

ORDINANCE 2025-243-5

AN ORDINANCE of the Township of Harborcreek, Erie County, PA, Amending, Revising and Re-enacting the Harborcreek Township Zoning Ordinance 2025-243, as amended – Zoning to recognize Computer Data Centers as a use requiring special regulations; providing definitions; allowing Data Centers by conditional use in the Public University District and establishing performance standards providing for the repeal of inconsistent Ordinances; providing for the severability of the Ordinance; and providing for an effective date of the Ordinance.

SECTION 1. Purpose. This amendment is enacted to recognize Computer Data Centers and allowing them by Conditional Use in the Public University District.

SECTION 2. Amendment to Article III Section 302 Definitions.

DATA CENTER – A facility whose primary purpose is the centralized storage, processing, management, or dissemination of digital data, information, or applications. This includes but is not limited to server farms, cloud computing hubs, colocation centers, and telecommunication switching hubs. Data Centers typically house large-scale computer systems and supporting infrastructure such as backup generators, cooling systems, and uninterruptible power supplies. A Data Center generally includes environmental controls such as air conditioning and fire suppression, redundant/backup power supplies, redundant data communications connections and high security. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

DATA CENTER ACCESSORY USE – Ancillary uses or structures secondary and incidental to a Data Center Use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines, domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression and related equipment) and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

DATA CENTER ELECTRICAL SUBSTATION – A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

DATA CENTER PRINCIPAL BUILDING – A building that contains the office and/or data storage functions of a Data Center.

CLOSED-LOOP COOLING SYSTEM - A cooling system that circulates a single contained coolant or fluid that is not discharged to the environment as a normal part of operation (may include plate-and-frame heat exchangers, rear-door heat exchangers, immersion, or other sealed liquid cooling approaches).

SECTION 3. Amendment to Article IX Public University District Section 902 Table of Uses.

Data Center	<u>C</u>

SECTION 4. Amendment to Article XVII Supplemental Regulations for Specific Uses Section 1701 Additional Regulations

There shall be enacted a new Section, VV. Data Centers

All Data Centers shall comply with the following:

A. Environmental and Community Impact Analysis.

Prior to the commencement of the Conditional Use hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis 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 of materials will be accomplished in a manner that complies with state and federal regulations.
- (4) An evaluation of the 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 revenues 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.

Prior to the commencement of the Conditional Use hearing the following must also be provided:

1. Preliminary study on Noise and Vibration
2. Approved Emergency Response Plan

B. Environmental Impact Assessment.

An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relation to other projects or proposals, with adequate data and detail for Harborcreek Township to assess the environmental impact. The assessment 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 and include the following focus areas:

- (1) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
- (2) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.
- (3) The applicant shall submit an assessment report of the impact of the proposed use. The assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
- (4) Additional considerations. The following shall also 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.
 - d. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.
- (5) 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.
 - a. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands and mature stands of native vegetation and aquifer recharge and discharge areas.
 - b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
 - c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

C. Noise and Vibration

The applicant will agree to a pre-construction and post-construction noise study.

- (1) A Noise Mitigation Plan shall be submitted with the zoning application, including, at a minimum a detailed acoustic study showing the amount of noise to be produced by normal operations and strategies to minimize noise and achieve a neutral impact on the surrounding community. The Plan must be prepared and certified by a professional acoustical engineer. The Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the professional staff of the Township to any zoning approval.
 - a. A preliminary study shall be conducted as part of the conditional use process. The preliminary study shall determine a baseline decibel level from the parcel and surrounding parcels and must include different times of day and recommend sound-reducing materials as needed.
 - b. Post-Construction Study. A noise study of existing conditions at the time of operations, submitted to the Zoning Official at least 1 month but no more than 12 months after the issuance of the first Certificate of Occupancy.
- (2) The applicant shall provide a Vibration Study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line. The study shall be conducted as part of the conditional use process.

D. Air Quality

- (1) Backup power equipment shall minimize air pollutant emissions and meet or exceed applicable state and federal laws regulating emissions. In the case that backup generators are used, EPA Tier 4 emissions standards, or equivalent, must be achieved.
- (2) Annual testing shall be performed, and reports shall be provided to the Township and other relevant state and federal agencies to ensure that data center equipment is performing as designed and emissions from the data center do not exceed allowable limits.

E. Energy Use

- (1) Data centers shall make good faith efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable power purchase agreements (PPAs).
- (2) An Energy Management Plan shall be submitted with the zoning application detailing at a minimum, annual electricity demand, what supply sources will be utilized, energy storage capacity (if applicable) and efforts made to maximize use of renewable or clean energy. The Plan will be prepared and certified by a professional engineer. The Energy Management Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any zoning approval.
- (3) If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that the electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be provided.
- (4) Any energy system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved by separate permits according to zoning regulations and federal and state regulations applicable to such use.

