



TOWNSHIP OF NEW BRITAIN

Bucks County, Pennsylvania

Board of Supervisors

Cynthia M. Jones, Chair
Bridget Kunakorn, Vice-Chair
MaryBeth McCabe
William B. Jones, III
Stephanie Shortall

SUBJECT: Discussion of Data Center Ordinance

FROM: Nick Valla, Township Manager

TO: Board of Supervisors

DATE: October 5, 2026

BACKGROUND

On August 3, 2026, the Board of Supervisors adopted Resolution #2026-08, initiating the curative amendment process to address the New Britain Township's current insufficiency in defining the data center use. This formal process outlined in the [Pennsylvania Municipalities Planning Code \(MPC\)](#) allows municipalities a limited period of time to enact legislation to "cure" the zoning ordinance of the cited insufficiency. The Township has until January 11, 2027, to enact legislation.

According to state law, the Township must allow for all uses everywhere within the municipality. Failure to establish specific use regulations poses great risk to the Township.

Since August, Township staff and professionals have been preparing a draft ordinance for review by the New Britain Township Planning Commission on October 13.

In the interest in maximizing opportunities for transparency and engagement on this important topic, the purpose of this memo and discussion is to outline the decision points for consideration within this ordinance and for the Board of Supervisors to engage in broad discussion to prime further discussion by the Planning Commission.

No action is before the Board of Supervisors at this time.

DISCUSSION

A draft ordinance will be presented to the New Britain Township Planning Commission on October 13. The following areas are the decision points to be considered. Unless otherwise specifically defined under the data center use, other conventional regulations within the Zoning Ordinance would still apply to this use.



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- Zoning District
- Authorization by conditional use and/or special exception
- Building set back distance from any property line
- Building set back distance from property lines abutting a residential use
- Building height
- Noise and vibration
- Public utilities and power generation
- Emergency access
- Parking
- Width of landscape buffer
- Screening and fencing (requirement and height)
- Hours of operation

Definitions of some of these categories can be found in the [Pennsylvania Municipalities Planning Code \(MPC\)](#).

TENATIVE SCHEDULE

Further development of the data center ordinance will take place at several public meetings in the next three months. Specifically, discussion will occur before the New Britain Township Planning Commission and New Britain Township Environmental Advisory Council prior to a recommendation being made to the Board of Supervisors for action. Residents interested in this topic are encouraged to monitor all agendas of the Planning Commission, Environmental Advisory Council, and Board of Supervisors between now and January 2027.

The next scheduled meeting for this topic to be discussed will be the October 13 meeting of the Planning Commission.

NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 2026 _____

AN ORDINANCE OF THE NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 27, ZONING, OF THE NEW BRITAIN TOWNSHIP CODE BY CREATING A NEW USE FOR DATA CENTERS; BY CREATING A NEW DEFINITION FOR SAID USE AND TERMS RELATING TO SAID USE; BY ADDING ADDITIONAL REGULATIONS FOR SAID USE; AND BY AMENDING §27-306 “TABLE OF USE REGULATIONS” TO INCLUDE SAID USE.

WHEREAS, the New Britain Township Board of Supervisors has the authority under the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. §10101 *et. seq.*, to enact new Zoning Ordinances and amend the New Britain Township’s Code to ensure the general health, safety, and welfare of the residents of New Britain Township;

WHEREAS, the New Britain Township Board of Supervisors has acknowledged in its Resolution 2026-_____ that the New Britain Township Code lacks a use that is commonly referred to as a “Data Center”;

WHEREAS, the New Britain Township Board of Supervisors desires to cure the deficiency in the New Britain Township Code by amending the Code to include “Data Centers” as a use; and

WHEREAS, the New Britain Township Board of Supervisors has also determined that reasonable regulations of the increasingly prevalent data center use would support the general health, safety, and welfare of the residents of New Britain Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of New Britain, Pennsylvania, as follows:

SECTION 1. **Amendment to Chapter 27 “Zoning” Part 2 “GENERAL DEFINITIONS” Section 201 by Adding the following definitions:**

Data Center:

A use involving a building/premise primarily occupied by computer systems and/or telecommunications and related equipment and components, including supporting equipment, data storage and processing systems, where information is processed, transferred, and/or stored. This use shall also include cryptocurrency mining, blockchain processing, energy generation systems used or intended to be used for normal operations, servers and server farms. A Data Center may include Data Center Equipment.

