities should also consider adequacy of the transportation network to facilitate construction activity when selecting appropriate zoning districts and locations in the municipality for data centers.

Ordinance Language

1. Data centers are allowed by conditional use in the HI heavy industrial zoning districts.
2. Data centers shall take access from an arterial or collector road and shall have secondary access suitable for emergency response purposes.

SCALE/AESTHETICS

Municipalities should regulate the aesthetics of large-scale data centers to ensure these expansive, highly utilitarian facilities are compatible with the surrounding communities to the greatest extent possible. Because data centers often consist of large, windowless buildings, extensive mechanical equipment, perimeter security fencing and security offices, and substantial lighting, regulations specific to large-scale data centers can address design standards such as building massing, façade articulation, exterior materials, color palettes, landscaping buffers, equipment screening, and lighting controls. These requirements are intended to reduce visual impacts and soften the appearance of large building footprints.

Ordinance Language

1. Principal building facades shall require a horizontal offset of at least ten feet at intervals of no more than 150 linear feet (measured horizontally) of principal building facade.
2. No more than 80 percent of a principal building facade may consist of one building material.
3. No more than 80 percent of a principal building facade may consist of one color, texture, or pattern.
4. Principal building facades shall require fenestration, step-back(s), cantilever(s), projection(s), or architectural elements extending horizontally across at least 60 percent of the facade.
5. Each principal building shall include an articulated main entrance. This entrance shall be differentiated from the rest of the building with a change in building material, pattern, texture, color, or architectural accent. It shall also either project or be recessed from the adjoining building plane.

- 6. Elevations/renderings of all principal building facades visible from off-site shall be submitted with the conditional use application.**

Fencing: shall not include barbed or razor wire and shall be subject to municipal fence standards.

DIMENSIONAL STANDARDS

The following dimensional recommendations are not definitive in their applicability. Some variation may be appropriate based on district requirements for other industrial uses. Municipalities should identify potential tracts in their districts that could be proposed for large-scale data centers and assess the impact the below standards would have on the feasibility of data center development. If sites are not near residential areas or sensitive receptors, municipalities can consider reducing setbacks so as not to bring legal challenges on the basis of exclusion.

Some ordinances also require a minimum distance from residential uses or other sensitive receptors with 1,000 feet being a more commonly selected distance. This figure could be considered arbitrary if the design of the data center was effective at mitigating potential impacts. The recommended language and the conditional use process should allow for the opportunity to reduce that distance if other performance standards, such as noise, can be demonstrated to be less than otherwise required.

Lot Size

Establishing a one-size-fits-all minimum lot size could prevent smaller data centers from being established. Setbacks and other dimensional standards will better determine the feasibility of lots within a district but the ordinance language uses a five acre minimum threshold which may only work for a two-story data center at the minimum size of 100,000 square feet. A maximum lot size is not included in the ordinance language but may be considered in more rural municipalities that want to protect against losing potential agricultural land, or in municipalities with limited industrial land that would not want to see that district monopolized by a data center use.

Height

Data centers may range in height from 30 feet to 150 feet or more, with each story being roughly double the height of a typical office building due to space for airflow and cooling equipment. Rooftop accessory structures like parapet walls, rooftop equipment, and stairwells can add up to 20 feet of additional height, particularly for air cooled data centers and those that use evaporative cooling. Freestanding accessory structures such as water towers and power generation facilities can be higher still. Municipalities should consider the underlying district's height standards for consistency, but if there is a lower maximum height, they may want to allow for up to 60 feet for a data center. The ability to build more than one floor could provide more energy and cooling efficiency.

Setbacks

Data centers may have profound impacts on their neighbors. When regulating data centers, municipalities often create extensive setbacks from residential uses as well as sensitive receptors, including institutional uses. Some require greater setbacks in the data center development for taller structures such as water towers.

Impervious Coverage and Building Coverage

Data center buildings and impervious areas can affect vast swathes of land. This has great impacts on site disturbance, stormwater runoff, woodlands, farmlands, and habitat. The below standards could be modified to remain consistent with other industrial uses within the proposed district permitted for data centers.

