ORDINANCE NO. 10132026 OF 2026

BUTLER TOWNSHIP
LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE OF BUTLER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE BUTLER TOWNSHIP ZONING ORDINANCE TO DEFINE, PERMIT, AND REGULATE DATA CENTERS AND DATA CENTER ACCESSORY USES; ESTABLISHING LEGISLATIVE FINDINGS; PROVIDING USE REGULATIONS AND PERFORMANCE STANDARDS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Butler Township is empowered to enact and amend zoning regulations pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. §10101 et seq.; and

WHEREAS, pursuant to Resolution No. 05122026, the Board of Supervisors declared portions of the Butler Township Zoning Ordinance substantively invalid because the Zoning Ordinance did not define, permit, or regulate Data Centers and Data Center Accessory Uses; and

WHEREAS, the Board of Supervisors desires to adopt a municipal curative amendment to define, permit, and regulate Data Centers and Data Center Accessory Uses within Butler Township; and

WHEREAS, the Board of Supervisors has considered the recommendations of the Butler Township Planning Commission, Luzerne County Planning Commission, Township Engineer, and other consultants and advisors, as well as written submissions, testimony, and public comments received during the review of the proposed regulations; and

WHEREAS, the Board of Supervisors further finds that the regulations established herein are intended to promote the public health, safety, and welfare, provide for the appropriate location and regulation of Data Centers, and are consistent with the purposes and policies of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors has determined that amendments to the Butler Township Zoning Ordinance are necessary to protect the public health, safety, and welfare; provide reasonable opportunities for Data Center development; and establish appropriate land use and performance standards governing Data Centers and Data Center Accessory Uses.

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

SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE.

A. The Board of Supervisors finds that Data Centers constitute a legitimate industrial land use which may provide economic development opportunities, tax revenues, and technological infrastructure benefits to the Township and surrounding region.

B. The Board of Supervisors further finds that Data Centers are unique industrial facilities which may require substantial electrical demand, water consumption, cooling systems, emergency power generation, utility infrastructure, and specialized fire suppression systems that are not typically associated with other industrial uses permitted within the Township.

C. The Board of Supervisors finds that Butler Township contains areas impacted by historic anthracite coal mining activities, including abandoned underground mine workings, mine pools, mine subsidence risks, acid mine drainage concerns, altered surface and subsurface drainage conditions, and other geologic and hydrologic conditions that may affect the suitability of land for intensive industrial development and the appropriate design of stormwater management and infiltration facilities.

D. The Board of Supervisors further finds that many residents and businesses within the Township rely upon groundwater resources, private wells, springs, streams, wetlands, and other water resources which are important to the public health, safety, and welfare of the Township.

E. The Board of Supervisors finds that large-scale Data Centers may have the potential to impact groundwater resources, surface waters, emergency services, transportation infrastructure, utility systems, neighboring properties, and Sensitive Receptors through noise, low-frequency sound, vibration, lighting, and other operational effects if not properly designed, reviewed, and regulated.

F. The Board of Supervisors further finds that Data Centers may require substantial electrical transmission, distribution, and substation infrastructure and may significantly affect local and regional utility systems.

G. The purpose of this Ordinance is not to prohibit Data Centers, but rather to establish reasonable regulations and performance standards designed to protect the public health, safety, and welfare; preserve groundwater and surface water resources; address geologic and mining-related conditions; minimize adverse impacts upon neighboring properties; ensure adequate emergency response capabilities; and promote the orderly development of land within Butler Township.

H. The Board of Supervisors finds that cooling technologies utilized by Data Centers may vary substantially in their water consumption and wastewater generation, and that the use of closed-loop or other water-efficient cooling technologies, where technically feasible, may reduce impacts upon groundwater, surface water, and public water resources.

I. The Board of Supervisors further finds that the regulations contained herein are intended to implement the purposes of the Pennsylvania Municipalities Planning Code and the Butler Township Zoning Ordinance and are based upon the unique environmental, geologic, infrastructure, and land use characteristics present within Butler Township.

J. The Board of Supervisors finds that the regulations established herein are intended to permit Data Centers within Butler Township subject to reasonable standards and are not intended to exclude Data Centers from the Township.

K. The Board of Supervisors further finds that because Data Center technology, cooling methods, electrical infrastructure, and computing systems continue to evolve rapidly, the regulations contained herein are intended, where appropriate, to utilize objective and performance-based standards that accommodate technological advancement while protecting the public health, safety, and welfare.

L. The Board of Supervisors finds that certain land uses, including residences, schools, childcare facilities, health-care and residential-care facilities, places of worship, public recreational facilities, cemeteries, and similar uses may warrant additional consideration and protection from noise, lighting, vibration, and other operational impacts associated with large-scale industrial development.

SECTION 2. AMENDMENT TO ARTICLE 2 – DEFINITIONS

Section 202 of the Butler Township Zoning Ordinance is hereby amended to add the following definitions:

"Abandonment" – The cessation of Data Center operations for a continuous period of twelve (12) months, excluding temporary interruptions due to maintenance, repairs, utility outages, or force majeure events.

