

PITTSTON TOWNSHIP ORDINANCE NO. 7-01 OF 2026

AN ORDINANCE OF PITTSTON TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE PITTSTON TOWNSHIP ZONING ORDINANCE ADOPTED SEPTEMBER 16, 2013 TO DEFINE AND ADD SPECIAL REQUIREMENTS FOR DATA CENTERS, DATA CENTER CAMPUSES, AND DATA CENTER ACCESSORY USES

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10601, *et seq.*, authorizes Pittston Township to enact, amend and repeal Zoning Ordinances within Pittston Township; and

WHEREAS, the Pittston Township Board of Supervisors deems it to be in the best interest and general welfare of the residents of Pittston Township to update and amend provisions of the Pittston Township Zoning Ordinance to provide for Data Centers, Data Center Campuses, and Data Center Accessory Uses.

The Board of Supervisors of Pittston Township enacts as follows:

Section 1. The Pittston Township Zoning Ordinance, Article 2, Definitions, Section 202, Definition of Terms is amended as follows by adding:

DATA CENTER:

A Building which is occupied primarily by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored.

DATA CENTER ACCESSORY USE:

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

DATA CENTER CAMPUS:

A Development of multiple Data Centers.

Section 2. Data Centers and Data Center Campuses shall be a conditional use in the I-3 Industrial District. In all other zoning districts, they are not permitted including as an accessory use.

Section 3. The Pittston Township Zoning Ordinance Article 8 is amended by adding Article 8F as follows:

DIMENSIONAL REGULATIONS

The dimensional regulations are applicable to a Data Center and/or a Data Center Campus for Power Generation Facilities. For all other principal buildings, structures and/or uses in the District, the dimensional regulations apply, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Same as I-3 District.
- B. Minimum Lot Width: Same as I-3 District.
- C. Front Yard: The minimum front yard shall not be less than one-hundred (100) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall not be less than one-hundred (100) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yards shall not be less than one-hundred (100) feet on each side.
- F. Lot Coverage: Not more than fifty-five percent (55%) of the lot area shall be covered with buildings, structures and/or impervious surfaces. Under a Master Plan, a developer may aggregate one or more lots under common ownership for purposes of calculating Lot Coverage.
- G. Building Height: The maximum height of any building shall not exceed three (3) stories or seventy-five (75) feet.

SUPPLEMENTAL REGULATIONS

- A. A Master Plan shall be submitted for purposes of developing a Data Center Campus. The Master Plan shall be subject to the governing regulations and provisions of the Pittston Township Subdivision and Land Development Ordinance.

- B. An application for Land Development Plan shall be submitted for purposes of developing a Data Center other than as part of a Master Plan. The Land Development Plan shall be subject to the governing regulations and provisions of the Pittston Township Subdivision and Land Development Ordinance.
- C. After approval of the Master Plan has been obtained, any major modifications from the Master Plan shall be subject to the government regulations and provisions of the Pittston Township Subdivision and Land Development Ordinance.
- D. After approval of the Master Plan, the development of each lot, parcel or building identified in the Master Plan shall be permitted by right.
- E. An individual site plan for each Data Center identified on the Master Plan or each phase of the development of the Data Center Campus demonstrating compliance with the Master Plan shall be submitted to the Zoning Officer prior to issuance of a building permit. Copies of any applicable third-party permits shall be submitted to the Zoning Officer prior to issuance of a building permit. Applicable third-party permits may include, but are not limited to, highway occupancy permits, NPDES permits, and ESCGP permits.
- F. **Emergency Management**
 - 1. The applicant for a Data Center or Data Center Campus shall submit an Emergency Response Plan (“ERP”) prepared by a qualified professional. The ERP shall:
 - a. Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation including a designated assembly point during evacuations;

- c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - d. Ensure that all first responders receive adequate training specific to the installed system;
 - e. Ensure property access for Township Code Enforcement officials and/or Fire Inspector or its designated representative for inspections;
 - f. Ensure that all inspection fees are to be paid by the applicant and the pass/fail inspections, if failed will result in penalties;
 - g. 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;
 - h. Include emergency contact listings are to be visibly displayed; and
 - i. Provide for a minimum of quarterly fire drills.
- G. Any Data Center 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.
- H. 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, including compliance with all local, state, and federal fire safety codes.
- I. The development under the Master Plan may be completed in one (1) or more phases. Provided that development commences within five (5) years of approval of the Master Plan, no further approvals shall be necessary for phased development of the Data Center

Campus consistent with the approved Master Plan, and it shall not be subject to changes in zoning or subdivision ordinances enacted by the municipality subsequent to the date of the Master Plan.

