ORDINANCE NUMBER _____ OF 2026

WATTS TOWNSHIP
PERRY COUNTY, PENNSYLVANIA

AN ORDINANCE OF WATTS TOWNSHIP, PERRY COUNTY, PENNSYLVANIA, WHICH AMENDS THE WATTS TOWNSHIP ZONING ORDINANCE.

WHEREAS the Second-Class Township Code, 53 P.S. § 65101, *et seq.*, authorizes the Board of Supervisors of Watts Township to make and adopt Ordinances that are consistent with the constitution and the laws of the Commonwealth that it deems necessary for the proper management of Watts Township;

WHEREAS, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. § 10101, *et seq.*, authorizes the Board of Supervisors of Watts Township to enact, amend and repeal zoning ordinances;

WHEREAS the Board of Supervisors of Watts Township desires to amend the Watts Township, Perry County Zoning Ordinance to establish stronger, data-center-specific standards that protect public health, safety, and welfare, utilities, water resources, energy systems, agricultural and rural land uses, and land-use compatibility;

WHEREAS the Board of Supervisors of Watts Township finds that Data Centers and associated Data Center accessory uses are a unique industrial land use that can create significant impacts related to building scale, lighting, noise, vibration, water use, cooling, power supply, security, emergency response, truck traffic, and decommissioning;

WHEREAS, the Board of Supervisors of Watts Township has met the procedural requirements of the Pennsylvania Municipalities Planning Code and Second-Class Township Code for the adoption of the proposed Ordinance, including holding a public hearing.

NOW, THEREFORE, ENACTED AND ORDAINED by the Board of Supervisors of Watts Township, Perry County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. AMENDMENTS TO THE WATTS TOWNSHIP ZONING ORDINANCE.

Article II. DEFINITIONS is hereby amended as follows:

Section 202 - Specific Words and Phrases, is hereby amended to include the following terms and definitions.

BACKUP GENERATOR: Natural Gas, diesel, hydrogen fuel cells, power storage system, or other non-coal equipment used to generate electricity during a power outage or similar emergency. As an accessory data center use, backup generators are only to be used during periods of outages, natural disasters, or similar “emergency events” for power generation and for regular reliability testing and exercising.

CLOSED LOOP COOLING SYSTEM

A heat reducing system, designed to circulate water within a closed circuit allowing it to absorb heat from equipment and then release the heat through a heat exchanger or cooling tower. The system minimizes water loss and reduces environmental impact by reusing the same water repeatedly.

DATA CENTER

A facility primarily used for housing or intended to be used primarily used for housing, operation, and or co-location of computer systems and associated components, including servers, storage devices, networking equipment, and supporting infrastructure such as power supply, cooling systems, and security systems, for storage, management, processing, and/or transmission of digital information necessary for the operation of one or more businesses, commercial, or governmental entities. Includes but is not limited to co-location facilities, cloud computing centers, enterprise data centers, crypto mining, high-intensity compute-only centers, and similar uses. A Data Center may include limited office space associated with facility operations but does not include general business offices or call centers.

DATA CENTER ACCESSORY USE

Systems, equipment, facilities, and/or components used in air cooling, water or liquid cooling, power generation and supply systems, telecommunication, cloud communication, and mechanical or environmental controls when used in the support or enabling of a Data Center. Data Center Accessory Uses generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

DATA CENTER EQUIPMENT (“DCE”)

Data Center Equipment or DCE includes any Data Center Equipment related to utilities, utility lines, power generation stations, electrical substations, pump stations, water towers, mechanical equipment, cooling systems, and sound control systems. Fire suppression systems, and environmental controls (emission controls, noise pollution controls, environmental impact monitoring), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or collection of adjacent parcels developed as a unified development for a Data Center. Specific examples of DCE include, but are not limited to, the following: backup generators, power generation plants, power storage systems, and substations (if not owned by the utility service provider).

DATA CENTER PARK

A tract of land, developed as an integrated planned development that is laid out exclusively for a group of three or more Data Centers with no other use permitted within the park and having separate building sites designed and arranged in accordance with, and complying with the requirements of this zoning ordinance, and other applicable provisions of this zoning ordinance; the Watts Township Subdivision and Land Development Ordinance; and other applicable ordinances of the Watts Township Code of Ordinances, where the purpose is to allow sub-lots to be subdivided as independent tax parcels subject to the regulations.