"Acoustical Professional" – An individual having a bachelor's or graduate degree in acoustics, engineering, physics, architecture, environmental science, or a related technical discipline and at least five (5) years of documented professional experience in environmental sound measurement, acoustical modeling, and noise control, or an individual holding Board Certification through the Institute of Noise Control Engineering (INCE) or a successor credential of comparable rigor. An Acoustical Professional need not hold a Pennsylvania professional engineer license solely by reason of preparing an acoustical study or report unless the particular work performed is required by Pennsylvania law to be prepared or sealed by a licensed professional engineer.

"Artificial Intelligence Data Center" – A Data Center designed or utilized primarily to support artificial intelligence, machine learning, neural network training, inference processing, large language models, or similar advanced computational systems.

"Baseline Water Testing" – Testing conducted prior to commencement of site disturbance or construction to establish existing water quality and water quantity or yield conditions for private wells, springs, groundwater, or other water resources potentially affected by a proposed Data Center.

"Battery Energy Storage System (BESS)" – One or more devices, assemblies, or containers capable of storing electrical energy for later use, together with associated equipment, controls, ventilation systems, fire suppression systems, transformers, inverters, and related infrastructure.

"Closed-Loop Cooling System" – A cooling system designed to continuously recirculate water or another cooling medium within a closed or substantially closed circuit for the purpose of

absorbing and rejecting heat, while minimizing consumptive water use through recirculation and reuse.

"Commencement of Operations" – The date upon which a Data Center Principal Building first begins regular commercial computing, data processing, storage, or similar operations, excluding testing and commissioning activities.

"Data Center" – A building or buildings occupied primarily by computers, servers, telecommunications equipment, data storage systems, networking equipment, and related infrastructure where digital information is processed, transferred, stored, or managed, primarily to and from off-site locations. This use includes cryptocurrency mining, blockchain transaction processing, server farms, cloud computing operations, artificial intelligence computing, and similar activities. A Data Center may include Data Center Accessory Uses.

"Data Center Accessory Use" – A use, structure, facility, or equipment incidental or subordinate and reasonably necessary or related to a Data Center, including but not limited to administrative offices, security facilities, storage buildings, fiber optic infrastructure, electrical substations, utility lines, cooling systems, water storage facilities, pump stations, wastewater treatment facilities, emergency generators, battery energy storage systems, environmental control equipment, and related infrastructure located upon the same lot or within a unified Data Center development.

"Data Center Campus" – Two (2) or more Data Centers, together with associated Data Center Accessory Uses, Data Center Equipment, and supporting infrastructure, located upon one or more parcels and planned, developed, owned, operated, or functionally integrated as a unified or related development, whether constructed simultaneously or in phases.

"Data Center Electrical Substation" – A facility used for the transformation, transmission, distribution, or switching of electrical power for the primary purpose of serving a Data Center or Data Center Campus located on the same property, adjacent property, or property immediately across a public right-of-way.

"Data Center Equipment" – Equipment, systems, and appurtenances customarily associated with and incidental to the operation of a Data Center, including electrical switchgear, transformers, uninterruptible power supply systems (UPS), battery energy storage systems, cooling equipment, emergency generators, fuel storage facilities, pumps, heat rejection systems, and related infrastructure.

"Data Center Principal Building" – A building containing the primary computing, data storage, networking, telecommunications, office, or operational functions of a Data Center.

"Decommissioning" – The cessation of Data Center operations; removal of Data Center buildings, structures, equipment, fuel storage facilities, and other improvements required to be removed under an approved Decommissioning Plan; disconnection, removal, or lawful repurposing of associated utility infrastructure; and restoration of the site in accordance with this Ordinance and the approved Decommissioning Plan.

"Edge Data Center" – A Data Center designed to provide computing, processing, storage, or networking resources closer to end users or devices in order to reduce latency and improve performance.

"Emergency Power Generation Facility" – Equipment designed to provide electrical power during interruptions in utility service, including generators, transfer switches, fuel storage systems, and associated infrastructure.

"Hyperscale Data Center" – A large-scale Data Center or Data Center Campus designed to provide cloud computing, artificial intelligence computing, large-scale data processing, storage, networking, or related services and characterized by extensive computing capacity, redundancy, supporting infrastructure, and substantial utility demands.

"Hydrogeologic Study" – A report prepared and sealed by a Qualified Professional possessing expertise in hydrogeology evaluating groundwater resources, aquifer characteristics, groundwater recharge, groundwater flow, baseline groundwater quality and quantity, private wells and public water supplies, interactions with abandoned mine workings, mine pools, surface water and stormwater management systems, and the potential effects of proposed water withdrawals, discharges, infiltration, construction, and Data Center operations upon groundwater and water supplies.

"Independent Qualified Professional" – A Qualified Professional retained by or on behalf of the Township, and not employed by or under contract with the applicant or operator with respect to the proposed Data Center, to independently review a study, report, plan, analysis, certification, or other technical submission required by this Ordinance.

"Infrasound" – Acoustic energy having a frequency below twenty (20) Hertz (Hz).

