ORDINANCE 1-2026

AN ORDINANCE of Washington Township, Erie County, PA, Amending, Revising and Re-enacting the Washington Township Zoning Ordinance 1-2026, as amended – Zoning to recognize Computer Data Centers as a use requiring special regulations; providing definitions; allowing Data Centers by Conditional Use in the Industrial Zone and establishing performance standards providing for the repeal of inconsistent Ordinances; providing for the severability of the Ordinance; and providing for an effective date of the Ordinance.

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

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

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

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

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

SECTION 2.

All Data Centers shall comply with the following:

A. Environmental and Community Impact Analysis.

Prior to the commencement of the Conditional Use hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

(1) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
(2) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the boundaries of the property.
(3) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
(4) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
    a. Emergency services and fire protection,
    b. Water supply,
    c. Sewage disposal,
    d. Solid waste disposal,
    e. School facilities and school district budget, and
    f. Municipal revenues and expenses.
(5) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
    a. Shall comply with all Industrial Performance standards.

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

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

B. Environmental Impact Assessment.

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

Washington Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development and include the following focus areas:

(1) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the side. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
(2) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.
(3) The applicant shall submit an assessment report of the impact of the proposed use. The assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
(4) Additional considerations. The following shall also be addressed.
    a. Alternative analysis. A description of alternatives to the impacts.
    b. Adverse impacts. A statement of any adverse impacts that cannot be avoided.
    c. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
    d. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.
(5) Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
    a. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands and mature stands of native vegetation and aquifer recharge and discharge areas.
    b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
    c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

C. Noise and Vibration

(1) A Noise Mitigation Plan shall be submitted with the land development application, including, at a minimum a detailed acoustic study showing the amount of noise to be produced by normal operations and strategies to minimize noise and achieve a neutral impact on the surrounding community. The Plan must be prepared and certified by a professional acoustical engineer. The Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the professional staff of the Township to any land development approval.
    a. A preliminary study shall be conducted as part of the Conditional Use process. The preliminary study shall include recommended sound-reducing materials as needed.
(2) The applicant shall provide a Vibration Study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line. The study shall be conducted as part of the Conditional Use Application process.

D. Air Quality

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

E. Energy Use

(1) Data centers shall make good faith efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable power purchase agreements (PPAs).
(2) An Energy Management Plan shall be submitted with the land development application detailing at a minimum, annual electricity demand, what supply sources will be utilized, energy storage capacity (if applicable) and efforts made to maximize use of renewable or clean energy. The Plan will be prepared and certified by a professional engineer. The Energy Management Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any land development approval.
(3) If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that the electric

service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be provided.

(4) Any energy system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved by separate permits according to zoning regulations and federal and state regulations applicable to such use.

F. Water Utilization

(1) A Water Utilization Report shall be submitted with the land development application detailing, at a minimum the total daily intake volume and source(s) of that water, discharge volumes and destinations, cooling system type and efficiency, and shall demonstrate compliance with the Townships stormwater ordinances and regulations. The Report shall be prepared and certified by a professional engineer. The Report shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended reports based upon comments by the Township prior to any land development approval.

(2) The Data Center applicant shall provide documentation from the applicable water service provider certifying that the necessary capacity is available and that the public water service provider will serve the Data Center. Known impacts on water rates or availability for other uses directly attributable to the Data Center project shall be provided.

G. Wastewater

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

H. Electronic Waste

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

I. Heat Mitigation

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

J. Floodplain Exclusion

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

K. Dimensional Standards

(1) The minimum building height for a single-story data center shall be 30 feet to allow for effective cooling methods within the Data Center.
(2) The maximum building height shall be 45 feet inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.
(3) The maximum height of Data Center Accessory Uses shall be no greater than 30 feet.
(4) The maximum lot coverage shall be no greater than 40% to include roads and parking lots.

L. Parking Requirements

(1) 1 parking space per employee on the largest shift.

(2) Off street Loading – a minimum of one loading space is required. Loading spaces/bays are only permitted to be located on one façade of the Data Center Principal Building.
   a. Shall comply with Section150-24 of the Washington Township Code

M. Setbacks

(1) All Data Centers and Data Center Accessory Uses shall be set back a minimum of 200 feet from the lot line of a property use for residential use or residential zone and 100 feet from another non-residential use with a minimum front yard setback of 75 feet.

(2) Ground mounted equipment used for cooling, ventilation, heat or power shall be set back a minimum of 300 feet from the lot line of any property used for residential or community purposes and a minimum of 300 feet from any residentially zoned district.