SENSITIVE RECEPTORS

Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks, campgrounds, prisons, dormitories, and any residence where such residence is not located on a lot, tract or parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer.

ARTICLE III - DISTRICT REGULATIONS

Section 360 - I - INDUSTRIAL DISTRICT is hereby amended to include the following addition.

Subsection 363.18 - Data Center and Data Center Accessory Uses are conditional uses, subject to criteria in Section 495.

ARTICLE IV - SUPPLEMENTARY REGULATIONS is hereby amended to include section 495 as follows

Section 495 Data Center and Data Center Accessory Uses and Structures

A. Area Regulations.

1. The minimum lot, tract or parcel area shall not be less than twenty (20) contiguous acres.

B. Lot Width.

1. The minimum lot, tract or parcel width at the building line shall be two-hundred fifty feet (250').

C. Yard Regulations.

1. Front Yard: 200 feet from the right-of-way line.

2. Side Yard: 75 feet.

3. Rear Yard: 75 feet.

4. Corner lots shall have two (2) front yards, one (1) side yard, and one (1) rear yard.

5. When abutting a residential or agricultural zone, the setback from the common property line shall be increased to five hundred feet (500').

6. Accessory Uses and Structures, including data center accessory uses and structures, shall be setback at least five hundred feet (500') from all property lines.

D. Height Regulations.

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1. Maximum permitted height of any building is 45 feet, including roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers from lowest finished grade.

~~2. No other mechanical or accessory equipment mounted on the roof may exceed 10 feet in height beyond the top edge of the roofline.~~

~~3.~~2. Data Center Accessory Uses shall not exceed the maximum height allowed for the principal building.

E. Coverage Regulations.

1. The overall impervious lot coverage may not exceed 50% of the total lot, tract, or parcel area. The calculation includes all driveways, parking areas, and truck loading areas, and building(s) footprint(s).
2. The maximum gross building coverage shall not exceed forty percent (40%) of the overall lot, tract or parcel area.
3. A minimum of at least 20% of the total lot area, excluding stormwater management facilities, must be designated green or open space. Areas used for vegetative screening may be used in this calculation.

F. Building Design.

1. Facades facing public rights-of-way, and structures visible from nearby mega greenways like the Appalachian Trail, the Susquehanna River Trail, the 9-11 Trail shall include architectural treatments to reduce visual massing.

2. A natural palette of colors approved by the Watts Township Planning Commission shall be used on the building's exterior to reduce visual impacts from monotone or reflective exterior materials. The underlying purpose of this requirement is to reduce contrasting colors to have the building's exterior blend in harmoniously with its surroundings.

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

G. Landscape Buffer and Screening Requirements.

1. Screening of Equipment

   a. Applicability. All Data Center Accessory Uses and equipment, including but not limited to cooling system components (fans, blowers, pumps), power supply systems (substations, transformers, fuel cells, generators), and similar equipment, whether ground- or roof-mounted, shall be visually and audibly screened.

   b. Visual Screening.

Commented [CD1]: This is not necessary since it is described in the next section

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1) Ground-mounted equipment shall be screened to a minimum height of twelve (12) feet.
2) Roof-mounted equipment shall be screened to a maximum height of ten (10) feet.
3) Screening shall be provided on all sides of the equipment, except where a side directly faces and is fully enclosed by the primary Data Center building.

c. Audible Screening. Equipment shall be screened and/or designed to prevent objectionable or nuisance sound levels at adjoining property lines in accordance with SECTION 409 – Landscaping and Screening. Screening shall be provided on all sides unless fully enclosed by the primary Data Center building.

d. Placement Adjacent to Residential or Agricultural Uses.

1). Where noise-producing equipment abutting a residential or agricultural district or use, such equipment shall be located so the primary Data Center building is positioned between the equipment and the affected property.

2). Where multiple lot lines abut residential or agricultural districts or uses, equipment shall be located on the side of the site that is not abutting such district or use, or on the side with the greatest setback from the affected property line(s), with preference given to maximizing distance from existing residential uses.