"Low-Frequency Sound" – Acoustic energy concentrated within the lower-frequency portion of the audible spectrum, including frequencies from twenty (20) Hertz through two hundred (200) Hertz, or such other range recognized by generally accepted acoustical engineering standards.

"Material Expansion" – An expansion or modification of an approved Data Center or Data Center Campus resulting, individually or cumulatively following the most recent approval, in an increase of ten percent (10%) or more in: (1) gross floor area; (2) developed or impervious area; (3) maximum electrical demand; (4) maximum water demand; or (5) installed emergency generation capacity; or the addition of a new Data Center Principal Building.

"Mine Subsidence and Geotechnical Study" – A report prepared and sealed by a Qualified Professional possessing expertise in geology, mining engineering, or geotechnical engineering evaluating known or suspected underground or surface mining activities, mine workings, mine pools, mining and reclamation permits, sinkhole potential, subsidence risks, geologic conditions, soil and rock conditions, site stability, and potential interactions between proposed development, stormwater management facilities, and historic or active mining conditions.

"Modular Data Center" – A prefabricated or transportable structure containing servers, networking equipment, power systems, cooling systems, or related infrastructure used for Data Center operations.

"Operator" – Any person, corporation, partnership, limited liability company, association, governmental entity, or other legal entity that owns, leases, manages, operates, or controls a Data Center or Data Center Campus.

"Qualified Professional" – A person licensed or otherwise authorized under the laws of the Commonwealth of Pennsylvania to prepare the report, study, analysis, certification, or plan required by this Ordinance, including but not limited to professional engineers, geologists, hydrogeologists, geotechnical engineers, acoustical engineers, landscape architects, surveyors, and similar professionals acting within their respective areas of expertise.

"Sensitive Receptor" – A lawfully existing residence; school; preschool; childcare or daycare facility; hospital; nursing home; assisted living facility; personal care home; place of worship; public park or public recreational facility; community center; cemetery; or other similar use at which persons may reasonably be expected to experience heightened sensitivity to noise, vibration, lighting, or other operational impacts associated with a Data Center.

"Water-Intensive Cooling System" – A cooling system that relies upon groundwater, surface water, potable water, or other water sources and results in substantial consumptive water use through evaporation, blowdown, discharge, or other processes, as distinguished from a Closed-Loop Cooling System or other water-efficient cooling technology designed to minimize consumptive water use.

"Water Withdrawal" – The removal, diversion, extraction, pumping, or consumption of groundwater, surface water, public water, reclaimed water, or any other water source for Data Center operations.

SECTION 3. AMENDMENT TO ARTICLE 3 – TABLE OF LAND USES

Section 310, Table of Land Uses, is hereby amended to add the following use classification:

A. Amendment to Section 310 – Table of Land Uses.

Zoning Districts

Type of Land Uses	**SR**	**UR**	**RC**	**RA/RAR**	**MRB**	**NC**	**GC**	**I**	**MI**	**BP**	**WTO-SEO**
INDUSTRIAL USES											
Data Center	**N**	**N**	**N**	**N**	**N**	**N**	**N**	**SE**	**N**	**N**	**N**
Data Center Accessory Uses (only in conjunction with an approved Data Center and subject to its Special Exception approval)	**N**	**N**	**N**	**N**	**N**	**N**	**N**	**SE**	**N**	**N**	**N**

B. Data Centers.

Data Centers shall be permitted only as a Special Exception within the Industrial (I) Zoning District and only upon approval by the Butler Township Zoning Hearing Board in accordance with the Pennsylvania Municipalities Planning Code, the Butler Township Zoning Ordinance, and the requirements of this Ordinance.

C. Data Center Accessory Uses.

Data Center Accessory Uses shall be permitted only in conjunction with and subordinate to an approved Data Center or Data Center Campus and shall not be established as an independent principal use pursuant to this Section. Such uses shall be located within the approved Data Center or Data Center Campus and shall be shown upon the plans submitted as part of the applicable Special Exception and land development approvals.

D. Compliance Required.

No Data Center or Data Center Accessory Use shall be established, constructed, operated, or subject to a Material Expansion except in compliance with this Ordinance and all other applicable Township ordinances and regulations.

E. Applicability.

All Data Centers and Data Center Accessory Uses shall comply with the supplemental regulations set forth in Section 602(54) of this Ordinance.

F. Intent.

It is the intent of this Ordinance to provide a reasonable opportunity for the development of Data Centers within Butler Township while protecting the public health, safety, and welfare through the application of the standards set forth herein.

SECTION 4. DATA CENTER SUPPLEMENTAL REGULATIONS.

A. General Standards.

1. Applicability.

   The provisions of this Section shall apply to all Data Centers and Data Center Accessory Uses.

2. Compliance with Other Laws.

   All Data Centers shall comply with all applicable federal, state, county, and local laws, regulations, permits, approvals, and licensing requirements.