Data Center Accessory Use/Structure:

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); 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 the Data Center during normal operations.

Data Center Equipment:

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 assemblage of adjacent parcels developed as a unified development 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 2. Amendment to Chapter 27 “Zoning” Part 3 “USE DEFINITIONS AND REGULATIONS” Section 305 K. “Industrial Uses” by creating a new use entitled “K22. Data Center” which shall read as follows:

K22. Data Centers.

- a. Definition. Same as defined in 27-201.
- b. Conditional Use. This use is allowed as a conditional use approved by the Board of Supervisors.
- c. Data Center Development. Data Centers shall comply with this section and all applicable local, state, and federal regulations and laws.
- d. Sensitive Receptors. For the purposes of this section, sensitive receptors shall be defined as residential uses, schools, preschools, daycare centers, in-home daycares, long-term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.
- e. Dimensional Standards. The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 1702.b and all other provisions of the New Britain Township Code, with the following exceptions:
 - (1) The maximum building height for a Data Center shall be 35 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.
 - (2) The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
- f. Landscape Buffer.
 - (1) An area of not less than 75 feet in width shall be maintained along all property lines and road rights-of-way, regardless of the adjoining zoning district, to provide a landscape buffer. The buffer shall not be used for parking, storage, or any other purpose except landscaping, crossing of access roads, or required utilities and discharge/intake lines. The type and extent of the buffer required shall be in accordance with Part 28 of this Chapter,
 - (2) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery, and other vegetation. The buffer shall be dense enough to block the view of interior objects from the exterior of the lot and to assist with sound reduction as much as possible.

- (3) Plant materials shall be selected from the list found in Attachment 4 of Chapter 22, Subdivision and Land Development, of this Code, Appendix D, Required Plant Material List.
- (4) Existing Buffer. At the discretion of the Board of Supervisors, existing deciduous and coniferous trees larger than two inches in caliper and/or six feet in height located within a proposed buffer yard may be considered to meet the requirements of this section. In all cases, existing plant material of the above diameter and height shall be preserved in any buffer yard except where clearance is required to ensure adequate sight distance or access. Any removal shall, where feasible, involve relocation or replacement, rather than clearing. Plants conforming to the applicable buffer yard regulations shall be installed to fill in any gaps within existing buffer plantings.
- (5) The buffer planting shall be maintained permanently, and any plant material which does not live shall be replaced within six months. Financial security shall be posted with the Township in an amount equal to the estimated cost of trees and plantings, to be released only after the passage of the third growing season following planting. A plan for the perpetual care of the buffer area shall be provided to the Township. This plan shall include provisions and procedures to remove and eradicate any noxious weeds or invasive species within the required buffer yards.
- (6) All buffer yards shall be maintained and kept clear of all debris, rubbish, weeds, and tall grass except for meadow or other landscaping that includes native herbaceous material for a naturalized planting scheme.
- (7) No structures, including but not limited to sheds, pools, hot tubs, pergolas, gazebos, or play equipment, shall be permitted in the buffer yard. No manufacturing, processing, or storage of materials, goods, or items shall be permitted in the buffer yard. Fences are permitted in accordance with the regulations of this chapter. Stormwater management facilities are permitted within the buffer yards provided the plantings proposed meet the buffer requirements of this section.
- (8) Every buffer yard shall be permanently protected by the placement of a conservation easement over it running with the land.
- (9) Prior to the issuance of any zoning permit, complete plans showing the arrangement of all buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard shall be reviewed by the Zoning Officer, to ascertain that the plans are in conformance with the terms of this chapter.
- (10) Screening and Fencing. The Data

Center Facility site shall be enclosed by a minimum six (6) foot high security fence.

