**WEST HAZLETON BOROUGH**

**ORDINANCE NO. 6 OF 2026**

**ORDINANCE OF THE COUNCIL OF THE BOROUGH OF WEST HAZLETON AMENDING THE WEST HAZLETON BOROUGH ZONING ORDINANCE**

**WHEREAS,** the Borough of West Hazleton (the "Borough") adopted Ordinance No. 11 of 2018 on November 13, 2018, pursuant to which the Borough restated in its entirety the Borough's Zoning Ordinance of February 9, 1998, and amended same as therein provided;

**WHEREAS,** since its adoption, the Borough has from time to time amended Ordinance No. 11 of 2018 ("Zoning Ordinance");

**WHEREAS,** the Borough seeks to ament its Zoning Ordinance to update the list of authorized land uses and the regulations pertaining to thereof in order to keep up with changing technologies and best practices in zoning and land use planning;

**WHEREAS,** the Borough deems it to be in the best interest and general welfare of residents and businesses to update and amend provisions of its Zoning Ordinance relating to data centers and their ancillary uses, which have the potential to place intense demands on utilities and infrastructure, and to provide standards for such uses; and

**WHEREAS,** the Borough has duly discussed, legally advertised, and held public hearings in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. § 10101 et seq.), with the intention to amend its Zoning Ordinance in accordance with the provisions outlined herein;

**NOW, THEREFORE,** be it ordained by the Council of the Borough of West Hazleton, pursuant to the authority granted to it under the laws of the Commonwealth of Pennsylvania, that the West Hazleton Borough Zoning Ordinance is amended as follows:

**1.** Article III ("Definitions"), §420-12 ("Definitions"), shall be amended to add the following definitions:

Battery/Stationary Energy Storage Systems (BESS): Large-scale technologies designed to store electricity for later use.

Closed-Loop Cooling System: A heat mitigation system designed to circulate cooling water within a closed circuit, allowing it to absorb heat from Data Center Equipment and then release that heat through a heat exchanger or cooling tower. This system minimizes water loss and reduces environmental impact by reusing the same water repeatedly.

Community Incentive Package: Programs or contributions to public safety, health, education, community amenities, or infrastructure enhancements designed to offset project impacts and to protect and promote the welfare of Borough citizens. Such package must be proportional to project scope and impact and enforceable via a Developer's Agreement.

Data Center: A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred, and/or stored, primarily to and from offsite locations. This use shall also include cryptocurrency

mining, blockchain transaction processing, server farms, and artificial intelligence (AI) computing. A Data Center facility may also include Data Center Accessory Uses, such as air handlers, power generators, water cooling and storage facilities, electrical substations, and other associated utility infrastructure to support sustained operations at the Data Center. This use does not include computers or telecommunications-related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. Data Centers can fall under the three categories below:

A. Hyperscale Data Center: Consists of a Data Center or a Data Center Campus Development comprising of a minimum of 100,000 square feet in floor area.

B. Major Data Center: Consists of a Data Center or a Data Center Campus Development comprising a minimum of 20,000 square feet and strictly less than 100,000 square feet in floor area.

C. Edge/Minor Data Center: Consists of a Data Center or a Data Center Campus Development with an area strictly less than 20,000 square feet in floor area (may include Modular Data Centers).

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 features, buildings, or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling and wastewater treatment facilities; water holding facilities; pump stations; water towers; and environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment); provided such uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center (i.e., a Data Center Campus Development). Data Center Power Generation Uses, including the following, are excluded from the definition for a Data Center Accessory Use:

A. Energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

B. A utility-scale electric generating plant or other primary power production facility intended for sale/export of electricity or for normal, continuous, non-emergency operations beyond the Data Center facility, which shall be regulated as a separate principal use, even if collocated on the same parcel or within a Data Center Campus Development.

Data Center Campus Development: Two (2) or more Data Center Principal Buildings, together with associated Data Center Accessory Uses, Data Center Equipment (DCE), and supporting infrastructure, located on a single parcel of land or on a group of contiguous parcels planned, developed, and operated as an integrated Data Center use pursuant to a unified development plan.

Data Center Electrical Substation: A facility used for the transformation and/or switching of transmission voltages to distribution voltages, which switches circuits and distributes consumable electric power, specifically for Data Center uses on the same or adjacent site or on a site immediately across a road right-of-way.