2. Required Landscape Buffer Yards

a. General Requirement. Landscape buffer yards and screening along all property boundaries, shall be provided for all data center operations and Data Center Equipment except at approved ingress and egress points. The Buffer Yard is applied in addition to any setback distance.

b. Where required, a landscape buffer yard shall be provided between the use and:

1) Any adjoining non-industrial zoning district.
2) Any sensitive receptor.
3) Any public roadway.

c. Buffer Yard Width.

1) A minimum fifty (50) foot buffer yard shall be provided along:
   a) Any public street frontage.
   b) Any property line abutting a residential or agricultural district or use.
   c) Any property line located within five hundred (500) feet of a sensitive receptor.

d. Buffer Planting Requirements. Buffer plantings shall consist of native species and include, at a minimum:

1) One (1) large evergreen tree per twenty-five (25) linear feet (minimum eight (8) feet in height at planting).
2) One (1) deciduous canopy tree per seventy-five (75) linear feet (minimum 2½-inch caliper at planting).
3) One (1) ornamental or flowering tree per fifty (50) linear feet (minimum eight (8) feet in height for multi-stem varieties or 2½-inch caliper for single-stem varieties);
4) Five (5) shrubs per twenty-five (25) linear feet (minimum three (3) feet in height at planting), consisting of a mix of evergreen and deciduous species, with at least fifty percent (50%) evergreen.

e. Exclusions. Required buffer yards shall not include environmental encumbrances, including but not limited to wetlands, wetland transition areas, riparian buffers, or flood hazard areas regulated by other agencies.

f. Measurement. Buffer yards along roadways shall be measured from the street right-of-way line.

g. Maintenance. Required buffer yards shall be maintained for the duration of the use.

h. Existing Vegetation. Preservation of existing vegetation is encouraged. Where existing topography and/or vegetation satisfies the intent of the required buffer yard, the governing body, upon recommendation of the Township Engineer and Planning Commission, may approve such vegetation as fulfilling all or part of the buffer requirement.

H. Screening and Fencing.

1. All Data Center operations shall provide screening as follows:

Commented [WT2]: Joel was not sure about the wording in this section.

a. To provide visual screening and reduce noise levels, ground-mounted and roof mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within three hundred feet (300') feet of a public roadway, all other zoning districts, or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

1) The landscape buffer required by Section 495.F. above.

2) By existing vegetation that will remain on the property.

3) By the principal Data Center building or an accessory building.

4) A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the

berm shall be covered by a well-maintained all-season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

5) A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

b. All DCE must be screened by one or more of the following.

1) Architectural walls or enclosures matching building materials or screen fencing.

2) Evergreen landscaping, and/or

3) Sound-attenuating barriers.

4) Parapet wall.

5) Visually solid screen on all four sides and is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building.

6) All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the tip of the penthouse or screen is below a 45-degree line drawn from the parapet.

I. Lighting.

1. A lighting/photometric plan shall be provided showing all exterior lighting for the data center developments and their accessory uses.

2. Exterior lighting shall not be mounted higher than 20 feet on a standard or other freestanding support or the exterior of a structure from the lowest adjacent grade. The fixture shall be fully shielded or cutoff to direct light at a downward angle and towards the interior of the lot and not equal to or higher than the horizontal plane of the bulb, bulb enclosure, or light shielding.

3. Lighting shall comply with the Watts Township Zoning Ordinance. Section 411 and the following:

a. Full cutoff fixtures required.
b. Maximum illumination at property line:
    1) Non-Sensitive Receptors: 0.1foot-candles
    2) Sensitive Receptors: 0.1 foot-candles
c. No strobing or colored lighting.

4. Horizontal Surfaces.

   For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian loading areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

5. Glare.

   Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily by using such means as cutoff luminaries, shields, baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

6. LED Lights.

   LED light sources shall have a correlated color temperature that does not exceed 3000kw.

7. Luminaires.

   Luminaires shall not be mounted more than [20] feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.

J. Noise/Sound.

1. A pre-development noise study shall be completed and submitted with the conditional use application to document existing noise levels. Monitoring shall be conducted twice—once between June and September and once between November and February—during the hours of 10:00 a.m. to 2:00 p.m. and 10:00 p.m. to 2:00 a.m. Measurements shall be taken at each property corner and at the midpoint of each property line.

    a. A preliminary study shall be Provided. The preliminary sound study shall include recommended sound-reducing materials or systems as needed to meet the noise levels provided below in section 2.

b. A post-construction noise study shall be submitted 6 months after full occupancy of each phase. The study shall be the same parameters as the pre-construction submitted demonstrating compliance with noise standards.
c. All costs for both studies will be paid for by the applicant.
d. Additional noise studies will be conducted every year at the expense of the landowner or occupant.
e. In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the Data Center.