Ordinance Language

1. **Minimum Lot Size:** Data centers over 100,000 square feet in gross floor area shall have a minimum lot area of 5 acres.
2. **Maximum Height:** Data centers and freestanding accessory uses may not exceed 60 feet in height. For data center principal buildings, the maximum height shall be inclusive of rooftop appurtenances and rooftop accessory uses.
3. **Minimum Setbacks:** Data center principal buildings, accessory uses, and truck idling areas shall have a minimum setback from all property lines of 250 feet, with the exceptions of utility lines, fiber optic lines, and security stations.
4. Data centers shall be a minimum of 1,000 feet from residential uses, residential districts, and/or other sensitive receptors. This distance may be reduced to a range of 500 – 999 feet if the applicant can successfully demonstrate how it will exceed other environmental performance standards including noise levels that do not exceed ambient noise for that area, visual screening and/or aesthetic improvements that mask the data center use, and do not contribute to any thermal air changes that would affect the closest sensitive receptors.
5. Roof-mounted equipment shall be set back from the parapet at least as far as the equipment's height above the roof surface.
6. **Maximum Building Coverage:** 40% (or consistent with eligible zoning district)
7. **Maximum Impervious Coverage:** 50% (or consistent with eligible zoning district)

ENERGY SOURCES

Large-scale data centers are among the most energy-intensive land uses, with individual facilities often demanding 50 to 100 megawatts of electricity or more—comparable to the consumption of a small city. Unlike most commercial or industrial uses, data centers operate continuously, requiring uninterrupted power for servers and cooling systems. Their round-the-clock load can necessitate new substations, high-voltage interconnections with transmission infrastructure, and other highly costly improvements, potentially including new transmission lines. Utility companies are required by state and federal law to provide service to applicants, but the amount of time it will take to provide service can vary greatly, and in the case of large load users like data centers, the wait for energy service can be years.

Additionally, power redundancy is a critical component of data center power systems to ensure continuous operation of the data center. Power redundancy systems can include natural gas or diesel powered generators, battery systems, as well as grid interconnection in the case of those data centers with co-located power generation systems.

Due to grid constraints, new data center developments should be designed and operated to meet the highest achievable standards of energy efficiency. The U.S. Green Building Council's LEED BD+C: Data Centers rating system provides an accepted framework of best practices tailored specifically to the unique energy demands of data center facilities. Municipalities may incentivize or require adherence to these standards as part of the conditional use process, to help reduce overall electricity consumption, improve operational performance, and lessen strain on local infrastructure while supporting broader sustainability goals.

Even with strong energy efficiency measures, the spike in power demand from data centers poses a threat to local climate action goals. However, there could be one silver lining in terms of opportunity. Data centers could play a meaningful role in transitioning to cleaner energy sources by driving demand for new renewable energy sources. Municipalities can encourage renewable integration or sourcing a certain percentage of power from renewable generation sources, as well as using battery storage instead of some, or all, back-up generators. Renewable energy can also be required to achieve a land use-related bonus, such as additional height or square footage. Of course, any standards must be related to an achievable threshold based on what energy markets are capable of providing.

On most parcels in the region, on-site solar will not be a feasible option for powering a new data center due to size constraints (a solar field to produce 50 MW of power would require approximately 400 acres of land including setbacks, access roads, etc.). That said, municipalities should still encourage data centers to utilize on-site solar energy and battery storage to the extent possible and help reduce their peak load requirements, meet their reliability and redundancy needs, and minimize on-site emissions. To further mitigate their energy impacts, data center developers can also invest in off-site solar

+ battery storage development projects- which is typically the quickest type of energy generation system to build.

Direct investment in renewable energy projects and physical or virtual power purchase agreements should be encouraged over acquiring renewable energy credits to offset grid-purchased power due to their stronger environmental benefits. Municipalities can encourage data center developers to invest in local solar projects, including rooftop solar in the community.