N. Lot Coverage

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

O. Fencing

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

P. Landscape Buffer

(1) All Data Center operations shall provide buffer yards along all property boundary lines. Buffer plantings shall consist of native species.
a. One (I) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
b. One (I) deciduous canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.
c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.
d. Five (5) slm1bs per 20 linear feet of buffer. The size of shrubs shall be fully branched and a minimum of three 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.

(2) A minimum 50-foot-wide buffer yard shall be provided along the entire length of any public street frontage and 100-foot-wide buffer shall be provided along any property line which abuts property used for residential or community purposes or zoned residential.

(3) A minimum 50-foot-wide buffer shall be provided along any property line adjacent to a non-residential use.

Q. Screening

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

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

(2) Ground-mounted facilities and equipment shall be fully enclosed when technically feasible. If full enclosure is deemed infeasible, the equipment must be screened by a visually solid barrier such as a wall, fence, building and/or natural materials that absorb noise and protect neighboring properties from noise pollution.

(3) Rooftop facilities equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides. Rooftop equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less that the height of said equipment.

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

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

T. Safety

(1) A detailed Emergency Response Plan shall be submitted with the land development application, showing at a minimum that the Data Center has a plan in effect to deal with emergencies resulting from flood, fire, explosion, and catastrophic weather events. The Emergency Response Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any land development approval.

(2) The Emergency Response Plan (ERP) shall be prepared by a qualified professional and include the following:
   a. Be reviewed and accepted by the local fire department and emergency management services as part of the special exception process;
   b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
   c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
   d. Ensure that all first responders receive adequate training specific to the installed system;
   e. Include provisions for annual fire safety inspections demonstrating compliance with the fire safety standards to be performed by a qualified professional on behalf of the Data Center.

(3) Any Data Center use proposing battery storage or any other devices or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855. Installation of Stationary Energy Storage Systems, or similar

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

(4) Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

(5) No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

U. Decommissioning

(1) The Applicant shall submit a decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose. Applicants shall have the burden of demonstrating which facilities and infrastructure have an ongoing purpose and the same shall be reviewed during the Conditional Use/Land Development process and during the five-year updates as is set forth below.

(2) The Facility Owner or Operator is required to notify the County immediately upon cessation or abandonment of the use. The use shall be presumed to be discontinued or abandoned if the Data Center is not operated for a continuous period of twelve (12) months.

(3) The Facility Owner or Operator shall then have six (6) months in which to dismantle and remove the Data Center and Data Center accessory equipment. The Facility Owner or Operator shall also restore the land to its original pre-construction condition consistent with paragraph a above. If the Facility Owner or Operator fails to dismantle or remove the Data Center and restore the land within the six (6) month time period, the County may, but shall not be required to, complete the decommissioning and land restoration at the Owner's expense.

(4) At the time of the issuance of the permit for the construction of the Data Center, the Facility Owner or Operator shall provide financial security to the County to secure the expense of dismantling and removing the Data Center, including accessory equipment, and restoration of the land to its original condition consistent with paragraph a above. The financial security shall be in the amount of one hundred ten (110%) percent of the cost of decommissioning. The decommissioning funds shall be posted and maintained during the life of the project in the form of a Performance Bond, Irrevocable Letter of Credit or other financial form of security acceptable to the County. The same shall be with a financial institution acceptable to the County. The Bond shall be posted prior to SALDO approval.

(5) An independent and certified professional engineer shall be retained by the County at the Facility Owner or Operator's expense to estimate the total cost of decommissioning of the Data Center. Thereafter, the Facility Owner or Operator shall retain an engineer to provide the County with cost estimates of decommissioning after the first year of operation and every fifth year

thereafter. The financial security shall be updated every five (5) years throughout the life of the project.
(6) Applicant shall provide a decommissioning plan as part of the Conditional Use Application and any land development submission 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 material, including but not limited to contaminated water, that may be present on the site.
(7) The Decommissioning Plan shall include but is not limited to:
(a) Identification of all above-ground structures, equipment, and facilities that have no ongoing purpose which shall be removed;
(b) Hazardous materials, including batteries, fuel, or refrigerants shall be disposed of in compliance with all local, state, and federal regulations;
(c) Disturbed soil shall be stabilized and re-vegetated;
(d) Any utility connections shall be safely disconnected and capped.
(e) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

SECTION 3.. Severability.

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

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

This ordinance shall become effective immediately.

_____
Rebecca Seaman, Zoning Administrator

WASHINGTON TOWNSHIP COUNCIL

_____
Mary Jo Campbell, Mayor

_____
Tim Dillen, Vice-Mayor

_____
William Leehan, Councilman

_____
Megan Malena, Councilwoman

_____
Tim Vanco, Councilman

ATTEST:

_____
Norm Willow, Secretary

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