g. Noise and Vibration

- (1) The applicant shall submit a pre-construction noise and vibration study with the conditional use application prepared and sealed by a qualified professional. Such qualified professional shall be an engineer licensed in the Commonwealth of Pennsylvania or other environmental or technical professional with demonstrated education, training and experience in acoustical noise or vibration analysis applicable to the scope of work being performed (defined herein as “Qualified Professional”) to include the predicted noise and vibration levels from the operation of the Data Center.
- (2) Simultaneous Operation Assumption. All noise evaluations, studies, modeling, and compliance determinations shall assume the concurrent operation of all generators, cooling systems, mechanical equipment, and other noise-producing devices operating at maximum rated capacity, unless a more restrictive operating condition is required by approval.
- (3) Within 180 days following issuance of a use and occupancy certificate and commencement of operations at the Data Center, the applicant shall submit to the Township an as-built post-construction noise and vibration study. The study shall:
 - (a) Be conducted by a Qualified Professional using applicable ANSI standards and generally accepted criteria.
 - (b) Demonstrate compliance with all applicable noise regulations set forth in the Data Center Noise Standards Tables at the end of this section. Compliance shall be demonstrated using objective sound level limits expressed in A-weighted decibels (dBA), measured and evaluated in accordance with standardized methodologies acceptable to the Township.
 - (c) Include sound measurements taken at all property lines and at any other location required by the Zoning Officer or other consultants acting on behalf of the Township.
 - (d) Include measurements taken during normal operations, peak cooling load, and during operation of emergency generators under load.
 - (e) Address low frequency noise impacts, including compliance with applicable dBC limits set forth in the Data Center Noise Standards Tables.

- (4) Vibration Standards to be used in the study. Vibration shall be evaluated using two distinct criteria: (a) Building Damage: Ground vibration shall not exceed 0.2 to 0.5 inches per second peak particle velocity (PPV), measured in accordance with USBM RI 8507 or successor standard; and (b) Human Perception: Vibration levels shall not exceed 65 VdB, measured in accordance with ISO 2631 1 or successor standard.
- (5) Identify all measurement locations, instrumentation used, calibration documentation, testing methodology, operational conditions during testing, and meteorological conditions.
- (6) The timing of the post construction noise and vibration study shall not preclude enforcement by the Township at any time upon identification of a violation. The applicant shall provide reasonable access to monitoring data, equipment specifications, and operating conditions to the Township Zoning Officer or other consultant acting on behalf of the Township.
- (7) If the post construction study demonstrates non-compliance with any applicable noise or vibration standard, the applicant shall, within 30 days of written notice from the Township, submit a corrective action plan prepared by a Qualified Professional. All violations shall be fully remediated within a timeframe approved by the Township, but in no event later than 90 days following Township notice of non-compliance, unless extended by the Township for good cause shown.
- (8) If the pre-construction noise study establishes a baseline sound level in excess of the maximum sound level permitted under Data Center Noise Standards Tables, the post-construction study shall demonstrate that operations of the proposed use do not increase baseline ambient sound levels. Sound levels within 1 dBA of ambient sound levels will meet this requirement.
- (9) Objective Noise Standards. Noise limits shall be established by land use category, measurement location, time-of-day, and averaging period, and shall include provisions for instrumentation and low-frequency noise evaluation.
- (10) The Township may require additional noise and vibration testing upon receipt of substantiated complaints or following material modification, replacement, or addition of mechanical equipment, cooling systems, generators, or other vibration-generating equipment.
- (11) If initial monitoring or complaints indicate a probable violation, the Township may require interim mitigation measures, which may include

operational modifications, equipment limitations, or temporary curtailment of specific noise producing activities until compliance is demonstrated.

- (12) Data Center Noise Standards Tables. The following tables establish objective noise limits, modeling requirements, and enforcement procedures applicable to Data Center use. These standards shall supersede noise standards set forth in any noise chapters or noise provisions of the Code for Data Centers only.

Table 1: Data Center Noise Limits, Measurement, and Compliance Requirements

Category	Requirement
Applicable Uses	Data Centers, including all accessory mechanical equipment, generators, cooling systems, and substations
Measurement Basis	A-weighted sound levels (dBA), unless noted otherwise for low-frequency noise
Sensitive Receptor Locations	Measurements and modeling shall be conducted at the nearest property line to sensitive receptors
Operating Condition Assumption	All compliance evaluations shall assume simultaneous operation of all generators, cooling equipment, and other noise-producing devices at maximum rated capacity

- (13) Table 2: Numeric Noise Limits by Zoning District or Use

Receiving Land Use	Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)
Residential or Recreational	55 dBA Leq (1-hour)	45 dBA Leq (1-hour)
Mixed Use, Commercial, or Institutional	60 dBA Leq (1-hour)	50 dBA Leq (1-hour)
Industrial	65 dBA Leq (1-hour)	55 dBA Leq (1-hour)

- (14) Short-term tonal or impulsive noise exceeding the above limits by 5 dBA or more shall constitute a violation.