F. Water Utilization

No Data Center shall be approved unless the applicant demonstrates that there is an adequate supply of water for the proposed use and that proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity.

- (1) A Water Utilization Report shall be submitted with the zoning application detailing, at a minimum the total daily intake volume and source(s) of that water, discharge volumes and destinations, cooling system type and efficiency, and shall demonstrate compliance with the Township's stormwater ordinances and regulations. The Report shall be prepared and certified by a professional engineer. The Report shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended reports based upon comments by the Township prior to any zoning approval.
- (2) The Data Center applicant shall provide documentation from the applicable water service provider certifying that the necessary capacity is available and that the public water service provider will serve the Data Center. Known impacts on water rates or availability for other uses directly attributable to the Data Center project shall be provided.

G. Wastewater

- (1) The applicant shall demonstrate the adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Harborcreek Township Sewer Authority and/or the Pennsylvania Department of Environmental Protection.

H. Electronic Waste

- (1) An Electronic Waste Plan shall be submitted with the zoning application outlining procedures for safe removal and recycling or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products, which will apply in cases when the data center is updated or decommissioned. The Report shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended reports based upon comments by the Township prior to any zoning approval.

I. Mandatory Cooling System Requirements

- (1) Closed-Loop Required. All new data centers and qualifying expansions must employ closed-loop cooling for server racks and IT equipment. Use of open, evaporative cooling towers for facility heat rejection is prohibited unless an applicant demonstrates by clear and convincing evidence that closed-loop technology is infeasible for the specific project and the applicant obtains a conditional exemption under this Section and all applicable state permits.
- (2) Conditional Exemption. An exemption may be granted by the Township body upon a written request made at the time of land development or permit application and must include:

- (1) Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.
- (2) Proposed alternative technologies such as geothermal, air-cooled, direct-to-chip liquid cooling, or waste-heat recovery systems so long as they meet water-use, noise, and environmental standards set forth herein.
- (3) The Township may impose reasonable conditions on any exemption. Prohibition on private well dependency. Data centers may not be designed to draw primary cooling make-up water from private potable wells.

J. Heat Mitigation

- (1) A Thermal Impact Mitigation Plan shall be submitted with the zoning application, including, at a minimum, strategies for waste heat reuse or dissipation and vegetative or green roof and/or site design to offset urban heat island effects. The Plan will be prepared and certified by a professional engineer. The Thermal Impact Mitigation Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any zoning approval.

K. Chemical Handling, Glycols, and Containment

- (1) Anti-freeze or heat-transfer fluids (e.g., propylene glycol/ethylene glycol) used in closed loops must be non-hazardous where feasible. If hazardous materials are used, the applicant must provide spill prevention, secondary containment (sized for the full system volume), and a hazardous materials response plan.
- (2) Routine testing for fluid leaks and an annual certification of containment integrity is required.

L. Floodplain Exclusion

- (1) No data center shall be located within a 100-year or 500-year floodplain as shown in the most recent Flood Insurance Map Rate Maps prepared by the Federal Emergency Management Agency for the Township.

M. Dimensional Standards

- (1) The minimum building height for a single-story data center shall be 30 feet to allow for effective cooling methods within the Data Center.
- (2) The maximum building height shall be 60 feet inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.
- (3) The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

N. Parking Requirements

- (1) 1 parking space per 2 guests plus 1 parking space per employee on the largest shift.
- (2) Off street Loading – a minimum of one loading space is required. Loading spaces/bays are only permitted to be located on one façade of the Data Center Principal Building.

O. Setbacks

- (1) All Data Centers and Data Center Accessory Uses shall be set back a minimum of 200 feet from the lot line of a property used for residential or community purposes and 200 feet from any residentially zoned district. 100 feet from another non-residential use with a minimum front yard setback of 75 feet.
- (2) Ground mounted equipment used for cooling, ventilation, heat or power shall be set back a minimum of 300 feet from the lot line of any property used for residential or community purposes and a minimum of 300 feet from any residentially zoned district.

P. Lot Coverage

- (1) The Data Center and Data Center Accessory Use shall not have a lot coverage exceeding 40%.

Q. Fencing

- (1) Fences shall be constructed of good quality and visually appealing materials such as ornamental steel or other durable security-grade materials. Features such as barbed wire and razor wire are prohibited. Max height 10'.

R. Landscape Buffer

- (1) All Data Center operations shall provide buffer yards along all property boundary lines. Buffer plantings shall consist of native species.
- (2) A minimum 50-foot-wide buffer yard shall be provided along the entire length of any public street frontage and 100-foot-wide buffer shall be provided along any property line which abuts property used for residential or community purposes or zoned residential.
- (3) A minimum 50-foot-wide buffer shall be provided along any property line adjacent to a non-residential use.