Data Center Equipment (DCE): Equipment, systems, and appurtenances customarily associated with and incidental to the operations of a Data Center and located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center (i.e., a Data Center Campus Development). Data Center Equipment (DCE) includes, but is not limited to: electrical switchgear; transformers; uninterruptible power supply (UPS) systems; battery energy storage systems (BESS) serving UPS or emergency functions; cooling and heat rejection equipment

(including chillers, cooling towers, dry coolers, pumps, and related mechanical systems); standby/emergency generators; fuel storage tanks serving standby/emergency generators; and associated enclosures for buffering/screening.

Data Center, Modular: A mobile pre-engineered and/or prefabricated building, complete with power and cooling infrastructure, used to house computer servers and network equipment.

Data Center Power Generation Use: A power plant, as defined herein, or any energy production facility other than an accessory solar energy system, intended to be used to supply power to a Data Center during normal operations or to generate for sale/export of electricity to the electric grid.

Data Center Principal Building: A building that contains the office and/or data storage functions of a Data Center.

Developer's Agreement: An agreement in writing prepared and submitted by an applicant for conditional use at time of submission to the Zoning Hearing Board. This agreement shall include, but is not limited to: the intent to include a community incentive package; an agreement to submit all annual reports and studies set forth in this Ordinance as completed by an accredited or licensed professional; any proposal from said applicant/developer that intends to include renewable energy resources or a "bring your own power" alternative to using utility power; and a letter of understanding that financial security in the form of bonds, letters of credit, escrow accounts, cash, or other financial instruments accepted by the Borough Council in the amount sufficient to cover applicable bonding set forth in this Ordinance shall be required prior to the submission of a land development plan in accordance with the subdivision and land development application requirements of the Borough, in amounts to be determined by the Borough Council and/or Borough Engineer, contracted engineering firm, or designee. The applicant/developer is required to provide at the time of application an affidavit agreeing to the provisions set forth in this developer's agreement.

Operator: Any person or entity that owns, leases, manages, operates, or controls a Data Center or Data Center Campus Development, including any successor operator.

Qualified Professional: A person, who by education, experience, certification, or licensure, has demonstrated expertise in a particular field. For the purpose of this Ordinance, fields may include, but are not necessarily limited to professional engineering, emergency management, acoustics, geology, hydrogeology, and soil sciences.

Small Modular Reactor (SMR): A class of small nuclear fission reactors with a rated electrical power of less than 300 megawatts (MW), designed to be built in a factory, shipped to operational sites for installation, and then used to power buildings or other commercial operations. SMR designs include Generation IV reactors, thermal-neutron reactors, fast-neutron reactors, molten-salt reactors, and gas-cooled reactors, as examples. An SMR must be of a design fully licensed and permitted by the Nuclear Regulatory Commission (NRC). An SMR shall be considered a Data Center Power Generation Use.

Sensitive Receptors: Land uses that by nature of their human occupancy characteristics or environmental sensitivity may be particularly affected by close proximity to land uses of higher intensity. Sensitive receptors shall include residential uses, schools, preschools, day care centers and day care homes, long-term care facilities, retirement and nursing homes, hospitals (including but not limited to community care and urgent care facilities), animal rescues, animal hospitals, kennels, community centers, places of worship, cemeteries, historical sites, parks/park land (including trails/water trails), and recreational facilities, agricultural lands, conservation lands (including state forests and state game lands, ecological areas), PA Fish and Boat Commission "Class A" and "Exceptional Value (EV)" waters, fisheries, fish farms, campgrounds, prisons, and

dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer, and any parcel where a residential use is a use as a matter of right. This definition is based upon use, regardless of property ownership.

**2.** Article IV ("District Regulations"), §420-16 ("District Regulations"), "Schedule of Uses," shall be amended to add the following uses under the "Manufacturing, Industrial and Similar Uses" heading as shown, with the following use permissions and section references:

| SCHEDULE OF USES | | | | | | |
|---|---|---|---|---|---|---|
| Listed uses shall only be permitted in the noted districts and shall not be included in a more general use classification.<br>P - Permitted by right (Zoning Officer). C - Conditional use (Planning Commission/Borough Council).<br>N - Not permitted.<br>Section references are in addition to all other applicable standards. | | | | | | |
| **Types of Uses** (See definitions in Article III) | **See Section** | **Zoning Districts** | | | | |
| | | **R-1** | **R-2** | **B-1** | **M-1** | **M-2** |
| **MANUFACTURING, INDUSTRIAL AND SIMILAR USES** | | | | | | |
| Data center, edge/minor | 420-86 | N | N | N | N | C |
| Data center, hyperscale | 420-86 | N | N | N | N | C |
| Data center, major | 420-86 | N | N | N | N | C |
| **ACCESSORY** | | | | | | |
| Data center accessory use | 420-86 | N | N | N | N | P |
| Data center equipment (DCE) | 420-86 | N | N | N | N | P |
| Data center power generation use | 420-86 | N | N | N | N | C |