- J. An individual site plan for each Data Center or each phase of the development of the Data Center Campus shall be found to be consistent with the approved Master Plan if it is clearly identified in the approved Master Plan or if the site plan is found to be a minor modification to the approved Master Plan. The procedure for a major modification to the approved Master Plan shall be the same as the new Master Plan under this Chapter.
 - i. A minor modification including orientation of buildings to an approved Master Plan is development that results in a rate of stormwater discharge and runoff from the site equal to or less than rates identified in the Stormwater Management Plan approved in connection with the Master Plan or could result in changes to parking, lighting and sound.
 - ii. A major modification including orientation of buildings to an approved Master Plan is development that results in a rate of stormwater discharge and runoff from the site greater than the rates identified in the Stormwater Management Plan approved in connection with the Master Plan or could result in changes in parking, lighting and sound.
 - iii. The applicant may submit to the Zoning Officer (either with the site plan or at the request of the Zoning Officer) any additional plans, studies, or reports demonstrating that individual site plan for each Data Center or each phase of the development of the Data Center Campus in a minor modification.
- I. Environmental Impact Statement. Any Master Plan for a Data Campus Center shall require an Environmental Impact Statement consistent with Section 605 of this Ordinance. The purpose of the Environmental Impact Statement is to disclose the environmental consequences of a proposed action. This requirement is designed to protect the natural environment with respect to water quality, water supply, air quality, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality, aquifers and the quality of life

throughout Pittston Township and its environs. The Master Plan shall establish a base-line air quality standard which shall be approved by the Township and shall be tested at the Data Center's expense on an annual basis or as directed by the Township. The base-line air quality shall not increase,

- J. General Regulations. Except as expressly set forth in Article 8F of this Ordinance, a Data Campus Center shall comply with the general regulations of Article 3. Where a conflict exists between Article 3 and Article 8F, Article 8F shall control.
- K. Sound. A Data Center Campus and/or Data Center must provide that the maximum A-weighted sound pressure level emitted from the use (whether one data center or multiple data centers located on the Property), as measured 1.5 meters above ground at the property line per ANSI S1.13-2020 (American National Standard - Measurement of Sound Pressure Levels in Air), will not exceed (i) 60 dB(A) during day time hours (7:00 a.m. to 9:00 p.m.) and 55 dB(A) during the night time hours (9:00 p.m. to 7:00 a.m.). The developer will provide a sound analysis prior to the issuance of a final certificate of occupancy permit for each applicable phase of the Data Center Campus. The sound analysis will be performed by a professional acoustic engineer that can demonstrate qualifications by delivery of a resume to the Zoning Officer and the Developer.
- L. Water Supply; Closed-Loop Cooling. Data Centers and Data Center Campuses shall utilize closed-loop or recirculation cooling systems and deploy water conservation technologies.
 - (a) Public Water. Where served by public water, the applicant shall submit written confirmation from the water provider that service is available and that it has capacity and intent to supply projected demand for each phase.
 - (b) Nonpublic Water. Where relying in whole or part on nonpublic sources, the applicant shall submit a water feasibility study prepared by a qualified professional evaluating sustainable yield and impacts to surrounding wells, groundwater, and surface waters. No Conditional Use approval shall be granted unless the study demonstrates adequate supply and no adverse impacts that cannot be avoided or mitigated.

- (1) If the use is to rely upon Nonpublic Water, in whole or in part, the applicant shall provide a water feasibility study prepared by a qualified professional. The purpose of the study shall be to determine whether there is an adequate and sustainable water supply for the proposed use and to estimate the impact of the proposed use on existing wells, groundwater supplies, and surface waters in the vicinity. No Data Center or Data Center Campus shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the proposed project and that the proposed water withdrawals, use, recycling, discharge, and related activities will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity.
- (2) The water feasibility study shall include, at a minimum, the following information:
 - (a) The projected water demands of the Data Center or Data Center Campus;
 - (b) The source or sources 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, including but not limited to cooling, humidity control, fire suppression, and domestic usage;
 - (d) The long-term safe yield of the proposed water source or sources;
 - (e) A description of the amount or portion of water withdrawn that will be recycled, reused, treated, or discharged, and the method by which such recycling, reuse, treatment, or discharge shall occur;

- (f) A geologic map of the area within a radius of at least one (1) mile from the subject property;
 - (g) The location of all existing and proposed wells within one thousand five hundred (1,500) feet of the property boundary, including the known or estimated capacity of all high-yield wells;
 - (h) The location of all surface waters within one thousand (1,000) feet of the property boundary, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and similar water features;
 - (i) An evaluation of the effects of the proposed water supply system and proposed withdrawals on the quality and quantity of nearby wells, groundwater supplies, surface waters, and the groundwater table;
 - (j) A statement of the qualifications of the professional or professionals preparing the study, together with the signature and seal, where applicable, of the preparer(s).
- (c) Agency Approvals. The applicant shall provide proof of review and approval from the Delaware River Basin Commission and the Susquehanna River Basin Commission for projects proposing:
- (1) Water withdrawals of fifty thousand (50,000) gallons per day or more over a 30-day average from any source or combination of sources within the Delaware River Basin Commission or the Susquehanna River Basin Commission; or
 - (2) Any consumptive water use of ten thousand (10,000) gallons per day or more over a 30-day average from any water source.

