

PITTSTON TOWNSHIP ORDINANCE NO. 12-01 of 2025

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 permitted 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: None.
- B. Minimum Lot Width: None.
- C. Front Yard: The minimum front yard shall not be less than seventy-five (75) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall not be less than seventy-five (75) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yards shall not be less than seventy-five (75) 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.
 - 2. 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.
 - 3. 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.
- G. 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.
- H. 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 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.
 - ii. A major modification 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.

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 60S 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, 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.

J. General Regulations. Except as expressly set forth in Article SF 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 SF, 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 10:00 p.m.) and 55 dB(A) during the night time hours (10:00 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. Parking. Except for purposes of security, no parking for a Data Center Campus shall be located within fifty (50) feet of a property line abutting a district having a residential use.

M. 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.

N. 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.

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

1. The on-site system must still produce at least 60% of monthly energy usage.
2. The remaining shortfall may be offset by:
 - a. Purchase and retirement of Renewable Energy Credits (RECs) from certified programs (e.g., PJM OATS, WREGIS) and/or
 - b. Energy purchased from an approved energy supplier certified under recognized green power programs.
3. 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. 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 15th** day of December, 2025.

Attest:

Pittston Township Board of Supervisors:

Kyle Rozitski, Township Manager

David Slezak, Chairman

Joseph Hawk, Vice-Chairman

SEAL

Deborah Taroli, Supervisor