**3.** Article V ("Supplemental Provisions"), §420-29 ("Off-Street Parking and Loading"), Subsection F ("Number of Spaces"), shall be amended to add the use "Data centers" in the numerically ordered location under the "Offices, research facilities and services not primarily related to goods" use category "E," with the following parking requirements:

| Note: SFGFA means square feet of gross floor area. Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet. | |
|---|---|
| **USE** | **PARKING SPACES REQUIRED** |
| E. Offices, research facilities and services not primarily related to goods | |
| 5. Data centers (edge/minor, major, or hyperscale) | 1 per 8,000 SFGFA designed and intended to be accessible regularly by employees, or 1 per employee based upon the maximum of employees on site during the larger shift, whichever is less |

**4.** Article VIII ("Standards for Specific Uses"), §420-86 ("Reserved"), should be amended in its entirety to provide the following use-specific standards for data centers:

## §420-86 Data Centers

The Applicant shall demonstrate compliance with all applicable provisions of the Zoning Ordinance and the Subdivision and Land Development Ordinance (SALDO). The Applicant shall also comply with all local, state, and federal rules and regulations. The Applicant shall also demonstrate consistency with the goals, policies, and recommendations of the Comprehensive Plan.

The following standards shall apply to Data Centers, Data Center Equipment (DCE), Data Center Accessory Uses, and Data Center Power Generation Uses:

A. Dimensional Standards. The dimensional standards provided in the Schedule of Development Standards in §420-16 for the M-2 Zoning District shall generally apply, except where the provisions of this section §420-86 include specific or more stringent requirements. The following dimensional standards shall apply specifically to Data Centers:

(1) Setbacks.

(a) All buildings, Data Center Equipment (DCE), Data Center Accessory Uses, and Data Center Power Generation Uses associated with Edge and Minor Data Centers shall be set back 1500 feet from the boundary of any R-1 or R-2 District and from the lot line of any sensitive receptor land use.

(b) All buildings, Data Center Equipment (DCE), Data Center Accessory Uses, and Data Center Power Generation Uses associated with Hyperscale and Major Data Centers shall be set back 2500 feet from the boundary of any R-1 or R-2 District and from the lot line of any sensitive receptor land use.

(c) In addition, the following setback requirements apply to buildings, Data Center Equipment (DCE), Data Center Accessory Uses, and Data Center Power Generation Uses associated with all Data Center types:

[1] 150 feet from all adjoining properties in non-residential districts or that do not consist of sensitive receptor land uses, and all public road rights-of-way.

[2] 300 feet from any body of water, perennial or intermittent stream, or wetland.

(d) Parking lots serving Data Centers shall be set back 50 feet from public road rights-of-way and from all property lines.

(e) Data Centers shall take primary access from an arterial or collector roadway and shall provide secondary emergency access suitable for emergency response purposes.

(2) Height.

(a) The maximum building height for a Data Center shall be 100 feet. Roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers shall not extend more than four (4) feet above this regulated maximum height, in accordance with §420-26.D(2).

(b) The maximum height of Data Center Equipment (DCE) and Data Center Accessory Uses shall be no greater than the height of the principal building, except:

[1] Where such use consists of one of the listed unoccupied structures in §420-26.D(2), in which case the use shall not extend more than four (4) feet above the maximum height regulated in Subsection (a) above.

[2] Where otherwise superseded by Pennsylvania Public Utility Commission (PUC) regulations or other state law.

B. Landscape Buffer and Screening. A landscape buffer is required along the perimeter of all Data Centers (including Data Center Campus Developments) and shall comply with the following requirements:

(1) Buffer Requirements.

(a) The landscape buffer shall be at least 50 feet in width and may be part of the minimum setback distance.

(b) Where physically feasible, an earthen berm of a minimum of six (6) feet in height above the adjacent average ground level with a maximum side slope of 3:1 shall be constructed within the required buffer, provided that the berm shall be covered by a well-maintained all-season natural ground cover and any required screening plantings specified in Subsection (d) below shall be arranged on the outside and top of the berm.