Many data centers track and report their renewable energy consumption. Municipalities can incentivize or require public reporting to ensure accountability.

Ordinance Language

1. **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.**
2. **The applicant for a data center shall provide an Energy Usage Plan with the Conditional Use application. The Energy Usage Plan shall provide or identify, at a minimum :**
 - a. **Annual electricity demand**
 - b. **Energy supply sources that will be utilized**
 - c. **Energy storage capacity (if applicable)**
 - d. **Proposed sources of back-up power**
 - e. **Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those to: Reduce the need for new electric generation by incorporating the best available energy efficiency into the design of data center servers, cooling units, and the building structure.**
 - i. **Cover 50-80% of all unused roof space with solar arrays to offset a portion of the demand on the electric grid and reduce onsite emissions.**
 - ii. **Explore battery storage as a backup energy source for 50-100% of total onsite back-up energy needs to reduce or eliminate the pollution associated with diesel backup generators.**
 - iii. **Support off-site renewable energy generation through a power purchase agreement or other arrangement that will result in new renewable energy generation within the PJM region .**
 - iv. **Monitor and report energy efficiency and emissions data to the municipality on a regular basis.**

- f. **If interconnecting to the energy grid, documentation of the energy utility interconnection approval process with answers to the following:**
 - i. **Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.**
 - ii. **Documentation that a transmission security agreement has been received by the applicant.**
 - iii. **Documentation that the transmission security agreement has been signed by all necessary parties.**
 - iv. **The date that the electric utility provider provided for the proposed energization of the data center.**
 - g. **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.**
3. **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.**

POWER LINES AND CO-LOCATION OF ENERGY GENERATION SYSTEMS

Although connecting to the grid is most advantageous for data centers, infrastructure upgrades needed for interconnection could add years to a project's construction timeline. If the required grid infrastructure upgrades will take too long, some data centers may opt to install their own dedicated power generation plant, called "co-location". The Commonwealth of Pennsylvania is also incentivizing this approach, as demand for power generation has already outstripped supply. For developments that choose to install their own natural gas generation system, locating near a natural gas transmission pipeline is a key factor in site selection.

A power generation facility co-located on the same tract as a proposed data center has the potential to be far more impactful to nearby uses than the data center itself; however,

the impacts of a power generating facility depend on the type of facility (nuclear vs. natural gas turbine, vs solar, etc.), each requiring their own distinct set of regulations. For these reasons we recommend municipal codes consider power generation facilities as a separate principal use instead of an accessory use to the data center.

Although power generating systems are subject to state and federal regulations, municipalities can regulate location on a site, in which districts they are permitted, setbacks from property lines and sensitive uses, and special reporting such as air quality monitoring. It should be noted that natural gas combined cycle and single cycle turbines can degrade air quality, not just in the immediate vicinity but within miles of the facility, even when they adhere to their air quality permit limitations. Setbacks from sensitive uses should be significant and strictly adhered to.

Some municipal codes may restrict parcels to a single principal use: as such, municipalities should assess whether their current codes: 1) adequately regulate power generation facilities, 2) permit these facilities in the same districts where data centers are permitted, and 3) allow multiple principal uses on such sites.

Additionally, some data centers may require a dedicated electrical substation, so municipal ordinances for power generation should also include standards for substations. This guide considers electrical substations as an accessory use to data centers.

Ordinance Language

Definition:

Energy Generation System- Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems.

1. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems, shall not be considered part of the Data Center use but shall be subject to existing municipal or utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations 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 other sensitive receptors .

2. **Electric Utility Substations on the same property as the Data Center they serve shall be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.**
3. **Data Center electric utility substations visible from an arterial roadway shall include a combination of year-round opaque landscaping and screening walls to minimize visual impact.**
4. **Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below shall be buried.**
5. **Proposed substations on a parcel that abuts a zoning district boundary other than industrial, and/or a boundary with a property with a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting both another industrial-zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.**

BACKUP POWER

Data centers commonly use backup generators to ensure uninterrupted power during grid outages. These backup generators are most often diesel powered. Diesel powered generators are tested regularly and run during power outages: this can be noisy and generate emissions such as NO_x, a greenhouse gas and air pollutant that can cause health issues with prolonged exposure. Data centers that use diesel generators will likely need to acquire an air quality permit from PA DEP. Natural gas-powered generators are also available but relatively uncommon, though they might be advantageous if a data center is located near a natural gas pipeline.