2. The applicant shall demonstrate through a sound study conducted by a professional acoustic expert that the sound generated by a Data Center, and DCE during normal operations shall be limited to 45 DBC and 45 DBA at the property lines.

3. Backup Generators and back-up power systems, which generate noise in excess of the limits set forth above, shall not be tested between (8:00 PM and 7:00 AM EST) Additionally, Backup Generators must comply with local air quality regulations. Testing of auxiliary power systems, including generators, should occur between the hours of 8:00 AM and 6:00 PM EST.

4. Additionally, vibration levels may not exceed 0.15 in./sec. at any adjoining property line.

5. A noise reduction barrier or device will be required at the discretion of the Zoning Officer where post-construction monitoring demonstrates noncompliance with sound limits set forth herein or where the applicant's acoustic study identifies mitigation measures necessary to achieve compliance.

6. Activities that exceed the maximum sound levels listed above do not apply to, but are not limited to, emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair. Auxiliary power systems in use during a primary power system failure, or a state of emergency declared by the State or Municipality, with a duration of no more then 24 hours after the state of emergency is over, are exempt from sound level requirements.

K. Access, Safety and Security.

1. The applicant shall submit a traffic impact study to document potential impacts and necessary mitigation measures.
2. Primary Access: Must be from an arterial or collector roadway.
3. Access driveway setback shall be at least fifty (50) feet from any lot line for adjoining tracts of residential uses;

4. DCE shall not be located between any principal data center building and any arterial or collector street.
5. Any gated emergency access route or secondary access route shall be fitted with the "knox-box" type device dictated by the fire department.
6. All fencing, including security fencing, must be a minimum of eight feet (8') in height at the highest point of the fencing or any appendages, including but not limited to barbed wire.
7. Any non-riverine water source within the project boundary, including but not limited to ponds, lakes, marshes, swamps, and similar areas, whether human-caused or naturally occurring, shall be fully enclosed with a fence at least six feet (6') in height including but not limited to barbed wire~~screened fencing~~. This includes all stormwater management facilities installed.

L. Emergency Management.

1. It shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site, and such means shall be maintained for the duration of the use.
2. The Applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional.
3. Any Data Center proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include environmentally safe fire suppression systems designed specifically for battery storage.
4. 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.
5. The developer, occupant or landowner shall provide to local fire personnel, training required to maintain qualifications needed to support the facility on a continuous basis.

M. Parking.

1. Parking spaces for data centers shall be provided for as follows:
   a. 1 space per on-site employee for the largest 2 shifts.
   b. Parking Lot Tree Requirements: There shall be no less than one [1] tree planted for each six (6) parking spaces therein.
   c. Parking Lot Islands: Parking lots shall be designed to accommodate parking lot islands and endcaps with tree(s) at the end of the parking aisles.

d. Parking lots shall be setback at least fifty (50) feet from any lot line adjoining any residential parcels or tracts of land.

N. Loading Areas

1. Loading/Delivery Areas: Must be screened from public streets and residential uses. Loading and service areas shall be located to the side or rear of the building

   a. A minimum of one loading space is required. All loading spaces/bays are required to be located on one façade of the Data Center Principal building.

   b. Loading area setbacks shall be at least fifty (50) feet from any lot line for adjoining residential parcels or tracts of land.

2. Off Street Loading Facilities, including loading docks and parking for vehicles of Class 6 or higher ratings as defined by the Federal Highway Administration of the US Dept of Transportation, shall be designed in accordance Article IV, Section 368 of the Zoning Ordinance, Required Berths for Off-Street Loading, Specifications.
3. All access roads, including emergency access roads, shall have a total lane width of not less than 26 feet, excluding any on street parking areas and shoulder. Cul-de-sacs shall have a diameter of at least 120 feet.
4. A minimum of 1 fire lane intended for aerial apparatus access to roof structures shall be provided. The lane shall be:

   a. A minimum of 26 feet wide restricted to travel and not including any on-street parking areas or shoulder. The fire lane must be paved around the entire building structure.

   b. Clearly identified with ground markings and post-mounted signs.

   c. Free from any overhead obstructions; and

   d. Able to access the area from the building edge to 30 feet from the Data Centers and be on the same side of the structure as the access road.