- (15) Table 3: Low-Frequency Noise Criteria

Parameter	Requirement
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Frequency Sensitivity	C-weighted sound levels (dBC), capturing enhanced sensitivity to low-frequency noise
Measurement Metric	Equivalent continuous sound level (Leq, 1-hour) in dBC
Measurement Locations	At the nearest property line
Daytime Limit (7:00 AM – 9:00 PM)	70 dBC Leq (1-hour)
Nighttime Limit (9:00 PM – 7:00 AM)	60 dBC Leq (1-hour)
Tonal / Narrowband Noise	Clearly perceptible low-frequency tonal noise shall require mitigation regardless of overall dBC compliance, as determined by the Qualified Professional or the Township based on clearly perceptible tonal characteristics
Applicability	Limits apply under simultaneous operation of all mechanical equipment

(16) Table 4: Modeling and Study Requirements

Requirement	Standard
Pre-construction Noise and Vibration Study	Required with conditional use application
Post-construction Verification	Required within 180 days of commencement of operations
Prepared By	Qualified Professional with demonstrated noise expertise
Modeling Methodology	ISO 9613-2, CadnaA, SoundPLAN, or equivalent accepted industry model
Meteorological Assumptions	Downwind propagation, ISO-conservative conditions
Equipment Data	Manufacturer sound power levels and octave-band spectra
Low-Frequency Evaluation	Required where large generators or cooling systems are used

(17) Table 5: Measurement Procedures

Element	Requirement
Instrumentation	Type 1 or Type 2 ANSI-certified sound level meter
Calibration	Pre- and post-measurement field calibration required
Measurement Duration	Minimum 15 minutes per location unless otherwise specified. Sound level limits expressed as hourly equivalent levels (Leq, 1-hour) may be evaluated using shorter-duration measurements, including the minimum durations identified in this table, where such measurements are conducted under steady-state operating conditions and are representative of normal operations.
Operating Conditions	Measurements shall include peak cooling load and generator operation under load
Background Noise	Baseline ambient levels documented prior to construction

(18) Table 6: Compliance

Item	Requirement
Material Increase Definition	An increase of ≥ 3 dBA above baseline ambient sound level
Violation Determination	Exceedance of numeric limits or material increase
Retesting Authority	Township may require additional testing following substantiated complaints or equipment changes

- h. **Parking.** At least one parking space per 8,000 square feet of gross floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is greater. No parking for a Data Center shall be located within two hundred (200) feet of a property line abutting a sensitive receptor, nor within seventy-five (75) feet of any other property line.
- i. **Off-Street Loading.** A minimum of 1 off-street loading space/dock shall be provided for a Data Center.

- j. Utility Review: The proposed use shall be serviced by public utilities. As part of the conditional use application, the applicant shall provide the Township:
 - (1) Demonstration of exhaustive efforts to provide for on-lot electricity generation prior to providing electricity for use before connection to a public electricity provider.
 - (2) Data Centers and Accessory uses shall be served by public water and sewer.
 - (3) A will-serve letter by a public utility provider and a written assessment by a certified professional in the field of engineering and utility design of the potential electrical, water, and/or sewer consumption of the proposed use, which ensures that there is sufficient capacity available to serve the proposed use as well as the projected service needs for future growth.
 - (4) If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at their own expense, the necessary system improvements necessary to mitigate any limits or system constraints to accommodate the proposed use. The necessary system improvements shall conform to all specifications, procedures, and timelines required for the public utility,
- k. Power Supply. As part of the conditional use application, the applicant shall provide the Township:
 - (1) If the applicant proposes to connect the Data Center to the electric grid used by the public, the applicant shall provide documentation from the applicable electric service provider (the "Utility Provider") certifying that that the necessary capacity is available and that the Utility Provider will be able to serve the Data Center. Applicant shall submit detailed plans which describe and depict the manner and design by which power will be provided (including location of substations) by the Utility Provider.
 - (2) The Applicant shall provide an analysis of potential ratepayer impacts, including projected effects on public electric rates or service reliability. Known impacts on electric rates or availability for other uses directly attributable to the data center project shall be noted.
 - (3) Applicant shall provide documentation of working with the Utility Provider to provide site design to enable future technology which aid in the Data Center being more energy self-sufficient such as incorporation of microgrid elements, advance conductors to connect the site, and the

possibility of a separate, underground High-Voltage-Direct-Current (HVDC) grid for the Data Center.

(4) Power generation facilities.