Diesel generators are subject to regulation through federal EPA standards that are enforced at the state level. There are multiple tiers of emissions standards that apply to diesel generators, with Tier 4 being the highest. “Prime power generators,” or those used to operate the facility when disconnected from the grid (not just for emergency use) are required by the EPA to meet Tier 4 requirements. Those used for emergency generation are only required to meet Tier 2-3 requirements. Municipal codes can specify that diesel generators are only used for emergency backup power and must meet Tier 4 standards.

Some data centers may participate in demand response programs to curtail power usage at the request of the utility company/grid operator when the grid is most stressed. During these times, the utility pays the data center to switch to backup power, relieving stress on the grid. This is different than a user voluntarily switching to diesel generation to reduce their peak power usage which reduces the user’s energy bill but is not necessary for grid reliability purposes. To reduce air quality and noise concerns municipal ordinances should ensure generators are not used for “peak shaving” purposes..

Large-scale battery energy storage systems could provide back-up power as well as support data center operations during times of peak usage on the grid, which would also reduce the data centers' power costs. Relying on batteries for backup power reduces emissions and sound and is becoming more common as data centers strive to meet company-wide sustainability goals.

Ordinance Language

1. **Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.**
2. **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.**
3. **Emergency energy generation that uses diesel, gasoline, or another fossil fuel shall be used only at the following times:**
 - a. **When the primary source of energy is not available due to an emergency outage.**
 - b. **During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year.**
 - c. **Routine maintenance testing of back-up fossil fuel-powered generators is restricted to the hours of 9 am through 3 pm Monday through Friday.**
4. **Use 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.**

WATER USAGE

Large-scale data centers can have significant impacts on local water resources based solely on the demands of their cooling systems. Typical water-based cooling systems use large volumes of water to dissipate the intense heat generated by servers and associated equipment, and individual large-scale and hyperscale data centers may consume millions of gallons of water annually to support cooling operations alone. The amount of water directly used by data centers is dependent upon several factors, including seasonal conditions and system design. In periods of water stress, such as in warm summer months when cooling needs peak, this increased water demand can compete with residential, agricultural, and ecological needs, placing added pressure on municipal water supplies and local water sources. Additionally, co-located power systems most commonly utilize natural gas turbine generators, which also require large amounts of water for power production. Coupled with a water-cooled data center, overall water needs for large-scale and hyperscale data centers can be substantial, and are best served by public

water suppliers. If public water is not available, ordinance language should be opened to private sourcing only if a detailed water feasibility study is provided to the satisfaction of the municipality.

Most modern data centers operate on closed-loop systems supplied by public water from water treatment plants, rather than withdrawing from surface and groundwater sources to meet water needs. This approach shifts demand onto public water utilities, adding pressure to expand treatment and distribution capacity, increase source water intake, or undertake additional investments to accommodate high-volume demand.

New and emerging technologies in data center cooling systems have proven to significantly reduce water consumption compared to traditional closed-loop systems. For example, immersion cooling submerges data center equipment in a conductive liquid that transfers and condenses the heat through evaporative cooling, achieving efficiencies in power and water usage. Given the rapid pace of innovation in data center design, municipal ordinances should restrict antiquated technologies that rely on surface or groundwater for evaporative cooling while providing flexibility to adopt more water efficient solutions as they become available.

Municipalities can incorporate water-focused performance standards into zoning and land development ordinances to mitigate the impacts of direct water consumption by data center operations. These measures may include requiring water-use reporting and efficiency benchmarks, encouraging or mandating the use of closed loop or other water-efficient cooling technologies, and promoting water reuse or replenishment targets.