3. Unified Development; Cumulative Review.

A Data Center Campus shall be considered a unified development for purposes of determining compliance with this Ordinance. Multiple Data Centers, buildings, phases, parcels, or related facilities that are under common or affiliated ownership, control, operation, or development, or that share utility, access, cooling, electrical, or other supporting infrastructure, shall be evaluated cumulatively for purposes of determining compliance with the requirements of this Ordinance. A Data Center or Data Center Campus shall not be divided, phased, segmented, or separately owned or operated for the purpose of avoiding or reducing the applicability of any requirement of this Ordinance.

4. Land Development Approval Required.

All Data Centers and Data Center Campuses shall be subject to the Butler Township Subdivision and Land Development Ordinance and shall obtain all required land development approvals prior to construction.

5. Utility Service and Infrastructure.

All utility service lines and infrastructure serving a Data Center shall comply with applicable utility provider requirements and all applicable federal, state, and Township requirements. On-site electrical distribution lines, telecommunications lines, fiber optic lines, and similar utility service lines shall be installed underground to the maximum extent technically feasible. Where above-ground installation is proposed, the applicant shall identify the location and purpose of such facilities and demonstrate that underground installation is technically infeasible, inconsistent with applicable utility requirements, or would result in greater environmental or public safety impacts.

6. Expansion and Modification.

A Material Expansion of an approved Data Center or Data Center Campus shall require a new or amended Special Exception approval by the Zoning Hearing Board, together with all other land development, zoning, building, and other approvals applicable to the proposed expansion. Routine maintenance, repair, software upgrades, and replacement of equipment with substantially equivalent equipment that does not constitute a Material Expansion shall not independently require a new Special Exception approval, but shall remain subject to all applicable Township permits and approvals.

B. Dimensional Standards.

1. Minimum Lot Area.

The minimum lot area for a Data Center shall be twenty-five (25) acres.

2. Minimum Front Yard Setback.

All principal buildings shall be located a minimum of one hundred (100) feet from any street right-of-way.

3. Minimum Side Yard Setback.

All principal buildings shall be located a minimum of one hundred (100) feet from any side property line.

4. Minimum Rear Yard Setback.

All principal buildings shall be located a minimum of one hundred (100) feet from any rear property line.

5. Residential Zoning District Separation.

No Data Center Principal Building, emergency generator, Battery Energy Storage System, electrical substation, cooling equipment, or other principal operational equipment associated with a Data Center shall be located within one thousand two hundred fifty (1,250) feet of the boundary line of any SR, UR, RC, RA/RAR, or MRB Zoning District.

6. Sensitive Receptor Separation.

No Data Center Principal Building, emergency generator, Battery Energy Storage System, electrical substation, cooling equipment, or other principal operational equipment associated with a Data Center shall be located within 600 feet of a Sensitive Receptor lawfully existing on the date a complete Special Exception application is filed.

7. Environmental Resource Protection.

No Data Center Principal Building or other principal operational equipment shall be located within one thousand (1,000) feet of a perennial stream, wetland, or delineated floodplain unless the applicant demonstrates through competent professional studies that the proposed location and design will not result in significant adverse impacts to the identified environmental resource, groundwater, stormwater management, or neighboring properties and that adequate avoidance, mitigation, and protective measures have been incorporated into the project design.

In areas affected by historic or active mining, such analysis shall specifically evaluate the relationship between proposed stormwater management or infiltration facilities and underground mine workings, mine pools, subsidence conditions, groundwater flow, and acid mine drainage.

8. Maximum Building Height.

No Data Center Principal Building shall exceed fifty (50) feet in height. For purposes of this requirement, maximum building height shall be measured to the highest point of the building

and shall include rooftop mechanical equipment, cooling equipment, sound barriers, screening structures, and other rooftop equipment.

Lightning protection equipment, antennas, or similar appurtenances may exceed the maximum height only to the minimum extent required by applicable law or demonstrated operational necessity and where permitted by the Zoning Hearing Board.

9. Accessory Structures and Equipment.

Cooling systems, electrical substations, emergency generators, Battery Energy Storage Systems, fuel storage facilities, and other Data Center Accessory Uses shall comply with the applicable minimum property-line setbacks established by this Section and with any greater separation distance expressly applicable to such equipment under this Ordinance.

10. Landscaping and Screening.

A continuous landscaped buffer shall be provided where a Data Center or Data Center Accessory Use is visible from an adjoining residential property, Sensitive Receptor, or public street. The buffer shall utilize existing vegetation where adequate and supplemental plantings where necessary to provide year-round visual screening.

Supplemental plantings shall consist predominantly of native or non-invasive evergreen and deciduous trees and shrubs arranged in staggered groupings or rows sufficient to provide an effective visual screen. Evergreen trees installed to satisfy this requirement shall have a minimum height of eight (8) feet at planting. Deciduous shade trees shall have a minimum caliper of two and one-half (2½) inches at planting.

Required landscaping shall be continuously maintained. Dead, diseased, or substantially damaged vegetation shall be replaced during the next appropriate planting season.

The Zoning Hearing Board may require additional berming, landscaping, or screening where necessary based upon site-specific conditions, but shall not waive the minimum requirements of this Section.