(c) In the case where berms are not feasible due to utilities, topography, or other valid constraints, the following alternative screening methods may be approved:

[1] Decorative walls of a minimum of six (6) feet in height, with integrated landscaping meeting the requirements of Subsection (d) below.

[2] Dense evergreen hedge planting of a minimum of eight (8) feet in height at maturity.

[3] Combination of existing vegetation preservation and supplemental planting meeting the requirements of Subsection (d) below.

(d) Buffer plantings shall consist of native, non-invasive species planted as follows:

[1] One (1) large evergreen tree per 25 linear feet of buffer. The size of the large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

[2] One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. The size of the canopy (shade) trees shall be a minimum of 2 1/2 inches in caliper at the time of planting.

[3] One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of the ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 1/2 inches in caliper at the time of planting for single-stemmed varieties.

[4] Five (5) shrubs per 25 linear feet of buffer. The shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

(e) Existing Vegetation/Topography Credit. Existing vegetation and/or topography may be credited toward the buffer requirements where the Applicant demonstrates, through plans and field verification, that the existing conditions provide a substantially equivalent year-round screening.

[1] The Applicant shall submit: (i) a plan identified vegetation/topography to remain, (ii) construction protection measures (including limits of disturbance and tree protection), and (ii) any supplemental planting required to achieve equivalent screening.

[2] In the event that existing vegetation is adequate to meet the required buffer yard to screen the Data Center from adjoining R-1 and R-2 Districts, sensitive receptors, and public roadways, the Borough Council, upon recommendation by the Borough Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

[3] Any credited vegetation removed or destroyed shall be replaced to meet the requirements of this Section.

(2) Landscape Bond.

(a) The applicant shall provide deposit with the Borough a sum of money equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months.

(b) Any tree or shrub planted as part of the landscape buffer requirements within 18 months of planting or replanting is deemed, in the opinion of the Borough, not to have survived or to have grown in a manner uncharacteristic of its type shall be replaced in kind with 90 days of Borough notice or by the end of the next planting season, whichever is later. Substitutions for certain species of plants may be made only when approved by the Borough.

(3) Screening and Fencing.

(a) To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the Data Center facility, including power generation or other power supply equipment, that is located within 300 feet of a public roadway, an R-1 or R-2 Zoning District, or the lot line of any sensitive receptor, must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications.

(b) If it is not mechanically feasible to fully enclose the equipment described in Subsection (a), it must be fully screened from public view and the public right-of-way using one or more of the following means:

[1] By the Data Center Principal Building or an accessory building.

[2] By 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 Data Center Principal Building.

(c) Fencing of the Data Center or Data Center Campus Development is permitted, provided that fencing along public and private roadways does not include barbed wire

or other similarly visibly intrusive deterrence devices. Fences shall be six (6) feet in height at a minimum and may not exceed 10 feet in height.

C. Noise and Vibration.

(1) Sound Limits. The sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be subject to the sound level limits provided in the Maximum Sound Levels Table in §420-48.B, notwithstanding that generated sound shall not exceed pre-development ambient noise levels by greater than 10 dBA at any point in time. Infrasound (sound below 20 Hz) from Data Centers shall be limited to 90 dBZ.

(2) Sound Studies.

(a) The applicant shall demonstrate through the following three (3) separate sound studies from all directions of the site conducted by a third-party professional acoustical expert that the sound generated by the Data Center, Data Center Accessory Uses, and Data Center Equipment do not exceed the sound limits specified in Subsection (1) above and do not violate the standards in §420-48:

[1] A preliminary sound study shall be conducted as part of the land development approval process. The preliminary sound study shall include recommended sound-reducing materials or systems as needed to meet the aforesaid sound limits.

[2] An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound-reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the use.

[3] An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, it shall be considered a violation of this Ordinance.

(b) All required sound studies shall be conducted using sound level meters described in the latest version of ANSI S1.4 (or successor). Measurements shall be conducted in accordance with the standards set forth in §420-48.C under meteorological conditions suitable for environmental noise measurement (no precipitation; sustained wind at microphone of ≤ 12 mph).