Ordinance Language

- 1. No principal use on a data center site shall use private groundwater wells or direct withdrawals from surface watercourses as its primary source of water for cooling purposes if a public water source is available.**
- 2. Data centers shall be designed to include a closed-loop water circulation system to cool data center processing equipment. An 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.**
- 3. If the proposed source is from a public system, the applicant shall submit certified documentation that the public authority has the capacity to supply the water needed.**
- 4. If the data center will utilize nonpublic water sources, the applicant shall provide a water feasibility study, prepared by a qualified professional. The purpose of the water feasibility study is to determine if an adequate supply of water is present to support the proposed data center's water use and to evaluate the potential adverse effects on the quantity and quality of existing wells or nearby surface waters.**

The water feasibility study shall include, at minimum, the following information:

- a. Calculations of the projected water needs, including seasonal fluctuations.
 - b. A geologic map of the proposed project area within a radius of at least one mile from the site property boundary.
 - c. The location of all existing and proposed wells within 1,000 feet of the site property boundary with a notation of the capacity of all high-yield wells.
 - d. The location of all surface waters within 1,000 feet of the site property boundary and all known point sources of pollution.
 - e. A determination of the long-term safe yield of the water source.
 - f. A determination that the proposed water supply system poses no adverse impacts on the quantity and quality of water in nearby wells, streams, and the groundwater table
 - g. Identification of how water will be recycled, treated, or released into surrounding water bodies.
 - h. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
5. No approvals shall be granted until all required state and regional permits have been obtained (i.e., PADEP, SRBS, DRBC).
 6. The applicant shall provide a drought response plan to demonstrate compliance with state, water supplier, and local drought declaration requirements.
 7. Wastewater disposal analysis:
 - a. The applicant shall submit an analysis of wastewater disposal needs to either a public sewer system or private system, indicating the quantity of wastewater generation expected. Wastewater shall include sewage and water discharged as part of the data center's HVAC system.
 - b. Any untreated wastewater generated is prohibited to be discharged to stormwater systems or surface waters.
 - c. If wastewater will be conveyed and/or treated by a public system, the applicant shall submit documentation certified by the public authority that the public authority can support the conveyance and treatment needed.
 - d. If the data center is to rely upon a private system of wastewater disposal, a wastewater feasibility study shall be required. The purpose of the study is to determine if there is an adequate ca-

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:

- i. Calculations of the projected wastewater generation including the sources of wastewater.
- ii. A geologic map of the area with a radius of at least one mile from the site property boundary.
- iii. 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.
- iv. The location of all surface waters within 1,000 feet of the property boundary and all known point sources of pollution.
- v. Identification of the process by which water will be recycled or released into surrounding water bodies.
- vi. 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.
- vii. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

THERMAL IMPACTS

Data centers require significant cooling systems to cool servers and other equipment; however, the heat generated can be captured and transferred to a nearby use to reduce their heating costs. Significant energy savings can be achieved by directly using waste heat for heating applications like pre-heating water or ventilated air for buildings. Specialized equipment can also provide for the efficient recovery and reuse of heat from data center equipment for space heating. To make this possible, a recipient for the heat should be located nearby or adjacent to the data center (optimally under the same ownership as the data center), and a champion or incentives/policies that support heat reuse must be in place.

Ordinance Language

A Thermal Impact Mitigation Plan shall be submitted with the zoning application, including, at a minimum:

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

2. **Evaluation of potential off-site thermal impacts (including plume/heat discharge and localized heat islands) under representative seasonal conditions.**
3. **Description of design measures to minimize heat impacts (e.g., equipment siting, shielding, landscaping, cool roofs/paving where applicable).**
4. **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).**
5. **Inclusion of a monitoring/verification approach if required by conditions of approval based on proximity to sensitive receptors or site constraints.**
6. **The Plan shall be prepared and certified by a professional engineer.**
7. **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.**