O. Water Use.

1. All cooling systems must be a closed loop system with all fill water being brought in from outside the township. All removed water must be handled as per EPA guidelines.
2. If applicable, the applicant shall provide proof of review and approval from the Pennsylvania Department of Environmental Protection (DEP) and/or the Susquehanna River Basin Commission (SRBC) for all projects that will have ground and/or surface water consumption and shall supply a raw water needs analysis showing required quantities from any private or public source.
3. On-site Water: Applicant shall provide a water consumption plan for detailing water sources, water usage, water use efficiency, and the plan for water recycling must be

Commented [WT3]: Please proof for proper legal wording.

provided. Documentation of the water usage impact on the local community shall be provided.

4. Onsite water and sewers shall be provided for all sanitary facilities.
5. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources conducted by a certified hydrologist, indicating the quantity of water required.

   a. If the source is from a municipal system, the applicant shall submit documentation in letter form showing that the public authority can supply the water needed.

   b. If the Data Center is to rely upon nonpublic sources of water, a water feasibility study will be provided to Watts Township. The purpose of the study will be to determine if there is an adequate supply of water for the proposed data center and to estimate the impact of the Data Center on existing wells within the vicinity. The Water Feasibility Study must show adequate water supply, confirmed by the Township Engineer prior to final plan approval

6. At the request of the Watts Township Board of Supervisors, the Developer shall fund a water study to be conducted on behalf of the Watts Township by an entity selected by the Township.

7. No data center shall be approved without a sufficient water supply. No data center shall be approved that demonstrates a likelihood of adverse impacts on existing wells in the vicinity.

8. A water feasibility study shall include:

   a. Calculations of the projected water needs.

   b. A geologic map of the area with a radius of at least two miles from the data center.

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

   d. The location of all streams within 1,000 feet of the data center's property boundary line and all known point sources of pollution.

   e. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

   f. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.

   g. Identification of how water will be recycled or released into surrounding water bodies.

Commented [WT4]: What does this normally include? Supervisors would like to have wells within 1- 2 miles tested for level and water contaminates. If this is not part of a normal study can they list those requirements here?

h. A statement of the qualifications and signature(s) of the person(s) preparing the water feasibility study.

9. A two and a half million $2.5 bond or acceptable financial security shall be provided by the developers or landowner or lessee of the data center to protect landowners from the chance of private well-compromising issues particularly, well-water supply depletion and/or well-water contamination to be reviewed annually for any increase needed.

10. To the extent required by state and federal law, the applicant shall provide proof of review and approval from the Pennsylvania Department of Environmental Protection (DEP) and/or the Susquehanna River Basin Commission (SRBC) for all projects that will have ground and/or surface water consumption exceeding agency established for limits and shall supply a raw water needs analysis showing required quantities from any private or public source.

P. Power Supply.

1. Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable power provider stating the following:

   a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity is available to service the data center.
   b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
   c. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region.
   d. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
   e. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed inspection.
   f. Any utility/power equipment must be located on the industrial district lot.

2. The applicant will be responsible for documenting how they intend to offset any of their electric consumption. An electric consumption offset target of at least 25% is encouraged.

Q. Green Building Techniques. Data Centers shall implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

1. Site Design.
   a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes.
   b. Minimize land disturbance.
   c. Maximize tree preservation.

Commented [WT5]: Can this be enforced for things like a substation? If they don't have the room in the district lot can they make a request for variance?

Commented [CD6R5]: I am not sure you can enforce this if the equipment is owned/operated by a utility company. The PUC allows them different rules. However, I do think you can enforce it for privately owned equipment such as substations.

d. Minimize impervious surfaces.
e. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

2. Energy/Resource Efficiency.

a. Orient buildings to take advantage of passive cooling and daylight opportunities.

b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible.

c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours.

d. Utilize reclaimed water for cooling, if available.

e. Encourage systems that limit the use of finite natural resources and their disposal.

f. Encourage fuel storage that limits impacts on the environment from potential spills.

g. Install water-efficient landscape materials.

h. Utilize LED exterior/interior lighting.