(c) Each sound study shall include a narrow band frequency for the purpose of identifying audible tones generated by the Data Center, Data Center Accessory Use, or Data Center Equipment. Audibility of tones shall be calculated in accordance with International Organization for Standardization Technical Specification (ISO/TS) 20065:2002 – Acoustics – Objective Method for Assessing the Audibility of Tones in Noise – Engineering Method. If the decisive audibility of any narrow-band averaged spectrum is 10 dB or more, a 6 dB penalty shall be applied to the overall A-weighted sound measurement for purposes of determining compliance with the Maximum Sound Levels Table in §420-48.B.

(d) The Borough may require noise mitigation measures where sound studies demonstrate that the proposed use is approaching or exceeding applicable sound limits.

(3) Vibration Study. The applicant shall provide a vibration study prepared by a qualified professional and submitted at the same time as the interim sound study that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, and Data Center Equipment will exceed the vibration perception threshold, as defined in §420-49, at or beyond the property line, and that recommends measures, if deemed necessary, to mitigate any negative impacts to wildlife, pollinators, and sensitive populations. These measures shall be implemented prior to final escrow release for any land development phase.

(4) Exceptions. Maximum decibel levels specified herein shall not apply during times of power outage. However, the sound studies required in Subsection (2) above shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

D. Water and Sewer.

(1) Will-Serve and Capacity Certification Letter. 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. If the Data Center is to be served by the public water supply, the applicant shall submit documentation from the Hazleton City Water Authority (or successor) certifying that the authority will and has the capacity to supply the water needed, including for any future phases of the project.

(2) Water Feasibility Study (for Nonpublic Water). If the Data Center is to rely upon any nonpublic sources of water, the applicant shall provide a Water Feasibility Study, prepared and sealed by a professional engineer. The purpose of the study is 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, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The Water Feasibility Study shall include the following information at a minimum:

(a) The projected water demands of the Data Center, including seasonal fluctuations.

(b) The source of water to be used.

(c) A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g., cooling, humidity control, fire suppression, and domestic usage).

(d) The long-term safe yield of the water source.

(e) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means.

(f) A geologic map of the area with a radius of at least one (1) mile from the property boundary.

(g) The location of all existing and proposed wells within one (1) mile of the property boundary, with a notation of the capacity of all high-yield wells, including residential and commercial wells not registered with the Commonwealth of Pennsylvania.

(h) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within one (1) mile of the property boundary.

(i) A determination that the proposed water supply system poses no adverse impacts on the quantity and quality of water in nearby wells, surface waters, and the groundwater table.

(j) Identification of how water will be recycled, treated, or released into surrounding water bodies.

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

(3) Susquehanna River Basin Commission Review and Approval. Whether the Data Center shall rely entirely on public water or shall proposed use of nonpublic water supplies, the applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects proposing:

(a) Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin; or

(b) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

(4) Cooling Water. Proposed Data Centers shall deploy technologies for water conservation including, but not limited to, installing closed-loop cooling or recirculation systems to reduce demands on the water supply. Data Centers shall utilize closed-loop cooling systems unless the applicant demonstrates that an alternative cooling technology will utilize less water and energy or will reduce the amount of contaminated wastewater entering public or private/on-site sewage disposal systems while providing equivalent or greater environmental protection.

(5) Drought Contingency Plan. A Drought Contingency Plan shall be submitted if the Borough or County declares a water shortage due to a drought emergency.

(6) Wastewater Disposal. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Code Officer and the Pennsylvania Department of Environmental Protection (DEP), respectively. A Wastewater Disposal Analysis shall be submitted with the following information provided:

(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 from being 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 capacity to dispose of wastewater and that the disposal technique does not pose adverse impacts on surrounding water bodies. A Wastewater Feasibility Study shall include the following information at a minimum:

[1] Calculations of the projected wastewater generation including the sources of wastewater.

[2] A geologic map of the area with a radius of at least 1 mile from the site property boundary

[3] The location of all existing and proposed wells within 1,000 feet of the property boundary, with reference to the capacity of all high-yield wells.

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

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

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

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

(7) Permits Required. No approvals shall be granted until all required state and regional permits have been obtained.

E. Power Supply.

(1) Will-Serve and Capacity Certification Letter. If the applicant proposes connecting the Data Center directly 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. Impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted. It is encouraged that the applicant attempts to avoid having peak energy demand at the site coincide with general consumer peak energy demand when possible.

Documentation shall include answers to the following:

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

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

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

(d) The date that the electric utility provider has provided for the proposed energization of the Data Center.

(2) Electric Substations.

(a) Electric utility substations on the same property as the Data Centers they serve must be located on the side or rear of a Data Center Principal Building so that they are screened from public view and must not be located in a required front yard.