- i. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, or fossil fuel, shall not be considered part of the Data Center use but shall be subject to existing municipal or utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The applicant shall select, design and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible.
- ii. Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- iii. Data Center electric utility substations visible from an arterial roadway must include a combination of year-round opaque landscaping and screening walls to minimize visual impact.
- iv. Substations abutting a district boundary other than Industrial and/or a parcel containing a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting another Industrial zoned parcel and use, substations shall be setback a minimum of 200 feet from the property line.
- v. No nuclear energy generating system shall be permitted as part of the Data Center use.

(5) Backup power generators are only to be used to provide backup electrical supply during a power outage or similar emergency situations, or for testing purposes. Only Tier IV generators shall be utilized. If the Data Center operator intends to use backup power generators, the operator shall maintain a public website announcing the times when the generators will be in operation. Any operation of the backup generators, for testing purposes, shall be announced on the website at least 24 hours in advance. The operator shall also notify the Township at least 24 hours

in advance of a test. Upon request by the Township, the Data Center operator shall provide the address of the website where the notices required by this Section are published.

- l. Utility Lines. Utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a data center shall be placed underground. This requirement shall not apply if the utility company requires above-ground lines.
- m. Emergency Access: As part of the conditional use application, it shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to the site with written approval from the Fire Marshal shall be provided demonstrating that there is adequate emergency access, truck turning, fire suppression, and fire hydrant availability proposed for the site.
- n. Emergency management. As part of the conditional use application, the applicant shall provide the Township:
 - (1) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - i. Be reviewed and approved by the applicable local fire department and emergency management coordinator and/or fire marshal, as designated by the Township, as part of the conditional use process;
 - ii. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - iii. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - iv. Ensure that all first responders receive adequate training specific to the installed system; and
 - v. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
 - (2) Costs incurred, including specialized training for fire and EMS personnel, shall be reimbursed by the applicant, including future ongoing training specific to the Data Center's ERP.
 - (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 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.
- o. Outdoor Lighting. Outdoor lighting shall be in accordance with the Township's Subdivision and Land Development Ordinance.
- p. Environmental Impacts. Environmental impacts associated with a Data Center shall be mitigated by demonstrating compliance with the following standards as part of the conditional use application:
 - (1) Air pollution controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended, and the following standards:
 - i. Visible emissions. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.
 - ii. Hazardous air emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.
 - iii. Dust, fumes, smoke, vapors, gases, and odor. See 6-301 through 6-307, and 27-201.
 - (2) Vibration Control. In addition to the requirements above, See 6-301 through 6-307, and 27-201.
 - (3) Glare or heat control. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines. See 6-301 through 6-307, and 27-201.
 - (4) Electrical power. Every use shall be designed and operated so that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., as to be an integral part of the architectural features of the plant or, if visible from abutting

residential properties, shall be concealed in accordance with the landscape buffer requirements herein.

- (5) Decommissioning Plan. A decommissioning plan shall be submitted as part of the conditional use application by a Qualified Professional and shall show how the site will be returned to a neutral state, being a condition that is easily adapted to similar uses, and the handling and removal of any Electronic Waste (also known as “E-Waste”) and/or any other hazardous materials that may be present on the site.
- i. Such plan must be enacted within twelve (12) months after the end of the useful life of the Facility unless an extension is granted by the Board of Supervisors for good cause shown.
 - ii. The Facility will be presumed to be at the end of its useful life if it is not used for a continuous period of twelve (12) months, excluding temporary shutdowns resulting from maintenance, repairs, utility interruptions, force majeure events, equipment replacements, modernization projects, or other circumstances beyond reasonable control of the Operator.
 - iii. Decommissioning may be required of abandoned facilities while allowing continued operation of active facilities.
 - iv. The Facility Owner or Operator shall report to the Township within 48 hours of any cessation or discontinuation of use.
 - v. If the Township becomes aware of the cessation or discontinuation of use of the Data Center Facility by observation or report from a third party without receiving notification from the Facility Owner or Operator, the Township may notify the Facility Owner or Operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.
 - vi. The plan shall include the following a description of all facilities and equipment subject to removal, procedures for dismantling and removal of all facilities and equipment, site restoration measures and other measures reasonably necessary to protect public health, safety and welfare, estimated decommissioning costs, anticipated schedule for decommissioning activities, and identification of any anticipated environmental remediation activities, all in compliance with applicable federal, state, and local environmental laws, regulations, permits, and approvals.