3. BREEAM (Building Research Establishment Environmental Assessment Method) Certification.

a. Certification is strongly encouraged, as well as the installation of roof-mounted accessory solar energy systems.

R. Woodland Disturbance.

Woodland disturbance, including alteration or removal of any hedgerows, shall be minimized. No portions of tree masses, tree lines, hedgerows, or individual freestanding trees measuring six (6) inches or greater in diameter at breast height (DBH) shall be removed unless it is clearly necessary to effectuate the proposed development. In no case shall more than 50% of any existing tree masses, tree lines, hedgerows, or individual freestanding trees with six (6)-inch or greater DBH be removed. For purposes of this subsection, a woodland is defined as a tree mass or plant community in which tree species are dominant or codominant, and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., six (6)-inch or greater DBH) covering an area of .25 acres or more or consisting of more than 50 individual trees six (6) inches or greater DBH, shall be considered a woodland.

S. Air quality.

1. Any backup generator exhaust, gases, noxious odor or similar emissions shall adhere to applicable State and Federal air quality/emission standards.

T. Threatened and Endangered Species.

Commented [WT7]: How can we name protections for Haldeman Island in this section?

Commented [CD8R7]: I wouldn't add anything about Haldeman Island. I would let the state govern T&E species.

1. PNDI. A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for subdivision and/or land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to Watts Township.

2. Compliance. The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

U. Environmental and Community Impact Analysis

The Environmental and Community Impact Analysis required herein is intended solely to evaluate use-related impacts for zoning approval purposes and shall not substitute for, duplicate, or supersede engineering submissions required under Watts Township's Subdivision and Land Development Ordinance (SALDO), stormwater ordinance, or other applicable regulations, consistent with MPC §§ 503 and 508. The applicant shall provide an Environmental and Community Impact Analysis. The Environmental and Community Impact Analysis shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. The analysis shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for Watts Township officials to assess the environmental and community impacts. The analysis shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected, as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan, and shall include:

1. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored, and the duration period of storage of materials

2. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within [500] feet of the boundaries of the property.

3. Evidence that the disposal materials will be accomplished in a manner that complies with state and federal regulations.

4. An evaluation of potential impacts of the proposed use, both positive and negative, upon:

    a. Emergency services and fire protection,

    b. Water supply,

    c. Sewage disposal,

    d. Solid waste disposal,

    e. School facilities and school district budget, and

    f. Municipal revenue and expenses

5. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

    a. Impacts, including the potential for public nuisance to the residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles
    b. 'A stormwater management plan will be required.
6. Consistency with the municipal and county comprehensive plans. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
7. Additional Considerations. The following shall be addressed:

    a. Alternative analysis. A description of alternatives to the impacts.

    b. Adverse impacts. A statement of any adverse impacts that cannot be avoided.

    c. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

    d. Mitigation steps. A list of steps/structural controls proposed to minimize damage to the site before and after construction.

    e. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.

1). Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

2). A statement of impact upon critical areas and of adverse impacts that cannot be avoided.

3). Environmental protection measures, procedures, and schedules to minimize damage to the critical impact areas during and after construction.

V. Site Preparation (Use of Explosives)

1. A blasting activity permit from the PADEP is required for most operations.

W. Decommissioning, Remediation, and Disposal

1. A decommissioning plan shall be submitted as part of any Land Development submission and shall show the handling and removal of any Electronic Waste (also known as "E-Waste") and/or any other hazardous material that may be present on the site.
2. The financial security required herein is imposed pursuant to the Municipality's zoning authority under MPC § 603 to ensure mitigation of land use impacts and shall be limited to costs reasonably related to the removal of data center improvements and restoration of the site.
   a. The applicant shall provide documentation, such as an affidavit or equivalent evidence, executed by the property owner and data center operator, confirming the existence of a lease or ownership agreement that includes decommissioning and successors-and-assigns provisions. The decommissioning provision shall ensure adequate funding for the dismantling and removal of all data center-related hazardous materials, including but not limited batteries, electronic equipment and materials. The successors-and-assigns provision shall bind all future owners and operators to these obligations.
   b. The data center operator shall notify Watts Township in writing within thirty (30) days upon cessation or abandonment of operations. A facility shall be presumed abandoned if it ceases operations for a continuous period of twelve (12) months without demonstrable efforts to resume use. If decommissioning is not completed within eighteen (18) months of cessation or abandonment, the Municipality may complete decommissioning at the property owner's expense.
3. The data center operators shall notify Watts Township within thirty (30) days of the commencement of any partial shutdown. A partial shutdown shall occur when a Data Center or DCET permanently ceases operation of a substantial portion of its facility, equipment, or infrastructure, including but not limited to:
   a. The permanent shutdown, removal, or de-energization of one or more data halls, buildings, or major systems.