11. Security Fencing.

Data Center Principal Buildings and critical operational equipment shall be secured by fencing where reasonably necessary for safety or security. Security fencing shall be designed to minimize visual impacts upon adjoining residential properties, Sensitive Receptors, and public streets and shall be integrated with required landscaping.

Security fencing shall not exceed eight (8) feet in height, except where a greater height is demonstrated to be necessary for electrical safety, critical infrastructure protection, or other applicable regulatory requirements. Barbed wire, razor wire, or similar security devices shall not be visible from adjoining residential properties or public streets and shall be prohibited except where demonstrated to be necessary for critical infrastructure security.

C. Application Submission Requirements.

In addition to all information otherwise required by the Butler Township Zoning Ordinance, Subdivision and Land Development Ordinance, and applicable Township regulations, an application for a Data Center Special Exception shall include the following:

1. Narrative Statement.

   A written narrative describing the proposed Data Center or Data Center Campus, including its purpose, anticipated operations, proposed hours of operation, number of employees, anticipated utility demands, proposed cooling systems, emergency power systems, anticipated phases of development, and all known or reasonably anticipated future expansion plans. The narrative shall identify the property owner, applicant, anticipated Operator, and any parent, controlling, or affiliated entity having material responsibility for development or operation of the facility, and shall describe the relationship among such entities. Any material change in ownership or operational control occurring during review shall be promptly disclosed to the Township.

2. Site Plan.

   A site plan prepared and sealed by one or more Qualified Professionals, as applicable depicting:

   (a) Property boundaries;
   (b) Existing and proposed structures;
   (c) Parking areas and access drives;
   (d) Utility infrastructure;
   (e) Stormwater facilities;
   (f) Existing and proposed easements;
   (g) Environmentally sensitive features;
   (h) Setbacks and buffers required by this Ordinance; and
   (i) Existing land uses and zoning classifications within 2,000 feet of the property.
   (j) Sensitive Receptors within two thousand five hundred (2,500) feet of the property;
   (k) Known private wells and springs within the area required by subsection D; (l) Known active or inactive mining permit areas and reclamation areas affecting the property; and (m) Existing and proposed phases of the Data Center Campus.

3. Utility Infrastructure Plan.

A plan identifying all proposed electric transmission and distribution facilities, substations, transformers, switching equipment, fiber optic infrastructure, water facilities, wastewater facilities, emergency generators, Battery Energy Storage Systems, and other major utility infrastructure associated with the proposed Data Center. The plan shall identify the location, ownership, capacity, and proposed above-ground or underground installation of such infrastructure and shall identify any new off-site utility improvements known to be necessary to serve the proposed development.

4. Traffic Impact Study.

A traffic impact study prepared by a qualified traffic engineer evaluating anticipated construction traffic, operational traffic, emergency access, proposed construction and truck routes, existing roadway conditions and capacities, and roadway improvements reasonably necessary to accommodate traffic generated by the proposed use.

5. Water Supply and Cooling Plan.

A detailed plan identifying all proposed water sources; anticipated daily, monthly, annual, and peak water demand; projected consumptive use; water reuse and conservation measures; proposed cooling technologies; anticipated cooling-system losses; and the proposed treatment, reuse, discharge, and ultimate disposition of cooling water, blowdown, wastewater, and other liquid waste streams associated with Data Center operations.

6. Hydrogeologic Study.

A Hydrogeologic Study prepared and sealed by a Qualified Professional in accordance with the requirements of this Ordinance, including evaluation of groundwater resources, private wells and springs, groundwater recharge and flow, mine pool interactions, proposed withdrawals and discharges, stormwater infiltration, and potential impacts upon public and private water supplies.

7. Mine Subsidence and Geotechnical Study.

A Mine Subsidence and Geotechnical Study prepared and sealed by a Qualified Professional in accordance with this Ordinance. The Study shall identify known or suspected underground and surface mine workings, mine pools, sinkhole and subsidence potential, geologic and geotechnical hazards, active and inactive mining permits, reclamation obligations and permit boundaries affecting the property, and recommendations for site design, stormwater management, and construction.

8. Noise Impact Study.

A study prepared by an Acoustical Professional evaluating anticipated broadband noise, vibration, Low-Frequency Sound, tonal characteristics, and Infrasound as provided in subsection F, generated by cooling equipment, generators, transformers, electrical equipment, mechanical equipment, vehicle traffic, and other construction and operational activities. The Study shall identify existing ambient conditions, predicted operational conditions, Sensitive Receptors, residential zoning districts, all modeling inputs and assumptions, and all mitigation measures necessary to comply with this Ordinance.

9. Lighting Plan.

A lighting plan identifying all proposed exterior lighting fixtures, mounting heights, illumination levels, shielding measures, and methods to minimize glare and light trespass onto adjoining properties, public rights-of-way, and Sensitive Receptors.

10. Emergency Response Plan.

An Emergency Response Plan prepared in accordance with subsection H of this Section.

11. Environmental Impact Study.

A study evaluating the potential impacts of the proposed Data Center upon groundwater resources, surface waters, wetlands, floodplains, environmentally sensitive areas, historic or active mining conditions, threatened or endangered species and habitats identified through applicable agency review, Sensitive Receptors, adjacent properties, public infrastructure, and community services.

12. Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review.

The applicant shall submit documentation demonstrating completion of a current Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review for the proposed project site. Any avoidance measures, mitigation measures, agency coordination, or recommendations identified through the PNDI review process shall be provided to the Township as part of the application.

13. Landscaping and Buffering Plan.

A plan prepared by a Qualified Professional depicting all proposed landscaping, screening, buffering, fencing and visual mitigation measures, including plant species, quantities, installation sizes, spacing, anticipated mature height, berm dimensions, fence height and materials, and maintenance and replacement provisions.

14. Decommissioning Plan.

A preliminary decommissioning plan identifying procedures for the removal of structures, utility infrastructure, generators, fuel storage facilities, battery energy storage systems, and other improvements upon abandonment of the facility together with a preliminary estimate of decommissioning and site-restoration costs prepared by a Qualified Professional.

15. Additional Information.

The Township, Township Engineer, Planning Commission, Zoning Hearing Board, or any consultant retained by the Township may request additional information reasonably necessary to evaluate compliance with this Ordinance and the protection of the public health, safety, and welfare.

D. Water Resource Protection Standards.

1. Purpose.

The purpose of this Section is to protect groundwater resources, surface waters, private water supplies, public water supplies, wetlands, streams, and other water resources within Butler Township from significant adverse impacts associated with the construction and operation of Data Centers.

2. Water Resource Protection.

The applicant shall demonstrate that the proposed Data Center has been designed to minimize water consumption and to avoid significant adverse impacts upon groundwater resources, surface waters, private wells, public water supplies, wetlands, streams, and floodplains.

3. Water Source Identification.

The applicant shall identify all proposed sources of water to be utilized during construction and operation of the Data Center and shall provide documentation demonstrating the legal authority and capacity to utilize such water sources.

4. Water Demand Analysis.

The applicant shall provide a detailed analysis of anticipated daily, monthly, and annual water consumption, including projected peak demand and estimated consumptive use associated with cooling systems and facility operations, and anticipated wastewater or cooling-system discharge volumes.

5. Water Conservation Measures.

The applicant shall identify all proposed water conservation measures, water reuse technologies, and efficiency measures incorporated into the facility design.

6. Cooling Systems and Water Conservation.

Data Centers shall utilize Closed-Loop Cooling Systems or other water-efficient cooling technologies demonstrated to provide equivalent or greater water conservation to the maximum extent technically feasible.

A Water-Intensive Cooling System shall not be approved unless the applicant demonstrates through competent engineering evidence that use of a Closed-Loop Cooling System or other water-efficient cooling technology is technically infeasible or would result in greater environmental impacts.

The applicant shall identify the anticipated source, quantity, treatment, reuse, discharge, and ultimate disposition of all water, wastewater, blowdown, and other liquid waste streams associated with the proposed cooling system.

7. Groundwater Protection.

No Data Center shall be approved unless the applicant demonstrates through competent professional studies that the proposed use is not expected to create a significant adverse impact upon groundwater resources, groundwater recharge areas, private wells, springs or public water supplies.

8. Private Well and Spring Inventory.

The applicant shall identify known private wells and springs located within one thousand (1,000) feet of the project property, and any additional wells or springs located outside that distance that the Hydrogeologic Study or Independent Qualified Professional retained by the Township determines may reasonably be affected by the proposed development.

9. Baseline Water Quality Testing.

Prior to commencement of site disturbance, the applicant shall, at its expense, offer Baseline Water Testing to the owner of each private well or spring identified pursuant to subsection D.8.

Baseline Water Testing shall be performed by an independent Qualified Professional or accredited laboratory and shall document, as applicable, existing water quality, water level, well yield or available quantity, and such additional parameters as are reasonably recommended by the Township's Independent Qualified Professional based upon site-specific hydrogeologic and mining conditions.

The applicant shall provide the results to the Township and to the owner of the tested water supply.

No applicant shall be responsible for a property owner's refusal or failure to permit testing, provided that the applicant documents a good-faith written offer to perform the required testing.

10. Post-Construction Monitoring.

Post-construction groundwater and private water-supply monitoring shall be required where the Hydrogeologic Study or the Township's Independent Qualified Professional identifies a reasonable potential for impacts to groundwater or private water supplies. The frequency, duration, locations, and parameters of monitoring shall be established based upon the recommendations of the Township's Independent Qualified Professional and conditions of approval.

11. Water Supply Impairment and Mitigation.

If a private well or spring that participated in Baseline Water Testing experiences a material reduction in water quality, water level, or available yield during construction or following Commencement of Operations, and the change is inconsistent with the documented baseline condition, the impairment shall be presumed to have resulted from the Data Center development where competent hydrogeologic evidence demonstrates a reasonable temporal and hydrogeologic relationship between the development and the impairment.

The Operator may rebut the presumption through competent hydrogeologic evidence demonstrating that the impairment resulted from another cause.