(b) Electric utility substations must include year-round opaque landscaping and a screen wall or fence a minimum of eight (8) feet in height to minimize visual impact.

(c) Electric utility substations shall be set back at least 500 feet from the exterior wall of any residential structure and 200 feet from all adjoining property lines and road rights-of-way. Setbacks shall be measured from the screen wall or fence required under Subsection (b) above.

(3) Energy Usage Plan. An Energy Usage Plan (EUP) shall be prepared by qualified energy professional. The plan shall be subject to review and comment by the Borough Engineer and Borough Council. The Borough shall have the right to require supplemental or amended plans based upon the review and comments prior to any zoning approval.

(4) On-Site Power Generation.

(a) Any energy generation system designed or used to supply power directly to a Data Center during normal operations, other than an accessory solar energy system, shall not be considered part of the Data Center use. Such systems shall be considered a separate conditional use and shall be approved according to the zoning regulations for such use, if applicable, and to the conditional use standards of this Zoning Ordinance.

(b) All Data Centers and Battery Energy Storage Systems (BESS) shall install on-site solar energy generation systems sufficient to offset a minimum of 25% of the facility's projected annual electricity consumption during normal operations.

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

(5) Solar Energy Plan. The applicant shall submit a Solar Energy Plan prepared by a qualified professional demonstrating:

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

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

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

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

(6) Other Alternative Energy Sources. On-site or behind-the-meter generation using natural gas, renewable fuels, or other clean sources when used to improve reliability, efficiency, or sustainability is permissible. All systems shall meet environmental, safety, and utility interconnection standards. Such alternative energy sources, which also include, but are

not limited to, on-site nuclear (such as small modular reactors [SMRs]), and other technologies, shall require separate conditional use approvals.

(7) Generator Requirements.

(a) The applicant shall design and locate emergency energy generation systems to limit noise and visual impacts as much as possible. All generators, whether portable or fixed/permanent, shall be equipped with functioning mufflers and enclosures to comply with the noise limits in §420-48.B and all other applicable noise restrictions contained within the Zoning Ordinance. All diesel generators shall be Tier IV certified generators that operate at the lowest dBA levels.

(b) Non-residential or non-light commercial portable or backup generators shall not be operated between 5:00 p.m. and 8:00 a.m., including routine maintenance and testing, except during declared emergency outages. Except during routine maintenance and testing, emergency energy generation that uses diesel, gasoline, or another fossil fuel shall be used only when the primary source of energy is not available due to an emergency outage.

(c) Diesel generators shall undergo annual testing, and reports shall be provided to the county and municipality to ensure that data center equipment is performing as designed and that emissions from the data center do not exceed permitted limits. Routine and maintenance testing of backup generators shall not exceed 100 hours per calendar year unless otherwise required by federal or state regulations.

(d) Use of generators for peak shaving or supplying power to the grid is prohibited.

(8) Bulk Fuel Storage. All bulk fuel storage must comply with the supplemental land use regulations for such facilities in §420-81.

F. Emergency Management.

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

(a) Be reviewed and accepted by the Borough Fire Department and emergency 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 proposed 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 (see Borough Schedule of Fees).

(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.

(f) The operator of the Data Center shall provide for annual fire safety inspections and operational verification of emergency systems by a Qualified Professional.

(g) Documentation demonstrating compliance with applicable fire safety standards, emergency response requirements, and battery storage safety requirements shall be submitted to the Borough upon request.

(h) Any deficiencies identified during such inspections shall be corrected within a timeframe established by the Borough or applicable emergency responders.

(2) Emergency Preparedness. Each Data Center operation shall provide:

(a) 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name, the owner and/or representative's name, the telephone number, and the corresponding local power company's name and telephone number.

(b) A copy of the ERP to:

[1] Municipal officials, and all emergency responders that serve the Borough.

[2] All residents living within 0.5 miles of the exterior property lines of the Data Center.

(3) Fire Suppression.

(a) 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.

(b) Any Data Center and/or Data Center Accessory Use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

(4) Campus Security Plan. A campus security plan should be prepared in consultation with police and local emergency officials.

(5) Adequate Radio Coverage. The applicant shall coordinate with the Luzerne County Department of Emergency Services 911 Coordinator and the Borough Fire Department and emergency services to ensure there is adequate radio coverage for emergency responders within the Data Center Buildings based upon the existing coverage levels of the county Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems as needed to meet compliance. A 911 address should be obtained. It shall be confirmed that the local emergency departments have the proper firefighting equipment/supplies in the event of a fire emergency.