Commented [WT9]: Does DEP require any pre-blasting inspections of home foundations for anyone within 1000ft from the blasting area? If not can we add that to help protect those close?

Commented [CD10R9]: I would let the state govern requirements related to blasting.

b. A reduction in operational capacity of fifty percent (50%) or more of the approved or constructed data center floor area, power capacity, cooling capacity, or server capacity; or
c. The permanent cessation of operations of any major DCE, including but not limited to power generation equipment, battery energy storage systems, cooling systems, or substations.

2. Notice Requirement. The owner and/or operator shall provide written notice to the municipality within thirty (30) days of the commencement of any partial shutdown. Such notice shall include: The scope and the extent of the shutdown; equipment, buildings, or systems taken out of service; Whether the shutdown is temporary or permanent: and a proposed schedule for removal, mothballing, reuse, or decommissioning of affected facilities or equipment.
3. Prior to permit issuance, the applicant shall provide financial security in an amount acceptable to the Municipality to guarantee proper decommissioning. The amount shall be based on an engineer's estimate of decommissioning costs and shall not be less than one hundred ten percent (110%) of the approved estimate. The estimate shall include costs associated with the removal, transportation, recycling, or lawful disposal of electronic waste (e-waste), including but not limited to servers, storage devices, networking equipment, backup power systems, batteries, cabling, and related components. Financial security may be provided in the form of: Cash or funds deposited with Watts Township; a performance bond; or an irrevocable letter of credit, each from an entity acceptable to Watts Township.
4. All e-waste generated during decommissioning shall be managed in accordance with applicable federal, state, and local laws and regulations. Electronic equipment shall be recycled, reused, or disposed of at facilities authorized to handle such materials, and no e-waste shall be buried, abandoned, or disposed of on-site.
5. The financial security shall remain in effect until the facility is fully decommissioned, all e-waste is properly managed, and the site is restored in accordance with approved plans. Watts Township may draw upon the financial security to cover costs associated with dismantling, removal, e-waste management, site restoration, and administrative expenses. Any funds utilized shall be promptly replenished by the facility owner.
6. An updated engineer's estimate of decommissioning costs shall be submitted every ten (10) years during facility operation and upon any material modification to the facility. Upon approval, the financial security shall be adjusted to reflect not less than one hundred ten percent (110%) of the revised estimate.

ARTICLE VI – ADMINISTRATION AND ENFORCEMENT is hereby amended as follows:

Section 618 - Special Exceptions & Conditional uses

It is the intent of this Section to provide special controls and regulations for particular uses that may, under certain conditions, be conducted within the various Zoning Districts established in Article Ill of This Ordinance. These particular controls and requirements are additional to those imposed by the District Regulations, Article Ill, and by the Supplementary Regulations, Article IV, of this ordinance.

A. , Applicability, Limitations, Compliance.

1. Applicability. The controls imposed by Article IV are applicable where cited specifically for use by Special Exception or Conditional Use listed in Article Ill of this Ordinance,

2. Limitations. Special Exceptions or Conditional Use shall be permitted only where specifically cited in the District Regulations, Article Ill, of This Ordinance.

3. The applicant shall bear the burden of proof that the proposed use meets all requirements and objectives of this Ordinance.

4. Compliance. Nothing in this Section shall relieve the Owner or his agent, the developer, or the applicant for a Special Exception or Conditional Use Permit from obtaining Subdivision and/or Land Development Plan approval in accordance with the Watts Township Subdivision and Land Development Ordinance.