NOISE/VIBRATION

Large-scale data centers generate continuous and, at times, intermittent noise (in the case of generators) from mechanical and electrical equipment required to support their 24/7 operations. Primary sources of noise include rooftop chillers, cooling towers, dry coolers, large air-handling units, transformer hum from on-site substations, and backup diesel generators during testing or outages. While much of this equipment produces steady broadband “white” noise, certain components—particularly fans, compressors, and generators—can emit tonal or low-frequency sounds that travel farther and penetrate buildings more readily. In addition to airborne noise, vibration from some data center equipment can transmit through the ground or building structure if not properly isolated. For nearby residential areas, these conditions may result in sleep disturbance, reduced outdoor enjoyment, and other negative impacts. Low frequency sounds also negatively impact wildlife and farm animals, adding farms and conservation areas to the list of adjacent uses to treat with sensitivity.

Municipalities measure and regulate data center noise using established acoustical standards, typically expressed in decibels (dB), a logarithmic unit that quantifies sound pressure levels. Because human hearing is more sensitive to mid-range frequencies, most local ordinances rely on A-weighted decibels dB(A), which filter low and very high frequencies to approximate human perception. However, data center equipment such as ventilation fans can also produce significant low-frequency noise, which is better captured by C-weighted dB(C) measurements. Comparing dB(A) and dB(C) levels can help identify problematic low-frequency sounds.

To mitigate impacts, local regulations should consider buffering and location of equipment on the site (i.e., generators should be separated from any adjacent sensitive/public uses by a principal data center building). Additionally, local codes can require sound-attenuated enclosures for equipment, vibration isolation systems, or that equipment be fully housed indoors.

Regulations should be written to be enforceable. This can be done through establishing quantifiable maximum sound limits at the property line; requiring acoustical modeling studies prior to approval; requiring developers to conduct pre- and post-construction noise surveys; and data centers to permanently host on-site acoustic monitors to ensure sound levels remain within pre-determined limits. The dBA sound thresholds in the ordinance language provided are based on guidelines from the World Health Organization and US EPA. The use of c-weighted decibels accounts for low-frequency sound which may add 10–20 decibels of additional perceptible noise beyond the A-weighted measurement.

Ordinance Language

- 1. Noise Studies.**
 - a. Pre-construction Noise Study.** The applicant shall submit a pre-construction noise study prepared by an acoustical engineer establishing baseline ambient noise and vibration levels and shall include different times of day. The noise study shall include a narrative describing anticipated operational impacts to sound levels and it shall include an octave band analysis. The noise study shall account for any proposed electrical substations, on-site power generation facilities, and other data center accessory uses that may generate noise.
 - b. Post-construction Noise Study.** The applicant shall submit a noise study of existing operations no sooner than one month but no more than 12 months after the issuance of the first Certificate of Occupancy.
 - c. Sound shall be measured at all property lines.** The studies shall use full spectrum modeling to address low-frequency noise.
 - d. If the pre-construction Noise Study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Chapter, the Post-Construction Study shall demonstrate that operations of the proposed use do not materially 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.**

- e. Noise mitigation measures may be required by the zoning officer when noise studies show that the use is generating noise approaching established limits.
2. Sound level.
- a. Sound levels at the property line shall not exceed 40 dB(A) and 50 dB(C) from 7:00pm to 7:00 am, nor shall they exceed 45 dB(A) and 60 dB(C) from 7:00am to 7:00pm.
 - b. Where baseline ambient noise measured for the pre-construction noise study exceeds that of the maximum sound level above, sound levels at the property line shall not exceed the baseline ambient noise level (for dB(A) and dB(C)).

EMERGENCY SERVICES

Data centers present unique challenges for emergency management. Issues include: data security and the threat of cyberattacks; a large amount of heat-generating electrified equipment and the risk of fire; buildings of great length and/or height; and hazardous materials such as refrigerants and batteries. Local emergency service providers may be unfamiliar with data center operations and the potential hazards involved and should receive training in advance of the data center becoming operational.

Ordinance Language

1. An emergency response plan shall be required as part of the conditional use application and shall be prepared by a qualified professional. The Emergency Response Plan shall:
 - a. Evaluate the impacts, both positive and negative, of the proposed data center upon emergency services and fire protection.
 - b. Be reviewed by and acceptable to the local fire department and emergency management services as part of the conditional use process.
 - c. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - d. Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.
 - 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.