G. Architectural Standards.

(1) Loading and Truck Access Points. Unless physically impossible, loading bays, truck entries, truck drive aisles, and refuse collection points shall be located as far away as possible from nearby sensitive receptor land uses.

(2) Guardhouse/Kiosk Exception. A single-story guardhouse or security kiosk at the primary entrance driveway may be located within the required buffer area and setback, provided it:

(a) Is no closer than 50 feet from the street right-of-way;

(b) Does not exceed 400 square feet in gross floor area; and

(c) Complies with applicable sight distance and clear sight triangle requirements.

(3) Building Facades and Design Elements.

(a) Any Data Center and Data Center Accessory Use building facade that faces a road or an existing residential use must incorporate at least two (2) of the following design elements every 150 horizontal feet:

[1] 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.

[2] A change in building material, pattern, texture, or color;

[3] A change in building height; or

[4] Building step-backs or recesses having a minimum depth of five (5) feet;

(4) Uninterrupted blank wall façades shall be prohibited to the extent that they are visible from a public right-of-way or a residential area. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, banding, windows, scoring of building facades, color changes, texture or material changes, and a variety in building height across a single building.

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

(6) Lighting. All lighting shall comply with the lighting standards of §420-50. Additionally, all equipment shall be fully enclosed or shielded. All exterior lighting shall utilize full-cutoff, downward directed fixtures. No light source shall be visible from adjacent residential properties.

(7) Elevations/renderings of all principal building façades visible from off-site shall be submitted with the conditional use application.

H. Green Building Techniques.

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

(a) Selecting sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes.

(b) Minimizing land disturbance.

(c) Maximizing tree preservation.

(d) Minimizing impervious surfaces.

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

(f) Encouraging fuel storage that limits impacts on the environment from potential spills.

(2) Energy and Water Efficiency. Data Centers are encouraged to implement low-impact development practices in energy and water efficiency, such as, but not limited to the following considerations:

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

(b) Utilizing alternative energy sources (solar, wind, hydro, nuclear, or other alternative source) as much as possible, subject to obtaining all required governmental approvals and permits.

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

(d) Encouraging systems that limit the use of finite natural resources and their disposal.

(e) Installing water-efficient landscape materials.

(f) Utilizing reclaimed water for cooling.

(g) Implementing energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings Initiative and the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) certification system.

I. Decommissioning.

(1) Decommissioning Plan. A Decommissioning Plan prepared by a qualified professional shall be required at the time of land development application for all proposed Data Centers that establishes detailed inventory, timelines, management and removal of physical equipment, disposal of recycling materials, procedures for safe shutdown, and plans for future use or restoration of the site.

(2) Requirements.

(a) The owner of the Data Center shall submit a notification of closure to the Borough if operations are ceased, whether temporarily or permanently.

(b) Decommissioning must begin within 12 months of ceasing of Data Center operations (upon which the Data Center shall be deemed abandoned), or upon notice of abandonment by the operator, whichever occurs first. Decommissioning shall be completed within 18 months thereafter unless extended by the Borough in writing for good cause.

(c) The following activities shall take place as part of Data Center decommissioning:

[1] Hazardous materials, including, but not limited to, batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

[2] Disturbed soils shall be stabilized and revegetated.

[3] All utility providers must be notified of the discontinuation of operations. Utility connections shall be safely disconnected and capped.

(3) Financial Security. Financial security in the form of bonds, letters of credit, escrow accounts, cash, or other financial instruments will be a requirement for the Decommissioning Plan. In no event shall the security be less than 100% of the estimated cost of decommissioning. The Data Center owner shall provide a new estimate of the cost of decommissioning every five (5) years thereafter and increase its security if the cost increases.

(4) Injunctive Relief. The Borough is granted the right to seek injunctive relief to effect or complete decommissioning. Additionally, the Borough has the right to seek reimbursement from the Data Center owner or owner's successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

J. Developer's Agreement and Other Submissions.

(1) Developer's Agreement. An agreement in writing shall be prepared and submitted by the Data Center applicant at time of plan submission. This Developer's Agreement shall include, but is not limited to:

(a) The intent to include of a Community Benefits Agreement, if applicable.

(b) An agreement to submit all reports and studies set forth in this Section.