- vii. An updated plan may be required by the Township in connection with substantial facility expansions, modifications, or changes in operation.
- viii. Failure to complete decommissioning in accordance with this Ordinance shall constitute a violation of the Zoning Ordinance and may be enforced through any remedy authorized by law.

(6) Financial Security

- i. Purpose. The purpose of this Section is to ensure that sufficient resources are available to complete decommissioning, removal, site restoration, and related activities required by this Ordinance in the event the Operator fails to perform such obligations.
- ii. Required Financial Security. Prior to issuance of a Certificate of Occupancy and prior to commencement of operations, the applicant shall provide financial security acceptable to the Township guaranteeing completion of the decommissioning obligations established by this Ordinance based upon the estimated cost of decommissioning all facilities and equipment and restoring the site as identified in the Decommissioning Plan.
- iii. Cost Estimate. The decommissioning cost estimate shall be prepared and certified by a Qualified Professional and shall include the estimated cost of removal of Data Center buildings and structures, Data Center Equipment, Energy Storage Systems, emergency generators, fuel storage systems, cooling systems, utility infrastructure not intended to remain in service; Site stabilization and restoration, and Environmental remediation reasonably anticipated as part of the decommissioning process.
- iv. Independent Review. The Township may retain a Qualified Professional to review the cost estimate, and the applicant shall reimburse the Township for the reasonable costs of such review in accordance with the Pennsylvania Municipalities Planning Code. The Township may require an updated cost estimate prepared by a Qualified Professional in connection with any review of the financial security.
- v. Form of Security. The financial security may be provided in the form of an irrevocable letter of credit; performance bond; cash escrow; surety bond; or other financial security acceptable to the Township Solicitor.

- vi. Adjustment of Security. The Township may require periodic review and adjustment of the financial security amount to reflect inflation, facility expansions, changes in equipment, changes in decommissioning costs, or other material changes affecting decommissioning obligations.
- vii. Township Access to Security. If the Operator fails to complete the required decommissioning activities within the time required by this Ordinance, the Township may utilize the financial security to complete all or a portion of the required work following notice and an opportunity to cure.
- viii. Partial Release. The Township may authorize partial release of financial security as portions of decommissioning work are completed and verified.
- ix. Additional Remedies. The remedies provided by this Section shall be cumulative and shall not limit any other remedy available to the Township under this Ordinance, the Pennsylvania Municipalities Planning Code, or other applicable law.
- q. Signal Interference. The Applicant shall make all reasonable efforts to avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any harm caused by the Data Center.
- r. 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 noted below and all applicable state permits.
 - (2) Conditional Exemption from installing a Closed-Loop Cooling System. An exemption may be granted by the Township Board of Supervisors upon a written request made at the time of the conditional use application, and must include:
 - i. Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.
 - ii. 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.

- iii. The County may impose reasonable conditions on any exemption prior to consideration by the Board of Supervisors.

(3) Prohibition on private well dependency. Data Centers may not be designed to draw primary cooling make-up water from private potable wells.

s. State Permits & Certifications (applicant responsibilities)

(1) Applicants must submit evidence of compliance with all applicable Pennsylvania DEP and federal National Pollutant Discharge Elimination System (NPDES) requirements prior to granting approval of the conditional use application. This includes:

- i. NPDES coverage or individual permit for any planned discharge (cooling tower blowdown, process wastewater, etc.). Cooling tower blowdown is a known permitting category.

(2) If the proposed system is truly closed-loop and produces no discharge, the applicant must supply a sworn engineering statement and O&M manual explaining how the system will avoid routine discharge; the Township reserves the right to require third-party validation.

- t. On-Site Energy Generation. Any form of on-site energy generation, including substations and power generation stations such as fuel cell power stations, shall be approved by the Township Fire Marshal. As part of the conditional use application, the applicant shall submit a safety plan for the on-site energy generation use to the satisfaction and approval of the Township Fire Marshal. The Facility Owner or Operator shall annually recertify the safety plan and allow for a site inspection by the Fire Marshal or his designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.
- u. Phased Development. A Data Center development may be developed in one or more phases.
- v. An individual site plan for each Data Center developed as part of a phased development shall be approved by the Township prior to the issuance of any Township permit. Copies of any applicable third-party permits shall be submitted to the Township prior to the issuance of any Township permit. Applicable third-party permits may include, but are not limited to, highway occupancy permits, NPDES permits, and Erosion and Sediment Control General Permits (ESCGP).

- w. Liability Insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$2 million in the aggregate. Certificates shall be made available to the Township upon request.