M.. Parking. Except for purposes of security, no parking for a Data Center Campus shall be located within one hundred (100) feet of a property line abutting a district having a residential use.

N.. Waivers of Modifications. The Board may approve waivers or modifications for implementation of the Master Plan if a provision is shown to the Board's satisfaction to be unreasonable, cause undue hardship, or an alternative standard is demonstrated to provide equal or better outcomes.

O.. Minimum On-Site Generation. All Data Centers will:

- Install roof-mounted solar photovoltaic (PV) systems capable of generating at least 80% of their monthly electricity usage, averaged across the year (including winter months).
- Ground-mounted solar systems are not permitted to minimize glare and land use conflicts.

P.. Minimum Generation + REC and/or Green Energy Purchase Offset (Hybrid Pathway). If rooftop size or structural limits prevent meeting the 80% target:

- The on-site system must still produce at least 60% of monthly energy usage.
- The remaining shortfall may be offset by:
- Purchase and retirement of Renewable Energy Credits (RECs) from certified programs (e.g., PJM GATS, WREGIS) and/or
- Energy purchased from an approved energy supplier certified under recognized green power programs.
- Documentation of REC retirement and/or green energy purchase must be submitted in annual reporting.

Section 4. The Pittston Township Zoning Ordinance, Article 11, Off-Street Parking, Section 1115, Off-Street Parking Requirements is amended by adding:

Data Center and Data Center Campus: A minimum of 40 spaces per each Data Center.

Section 5. The Pittston Township Zoning Ordinance, Article 11, Off-Street Parking, Section 1115, Off-Street Parking Requirements is amended by adding:

Data Center: One (1) off-street loading or unloading space at least twelve (12) feet by fifty (50) feet per Data Center.

Section 6. Decommissioning and Financial Security.

A. Performance Security.

1. Prior to issuance of any Building permit, the Applicant shall post a cash escrow or irrevocable letter of credit equal to 150% of the estimated gross cost of full demolition, removal of all Structures and equipment (including modular units, concrete pads, substations, battery systems, and any other infrastructure), site restoration to pre-development greenfield condition, and comprehensive soil/groundwater remediation. The 150% figure (excluding salvage value) is intended to account for inflation, environmental remediation, and technology-specific disposal costs. The cost estimate shall:
 - a) Exclude any salvage value of equipment, materials, or scrap;
 - b) Be prepared by a qualified professional engineer or estimator approved by the Township Engineer;
 - c) Be updated annually for inflation, changes in labor/material costs, and technological advancements in decommissioning; and
 - d) Cover the full gross cost, including but not limited to removal of all foundations, underground utilities, concrete pads, and specialized electrical infrastructure.
2. Additional Requirement. Every ten (10) years during operation (or upon any material equipment replacement exceeding 25% of installed capacity), the Owner shall fund a Phase I/II Environmental Site Assessment (at the Applicant's expense) to monitor for contamination (including but not limited to battery electrolytes, dielectric fluids, cooling chemicals, heavy metals, or PFAS from fire – suppression agents). Results shall be submitted to the Township within sixty (60) days of completion. Any detected contamination shall trigger immediate remediation at the Owner's expense and an increase in the bond amount to cover the additional estimated cleanup costs, as determined by the Township Engineer.

- B. Reevaluation. The amount of financial security shall be reviewed every five (5) years.
- C. Abandonment. Twelve (12) consecutive months without active data processing operations shall constitute abandonment, regardless of ongoing maintenance, security, or minimal electrical use. Such abandonment shall authorize the Township to use the financial security to restore the site to a greenfield condition. Removal or deactivation of more than 50% of installed computing capacity shall trigger a mandatory review of decommissioning obligations. For purposes of decommissioning, “site restoration” includes the removal of all modular housing, ISO containers, concrete pads, and specialized electrical substations, regardless of whether such items are classified as real or personal property.

Section 7. This Ordinance will be enforced by the Pittston Township Zoning Officer, with appeals therefrom to the Pittston Township Board of Supervisors.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Pittston Township, Luzerne County, Pennsylvania, in lawful session duly assembled, this 20th day of July, 2026.

Attest:

Pittston Township Board of Supervisors:

Kyle Rozitski, Township Manager

Joseph J. Hawk, Jr., Chairman

Deborah A. Taroli, Vice-Chairwoman

SEAL

David A. Slezak, Supervisor