S. Screening

- (1) Screening shall be provided to reduce the noise output and visual impact of any facilities and equipment necessary for cooling, ventilating or operating the

facility, including but not limited to power generators, accessory electrical substations, or other power supply equipment.

- (2) Ground-mounted facilities and equipment shall be fully enclosed when technically feasible. If full enclosure is deemed infeasible, the equipment must be screened by a visually solid barrier such as a wall, fence, building and/or natural materials that absorb noise and protect neighboring properties from noise pollution.
- (3) Rooftop facilities equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides. Rooftop equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.

T. Negative Impacts – Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

U. Connection to public water and public sewer is required.

V. Safety

- (1) A detailed Emergency Response Plan shall be submitted with the zoning application, showing at a minimum that the data center has a plan in effect to deal with emergencies resulting from flood, fire, explosion, and catastrophic weather events. The Emergency Response Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any zoning approval.
- (2) The Emergency Response Plan (ERP) shall be prepared by a qualified professional and include the following:
 - a. Be reviewed and accepted by the local fire department and emergency management services as part of the conditional use process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - d. Ensure that all first responders receive adequate training specific to the installed system;
 - e. Include provisions for annual fire safety inspections demonstrating compliance with the fire safety standards to be performed by a qualified professional on behalf of the Data Center.
- (3) Any Data Center use proposing battery storage or any other devices or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855. Installation of Stationary Energy Storage Systems, or similar

standards and must include fire suppression systems designed specifically for battery storage.

- (4) Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs 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.
- (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.

W. Decommissioning

- (1) A decommissioning plan shall be required at the time of application for all proposed data centers under the jurisdiction of this ordinance that establishes detailed inventory, timelines, management, removal of physical equipment, disposal of recycled materials, and plans for future use or restoration of the site.
- (2) Decommissioning must begin within one (1) year of discontinuation of the Data Center facility, or upon abandonment by the operator, whichever occurs first. Decommissioning shall be completed within (18) months thereafter unless extended by the Township in writing.
- (3) Decommissioning shall include the removal of all hazardous materials and contents, including cabling, electrical components, and any other associated facilities.
- (4) Any soil exposed during the decommissioning shall be stabilized in accordance with applicable erosion and sediment control standards.
- (5) At the time of issuance approval for the construction of the Data Center facility, the facility owner shall provide financial security in the form and amount acceptable to the Township and in favor of the Township, to secure its obligations under this section.
- (6) The facility owner shall, at the time of the land development plan application, provide the Township with an estimate of the cost of performing the decommissioning activities required herein. The facility owner shall provide financial security of 110% of the estimated cost of decommissioning. The estimate may include an estimated salvage and resale value, discounted by a factor of 10%. The decommissioning cost estimate formula shall be: gross cost of decommissioning activities minus 90% credit of salvage and resale value equals the decommissioning cost Page 130 Erie County Subdivision and Land Development Ordinance, as Amended May 28, 2019 and August 20, 2024 estimate.
- (7) On every 5th anniversary of the date of providing the decommissioning financial security, the facility owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount increases, the facility owner shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning security estimate by the Township. If the decommissioning security amount decreases by greater than

10%, the Township shall release from security any amount held in excess of 110% of the updated decommission cost estimate.

(8) Decommissioning security estimates shall be subject to review and approval by the Township, and the facility owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.

(9) The decommissioning security may be in the form of cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow amount from a federal or Commonwealth chartered lending institution in the amount of 110% of the total proposed decommission cost estimate and in a form satisfactory to the Township and its solicitor.

(10) In the event that the Township indicates its desire not to participate or enter into a binding decommissioning agreement with the facility owner, then the County may enter into a decommissioning agreement with the facility owner. In such a case, the facility owner shall submit a copy of a letter from the Township indicating the Township's desire not to enter into said agreement.

SECTION 5. Severability.

In the event any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of Harborcreek Township that the remainder of the Ordinance shall be and remain in full force and effect.

SECTION 6. Repealer.

Any provisions of any prior enactments, including any amendments of the original Zoning Ordinance No. 2025-243, inconsistent with the provisions contained herein, are hereby repealed and replaced by these provisions. The remaining provisions of Ordinance 2025-243, and its amendments shall remain effective and should be interpreted consistent with the terms of this amendment.

BE IT HEREBY ENACTED AND ORDAINED this _____ day of _____, 2026.

This amendment shall become effective immediately.

Connie Cruz, Zoning Administrator

HARBORCREEK TOWNSHIP SUPERVISORS

Dean S. Pepicello, Chairperson

Timothy J. May, Supervisor

Stephen S. Oler, Supervisor

ATTEST:

Shelley Hull, Assistant Secretary

I hereby certify that the foregoing ordinance was advertised in the Erie Times on _____, 2026 a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the Harborcreek Township Board of Supervisors held on _____, 2026.