2. Each Data Center shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.
3. The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.
4. Data Centers and any 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 shall include fire suppression systems designed specifically for battery storage.
5. No Data Center 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.

ELECTRONIC WASTE

Data centers produce large amounts of electronic waste, as well as batteries and hazardous materials. Servers are replaced with new ones at regular intervals, requiring disposal of large amounts of electronic equipment.

Ordinance Language

1. An Electronic Waste Plan shall be submitted with the zoning application 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.

PARKING

Parking requirements for data centers are far less than would be required for another industrial use of similar size and are tied to the number of on-site jobs they generate. A traditional approach establishing a number of spaces per square feet of building would be likely to overestimate or underestimate the actual need. Instead, the ordinance should provide the applicant the opportunity to demonstrate the parking need based on expected operations, with a requirement to identify future reserve parking only if needed.

Ordinance Language

1. **One parking space shall be required for each employee, based upon the number of employees projected to work during the largest shift, plus 5 spaces for visitors.**
2. **The municipality may ask for an additional 25 percent of required parking spaces to be held in reserve.**

DECOMMISSIONING

Given the rapid expansion of data centers and the rapid evolution of the industry in general, there is some concern that 1) data centers could be functionally obsolete in the future, or processing could advance to take place in much smaller areas, making the scale and number of data centers too much. Even during this era of rapid data center build-out the market could become saturated and projects could be abandoned prior to completion.

The prospect of a data center building becoming vacant one day poses numerous challenges and is one which ordinances should address. For example, large scale data centers have massive buildings that are taller than most other uses, making their adaptive re-use challenging for another industry. They may also be sited in locations with access appropriate for a few dozen data center employees, but not for heavy truck traffic that another industrial use might require. For these reasons, data center proposals should include Decommissioning Plans to describe how the data center development will hedge against these concerns, and potentially to provide financial security for its demolition at the end of its useful life.

Ordinance Language

1. **A Decommissioning Plan prepared by a qualified professional shall be submitted. The plan shall outline the procedures for safe shut-down, removal of equipment, disposal or recycling of materials, and site restoration.**

2. The owner shall submit a notification of closure if operations are permanently ceased.
3. Decommissioning shall begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. An extension of 1 year may be granted by the municipality if the property owner can demonstrate that they are actively marketing the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the municipality for good cause.
4. Standards for Decommissioning:
 - a. All above-ground structures, equipment, and accessory facilities shall be removed.
 - b. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.
 - c. Disturbed soils 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.

PUBLIC ENGAGEMENT

Large-scale data centers can have substantial impacts on surrounding communities. Past data center developments around the nation have resulted in many people feeling as if they were excluded from the planning process. The propensity of data center developers to use non-disclosure agreements (NDAs) with local governments coupled with the strong economic impact data centers can generate has increased the level of mistrust that many members of the public hold toward data center developers and local governments alike.

Ordinance Language

1. The applicant shall hold a public meeting prior to the first planning commission meeting when the proposed land development or conditional use proposal is discussed. The purpose of the meeting shall be to inform the public about the nature of the proposed development, including the location, scale, and general characteristics. A representative(s) of the applicant with knowledge of the project and the ability to answer general questions from the public about the project's general location, scale, and parameters shall participate in the meeting. The public meeting shall be advertised consistent with

“public notice” as defined by the Pennsylvania Municipalities Planning Code (PA Act 247).

2. The applicant shall create and maintain a project website for viewing by the general public. The site shall explain the project parameters, including maps and elevations/renderings, beginning at least two weeks prior to the meeting discussed above, and until the time of final land development approval. The site shall provide a description of the proposed use, construction timelines and phasing plans, dates of public meetings with municipal bodies, and status of permits.