(c) Any proposal from said Data Center applicant that intends to generate on-site electric power.

(2) Environmental Impact Statement. The applicant shall provide for review by the Borough Council, Borough Engineer, and/or other appropriate entity(ies) as applicable an Environmental Impact Statement (EIS) to disclose the potential environmental consequences of the proposed project. The EIS, which is to be submitted with the Developer's Agreement, shall include:

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

(b) An assessment of potential impacts of operation and maintenance of the Data Center and Data Center Accessory Uses on environmentally sensitive features, groundwater, creeks and streams, the air, and the grounds of the Data Center and within 1,000 feet of the Data Center property boundary, including, but not limited to, during periods of emergency power, fire, and fire suppression and control; storage of petroleum-based or other combustible materials (if any); and release of gasses and/or other contaminants into the air, ground, surface water, or groundwater.

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

(d) Analysis of the potential for or estimates of anticipated:

[1] Public nuisances from operations and truck traffic.

[2] Stormwater generation and discharge.

[3] Wastewater and sewage generation.

[4] Solid waste generation.

[5] Electrical interference.

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

(f) A Pennsylvania Natural Diversity Inventory (PNDI) Receipt obtained from the Pennsylvania Department of Conservation and Natural Resources (DCNR), through the agency's online PNDI Environmental Review Tool.

(g) Proposed measures to prevent or, as the case may be, mitigate, negative environmental impacts identified by the EIS.

(3) Community Incentive Package. Any proposed Hyperscale or Major Data Center development under the jurisdiction of this Zoning Ordinance may propose inclusion of a Community Incentive Package to help offset the Data Center's impacts on the Borough, its residents, and its businesses. The intention to include a Community Incentive Package and what benefits it intends to provide shall be stated in the Developer's Agreement.

(4) Financial Security. Financial security shall be submitted with the Developer's Agreement in the form of bonds, letters of credit, escrow accounts, cash, or other financial instruments acceptable to the Borough Solicitor in an amount sufficient to cover the cost(s) of requirements of all provisions not explicitly defined in this Section and/or for the purpose of any financial cost(s) or liabilities incurred by the Borough as a result of negligence to provide any such documentation, report, study, or improvement, etc. by the applicant and/or developer.

K. Thermal Impact Mitigation Plan. A Thermal Impact Mitigation Plan shall be submitted with the conditional use 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.

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

(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 Borough Engineer and Borough Council. The Borough shall have the right to require supplemental or amended plans based upon comments prior to zoning approval.

L. Electronic Waste Plan.

(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.

(2) The Report shall be subject to review and comment by the Borough and Borough Engineer. The Borough shall have the right to require supplemental or amended reports based upon comments prior to zoning approval.

M. Public Engagement.

(1) The applicant shall hold a public meeting prior to the first Borough Council meeting where the conditional use is discussed or prior to the first Planning Commission meeting when the proposed land development is discussed.

(2) 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.

(3) 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.

(4) The public meeting shall be advertised consistent with "public notice" as defined by the Pennsylvania Municipalities Planning Code.

(5) The applicant shall create and maintain a project website for viewing by the general public.

(6) The website shall explain the project parameters and include maps, elevations, renderings, or other visual elements and shall be accessible to the general public beginning at least two (2) weeks prior to the meeting(s) discussed above and continuing until final land development approval.

(7) The website shall provide:

(a) A description of the proposed use,

(b) Construction timelines and phasing plans,

(c) Dates of public meetings with municipal bodies.

(d) Copies of all required studies and analyses.

(e) Status of permits.

N. Conditional Use Application Materials. The conditional use application shall not be considered complete, nor shall a conditional use public hearing be scheduled, until the applicant submits all supporting documents required by this Ordinance, including all required studies and analyses identified and detailed in Subsections C through L above.

Any Ordinance or part of an Ordinance conflicting with the provision of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED by the Council of the Borough of West Hazleton on this ***13th*** day of ***October***, 2026.

WEST HAZLETON BOROUGH COUNCIL

*Presented by* Councilperson Diane Chura

*Seconded by* Councilman Gene Duffy

Councilperson Diane Chura : yes
Councilman Gene Duffy : yes
Councilman Bernard Dutz : yes
Council President Henry Kreisl : yes
Councilman William Slachy yes
Councilman Michael Vercusky : yes
Council Vice President Thomas Venasteo yes

*Ordinance Passes* unanimously, 7-0.
attest: James Schweitzer, Borough Manager