SECTION 3. Amendment to Chapter 27 “Zoning” Part 17 “INDUSTRIAL DISTRICT” by adding the K22 Data Center Use as a Conditional Use in the District, adding Area and Dimensional Requirements, Performance Standards, and Off-Street Parking Requirements:

- A. Use K22 Data Center shall be permitted as a Conditional Use under Section 1701.c.
- B. § 27-1702 Area and Dimensional Requirements.
1. Unless a maximum height regulation is stated in § 27-305, Use Definitions and Regulations, for a specific use, no use in the I Industrial District shall exceed 35 feet in height.
 2. Unless a more restrictive area or dimensional regulation is stated in § 27-305, Use Definitions and Regulations, or performance standards are provided for a specific use, all principal uses in the I Industrial District shall meet the following requirements:

Use	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Building Coverage Ratio (%)	Maximum Impervious Surface Ratio (%)	Minimum Yards (feet)		
						Front	Side	Rear
Uses permitted by right	3	300 (arterial highway) 200 (other public road)	200	50%	65%	50	25	50
SE and CU uses, except K22 Data Center	10	300	200	40%	50%	100	50	100
J2 Adult Commercial/ Adult Entertainment	1.5	300 (arterial highway) 200 (other public road)	200	50%	65%	50	25	50

Use	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Building Coverage Ratio (%)	Maximum Impervious Surface Ratio (%)	Minimum Yards (feet)		
						Front	Side	Rear
K22 Data Center	10	300	200	40%	50%	200	200	200

3. Certain area and dimensional requirements may be altered when development rights are acquired and transferred to a site under the following conditions:

- a. For all principal uses, the amount of building coverage and impervious surface allowed on a site may be increased above the maximum building coverage ratio (%) and the maximum impervious surface ratio (%) listed in § 27-1702.b above. For each development right acquired and transferred to the site, the maximum amount of allowed building coverage may be increased by up to 3,000 square feet and the maximum amount of allowed impervious surface may be increased by up to 5,000 square feet. However, the maximum building coverage ratio shall not exceed 60% and the maximum impervious surface ratio shall not exceed 75% where development rights are acquired and transferred to a site.
- b. For all SE and CU uses, except for K22 Data Center, the amount of building coverage and impervious surface allowed on a site may be increased above the maximum building coverage ratio (%) and the maximum impervious surface ratio (%) listed in § 27-1702.b above. For each development right acquired and transferred to the site, the maximum amount of allowed building coverage may be increased by up to 3,000 square feet and the maximum amount of allowed impervious surface may be increased by up to 5,000 square feet. However, the maximum building coverage ratio shall not exceed 50% and the maximum impervious surface ratio shall not exceed 60% where development rights are acquired and transferred to a site.

C. § 27-1703 Performance Standards.

1. The following additional standards shall apply to the site where more than one principal use and/or one principal building is proposed:

Minimum Site Area (acres)	Minimum Distance Between Buildings (feet)	Minimum Yards ¹ (feet)			Maximum Impervious Surface Ratio (%)
		Front	Side	Rear	
25	30	100 ²	100 ²	100 ²	65%

NOTES:

¹ Required only when site adjoins a residential zoning district boundary.

² For K22 Data Center, all minimum yards shall be 200 feet regardless of the zoning district.

2. The maximum impervious surface ratio (%) may be increased when development rights are acquired and transferred to lots within the site as specified in § 27-1702.c., except for K22 Data Centers. However, the maximum impervious surface ratio for the site shall not exceed 75% where development rights are acquired and transferred to the lot.

D. The Table of Use Regulations shall be amended to include Use K22 in the Industrial District as a Conditional Use and not permitted (NP) in any other Zoning District.

E. The Off-Street Parking Requirements of Section 2901 shall be amended to include Use K22 with an off-street parking requirement of 1 space per 8,000 square feet of gross floor area or 1 space per employee based on the maximum number of employees on site during the largest shift, whichever is greater.

SECTION 4. Repealer

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 5. Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality by a court of competent jurisdiction, such illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of New Britain Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part had not been included.

SECTION 6. Effective Date

This Ordinance shall become effective within thirty (30) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2026, by
the Board of Supervisors of New Britain Township.

ATTEST:

NEW BRITAIN TOWNSHIP

Nick Valla, Township Manager

Cynthia M. Jones, Chair

Bridget Kunakorn, Vice-Chair

William B. Jones, III