APPENDIX A: COMMUNITY BENEFITS AGREEMENT (CBA)

Data centers—particularly hyperscale ones—have the potential to create great impacts on an area. In some communities, developers and community groups have established contractual agreements called community benefits agreements to help mitigate the negative side of data center development. These agreements can include commitments from the developer to take specified actions that benefit the community and possibly mitigate negative impacts of development.

It is important to note that community benefits agreements are not addressed by the Municipalities Planning Code (PA Act 247) and should not be codified in an ordinance. Municipalities cannot compel developers to participate in such an agreement (doing so risks being considered an exaction). Although municipalities may serve as facilitators of negotiations between a community or civic group or groups and the developer, the more involved a municipality is (particularly if any officials involved would be involved in a conditional use decision), the greater the risk that the end result may be deemed an exaction by the courts.

If a community benefits agreement is pursued, the best time to begin discussions with the developer about it is before the land development submission process. Such engagement could be beneficial to both the developer and the community. If considering a CBA, municipalities should be aware how they have been used with some data center developments. Any agreement created should address mitigation actions that have a clear nexus and proportionality with anticipated negative impacts of the data center. Community benefits agreements should include elements that are programmatic and contractual in nature; these would not be regulatory requirements and cannot be enforced by a municipality (e.g., dimensional standards, air quality or sound levels, or water usage standards).

Some examples of programmatic community benefits that could be included in such an agreement include:

1. Emergency management including training provided by applicant and reimbursement for emergency response.
2. Community-wide funding for energy efficiency and solar projects.
3. Workforce training.
4. Schools, including cloud computing curriculum.

5. Economic development support surrounding a data center site in recognition of limited job presence in a commercial district.
6. Environmental protections outside of standard regulations.
7. Additional public engagement and ongoing transparency, such as maintaining websites that track environmental impacts like sound, air quality, water usage, and energy usage.

APPENDIX B: SOURCES AND MODELS REFERENCED

This Guide draws upon a range of publicly available model ordinances, professional guidance documents, and peer municipal examples that address the siting, regulation, and impacts of large-scale data centers. These sources were consulted to reflect current best practices, emerging regulatory approaches, and real-world municipal experience. The inclusion of these references does not imply endorsement of any single model, but rather informed the development of adaptable recommendations suitable for Pennsylvania municipalities.

Lancaster City Data Center Ordinance (Draft)

This draft ordinance was consulted for topics including the energy usage plan and some of its components.

PennFuture – Data Center Model Ordinance

PennFuture’s model ordinance was consulted for its comprehensive treatment of data center impacts, including setbacks, environmental performance standards, energy generation, water usage, and noise considerations. The model provided a useful framework for identifying issues that municipalities may wish to address, particularly with respect to public health, environmental protection, and community compatibility.

Physicians for Social Responsibility Data Center Model Ordinance

This model influenced the sound guidelines used in this ordinance guide due to their relative simplicity to understand and apply, ability to measure quantitatively, and adherence to accepted healthy standards for noise from the WHO and EPA.

Urban Land Institute (ULI)

ULI reports and technical guidance on data centers were referenced for background information on data center typologies, site selection criteria, infrastructure needs, and emerging trends in design and operations. ULI materials also informed discussion of aesthetics, noise mitigation, and the evolving role of data centers in regional development patterns.

Prince William County, Virginia – Draft and Adopted Ordinance Provisions

Prince William County’s data center regulations and draft noise ordinance updates were reviewed, particularly for their detailed treatment of acoustical analysis, baseline noise measurement, and mitigation standards. These materials helped inform recommended approaches to noise studies and enforcement mechanisms.

York County Data Center Model Ordinance

The model’s sections on safety and emergency management were consulted and strongly influenced the guidance and draft ordinance language in this model.

Other Municipal and Professional References

Additional examples and technical resources were consulted as appropriate, including draft or adopted ordinances from other Pennsylvania and Mid-Atlantic municipalities, guidance from acoustical engineers and water resource professionals, and publicly available corporate sustainability and water-use reports. These sources contributed to the Guide’s discussion of energy use, water demand, thermal impacts, emergency services, and decommissioning considerations.