5. Effect of Approval. Any use for which a Special Exception or Conditional Use permit may be granted shall be deemed to be a conforming use in the district in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

6. Fees and Other Costs. In addition to the filing fee and other costs requisite for Land Development Plan approval in accordance with the Subdivision and Land Development Ordinance, the applicant shall pay the following costs:

a. All costs related to any required public hearing including but not limited to: advertising of the hearing, services of the Township Solicitor and Engineer and/or Planner, public stenographer, transcripts of proceedings, and similar costs.

An applicant by filing for use by Special Exception or Conditional Use shall then be obligated to pay all costs hereinabove provided. Payment of such costs shall be promptly submitted to the Township by the applicant upon the submission of bills therefore from time to time. Payment shall be by check or money order made payable to Watts Township,

No building permit or other requisite permit shall be issued by the Township Zoning Officer until all such fees and costs have been paid in full by the applicant.

B. General Procedures for Special Exceptions or conditional use.

1. Application. Requests for Special Exceptions or Conditional Use shall be submitted, together with all required fees, in a written application setting forth the grounds for the request in detail.

A development plan of the total area to be included in the application, which shall be drawn to scale, shall accompany and be part of the Special Exception or Conditional Use Application and contain the following:

a. The location, boundaries, dimensions and ownership of the land.

b. In the case of commercial or industrial development, a general description of the activities to take place, as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, and development schedule staging plan.

c. The location, use, and ground area of such proposed building and other structures.

d. The locations, dimensions, arrangements and proposed use of all open spaces, yards, streets, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.

e. The capacity arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street or highway.

f. The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.

g. A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards to be produced.

h. A description of the methods to be used for water supply treatment and disposal of sewage, wastes, refuse, and storm drainage.

i. The names and addresses of all adjoining property owners.

j. Any Other information required in Article IV.

2. Referral to Watts Township Planning Commission. Applications for Special Exceptions or Conditional Use may be referred to the Watts Township Planning Commission for comment. In their review the Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate

neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the express intent of this Ordinance and the accomplishment of the following objectives in particular.

a. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.

b. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

c. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:

1. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and

2. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

C. Special Exceptions - Specific Procedures. Upon receipt of a Special Exception Application and Development Plan (see Section 614 B. 1) the following procedure shall prevail:

1. Planning Commission Review. Within thirty (30) days of the Township's receipt of a Special Exception Use Application, the Township Planning Commission shall review said application together with all supporting information and forward its written recommendations to the Zoning Hearing Board. The Commission may recommend approval, disapproval or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.
2. Zoning Hearing Board Action. The Zoning Hearing Board shall conduct a public hearing on each application for a special exception use. Such hearing shall be conducted in accordance with Section 609 C. of This Ordinance.

a. The Zoning Hearing Board shall make its final decision based upon findings of fact as to the general factors set forth in Section 614 B. and upon the specific factors for which a special exception application is filed.

D. Conditional Uses- Specific Procedures. Upon receipt of conditional Use Application and Development Plan the following procedure should prevail:
   1. Planning Commission Review. Within thirty (30) days of the Township's receipt of a Conditional Use Application, the Township Planning Commission shall review said application together with all supporting information and forward its written recommendations to the Board of Supervisors. The Commission may recommend approval, disapproval or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.
   2. Board of Supervisors Action. The Board of Supervisors shall conduct a public hearing on each application for conditional use.
      a) The Board of Supervisors shall make its final decision based upon findings of fact and upon specific factors for which the conditional use application is filed.

E. Fees for submission of Special Exception or Conditional Use application shall be set by resolution.

SECTION 2. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed and rescinded.

SECTION 3. REVISIONS.

The Board of Supervisors of Watts Township does hereby reserve the right, from time to time, to adopt modifications of supplements to, or amendments of its ordinance, including this provision.

SECTION 4. SEVERABILITY.

It is the intention of the Watts Township Board of Supervisors governing body that the provisions of this Ordinance are severable, and should any such provisions be declared illegal, invalid, or unconstitutional by the judgment or decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not prevent, preclude or otherwise foreclose enforcement of shall not affect any of the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective on the date of enactment.

DULY ORDAINED AND ENACTED this ____ day of _____, 2026, by the Board of Supervisors of Watts Township, Pennsylvania in lawful session duly assembled.

Attest: _____

_____ By: _____

Secretary Chairman