Where an impairment is determined or presumed to have resulted from the Data Center development, the Operator shall promptly provide an adequate temporary water supply where necessary and shall restore, replace, or otherwise provide an equivalent permanent water supply at the Operator's expense. Prior to Commencement of Operations, the Operator shall submit to the Township a Water Supply Contingency and Response Plan identifying procedures, responsible contacts, and reasonably available arrangements for prompt provision of temporary water and permanent restoration or replacement where required by this subsection.

12. Monitoring Wells.

The Township shall require installation and maintenance of groundwater monitoring wells where recommended by the Hydrogeologic Study or the Township's Independent Qualified Professional. The location, number, depth, monitoring parameters, and duration of monitoring shall be established based upon site-specific conditions.

13. Surface Water and Stormwater Protection.

The applicant shall demonstrate that construction and operation of the Data Center, including all proposed stormwater management, infiltration, detention, and discharge facilities, will not result in significant adverse impacts to streams, wetlands, floodplains, groundwater, adjacent properties, or other surface water resources.

Where the project site is affected by historic or active mining, the applicant shall specifically evaluate the potential for stormwater management and infiltration practices to interact with underground mine workings, mine pools, subsidence conditions, acid mine drainage, groundwater flow, or neighboring private water supplies.

14. Compliance with Regulatory Agencies.

The applicant shall obtain and maintain all permits, approvals, and authorizations required by applicable federal, state, county, river basin, and local regulatory agencies having jurisdiction over water withdrawals, water discharges, wetlands, stormwater management, or related activities. Nothing herein shall be construed to waive or diminish any review or approval

required by the Susquehanna River Basin Commission, Delaware River Basin Commission, Pennsylvania Department of Environmental Protection, or any other agency having jurisdiction.

15. Additional Studies.

The Township may require supplemental hydrogeologic investigations, groundwater modeling, monitoring plans, or related studies where reasonably necessary to evaluate potential impacts upon water resources. Such studies shall be prepared at the applicant's expense, and the Township may obtain independent professional review thereof at the applicant's expense to the extent authorized by law.

16. Independent Hydrogeologic Review.

The Township shall retain an Independent Qualified Professional possessing expertise in hydrogeology to review the Hydrogeologic Study, Water Supply Plan, Baseline Water Testing program, proposed monitoring program, and other water-resource information submitted by the applicant. The reasonable costs of such review shall be borne by the applicant to the extent authorized by applicable law.

E. Mine Subsidence, Geotechnical, and Abandoned Mine Land Standards.

1. Purpose.

The purpose of this Section is to protect public health, safety, welfare, property, groundwater resources, stormwater systems, and public infrastructure from risks associated with historic or active mining activities, abandoned mine workings, mine pools, mine subsidence, sinkholes, unstable soils, altered surface or subsurface drainage conditions, and other geologic conditions that may be present within Butler Township.

2. Mine Subsidence and Geotechnical Study Required.

Every application for a Data Center shall include a Mine Subsidence and Geotechnical Study prepared and sealed by a Qualified Professional possessing appropriate expertise in geology, mining engineering, geotechnical engineering, or a related discipline.

3. Study Contents.

The Mine Subsidence and Geotechnical Study shall, at a minimum, identify and evaluate:

(a) Known or suspected underground mine workings;
(b) Mine pools;
(c) Historic mining activity;
(d) Areas of known or potential subsidence;
(e) Sinkholes and collapse features;
(f) Geologic hazards;

(g) Unstable soils;
(h) Mine-related groundwater conditions;
(i) Recommendations for site design, construction, monitoring, and mitigation;
(j) Active, inactive, expired, suspended, or temporarily ceased surface or underground mining permits affecting the property;
(k) Existing reclamation obligations, permit boundaries, bonds, and other mining-related restrictions affecting the proposed development area;
(l) Potential interactions between proposed stormwater management or infiltration facilities and mine workings, mine pools, groundwater flow, subsidence conditions, or acid mine drainage; and
(m) Recommendations concerning whether additional investigation, monitoring, stabilization, or mitigation is necessary before or during construction.

4. Existing Information.

The Study shall incorporate and evaluate available information from:

(a) Pennsylvania Department of Environmental Protection records, including available mining permits, permit maps, inspection reports, reclamation obligations, and permit-status information;
(b) Pennsylvania Geological Survey;
(c) Mine maps;
(d) United States Geological Survey;
(e) River Basin Commissions;
(f) Utility providers;
(g) Other available governmental or professional sources; and
(h) Available historic aerial photography, geotechnical reports, or prior site investigations relevant to the property.

5. Geotechnical Investigation.

The applicant shall submit a geotechnical investigation prepared and sealed by a Qualified Professional evaluating subsurface soil and rock conditions, bearing capacity, slope and site stability, subsidence potential, and the suitability of the site for all proposed buildings, utility infrastructure, stormwater facilities, access roads, and other major improvements.

6. Site Suitability.

The applicant shall demonstrate that the proposed Data Center can be safely constructed and operated without creating an unreasonable risk to persons, property, utilities, groundwater resources, or public infrastructure due to mine subsidence, geologic instability, or related conditions.

7. Mine Pool and Groundwater Evaluation.

Where mine pools, mine workings, or mine-related groundwater conditions are known or reasonably suspected to exist, the applicant shall evaluate the potential interaction between the proposed development and such conditions, including excavation, foundations, grading, stormwater infiltration or detention, utility construction, groundwater withdrawals, and changes in surface or subsurface drainage.

8. Mitigation Measures.

Where geologic hazards, subsidence risks, mine pools, unstable soils, mine-related groundwater conditions, or similar conditions are identified, the applicant shall incorporate reasonable mitigation, stabilization, monitoring, design, or construction measures recommended by the Qualified Professional and necessary to demonstrate compliance with this Ordinance.

9. Additional Investigation.

The Township Engineer, Township geologist, Township hydrogeologist, Planning Commission, or Zoning Hearing Board may require supplemental investigations where the submitted information is insufficient to evaluate site conditions.

10. Construction Monitoring.

Construction-phase geotechnical, groundwater, or mine-related monitoring shall be required where recommended by the Mine Subsidence and Geotechnical Study or the Township's Independent Qualified Professional based upon site-specific conditions. The scope and duration of monitoring shall be established as part of the Special Exception and land development approvals.

11. Infrastructure Protection.

The applicant shall demonstrate that proposed construction activities will not create a significant adverse impact upon existing roads, utility facilities, drainage and stormwater facilities, neighboring properties, private water supplies, or public infrastructure due to mine-related or geotechnical conditions.

12. Compliance with State Requirements.

Nothing contained herein shall relieve an applicant of the obligation to obtain any permit, approval, authorization, or review required by the Commonwealth of Pennsylvania or any other governmental agency having jurisdiction over mining-related conditions or geologic hazards.

13. Mining Permit and Reclamation Status.

The applicant shall demonstrate the status of all mining permits, reclamation obligations, and related Pennsylvania Department of Environmental Protection approvals affecting the proposed development area. No approval issued under this Ordinance shall be construed to authorize development inconsistent with an existing mining permit, reclamation obligation, or other approval administered by the Commonwealth. The applicant shall obtain any modification, release, termination, or other authorization required by the applicable regulatory agency prior to commencement of development within an affected permit area.

14. Independent Technical Review.

The Township shall retain an Independent Qualified Professional possessing appropriate expertise in geology, mining engineering, geotechnical engineering, or a related discipline to review the Mine Subsidence and Geotechnical Study and related submissions. The reasonable costs of such review shall be borne by the applicant to the extent authorized by applicable law.

F. Noise, Vibration, and Generator Standards.

1. Purpose.

The purpose of this Section is to protect neighboring properties and Sensitive Receptors from excessive operational noise, tonal noise, Low-Frequency Sound, Infrasound, and vibration associated with the construction and operation of Data Centers while permitting reasonable operation of Data Center facilities and associated infrastructure.

2. Noise Impact Study.

Every application for a Data Center shall include a Noise Impact Study prepared by an Acoustical Professional. The study shall be sufficiently detailed to permit independent technical review and to demonstrate compliance under all reasonably foreseeable operating modes.

The Study shall include, at a minimum:

(a) Existing baseline ambient sound measurements at representative project property lines, Sensitive Receptors, and residentially zoned properties; (b) projected operational sound levels under normal operating conditions; (c) projected sound levels associated with emergency generators and other backup equipment, including the loudest reasonably foreseeable simultaneous operating condition; (d) daytime and nighttime sound modeling; (e) A-weighted (dBA) and C-weighted (dBC) sound analysis; (f) octave-band or other full-spectrum analysis sufficient to evaluate Low-Frequency Sound; (g) qualitative identification and discussion of Infrasound where proposed equipment is reasonably anticipated to generate such sound; (h) evaluation of tonal characteristics; (i) evaluation of vibration; (j) octave-band sound power levels and locations for all

significant modeled equipment; (k) source and receptor locations, existing and proposed buildings, terrain and topography, ground-absorption assumptions, noise barriers, atmospheric attenuation, modeling software and version, and all material model inputs and calculation assumptions; (l) modeling of all significant equipment operating simultaneously under the loudest reasonably foreseeable condition, including cooling equipment, transformers, ventilation equipment, emergency generators, and load banks where used; (m) modeling of all Sensitive Receptors within two thousand five hundred (2,500) feet of the consolidated project property boundary and any additional receptor locations reasonably required by the Township based upon site-specific conditions; (n) noise-contour maps for areas within four thousand (4,000) feet of the consolidated project property boundary at a receptor height of approximately five (5) feet above local ground elevation; (o) point-receiver calculations at residential dwellings using receiver heights representative of the highest occupied floor exposed to the project, including approximately five (5) feet for single-story dwellings and fifteen (15) feet for two-story dwellings, with greater heights where warranted; and (p) identification of all proposed mitigation measures.

3. Measurement Standards.

Sound measurements shall:

(a) Include a baseline ambient sound survey conducted for a minimum of forty-eight (48) consecutive hours at representative locations; (b) utilize ANSI S1.4-2014 / IEC 61672-1 Class 1 instrumentation, or successor standards of comparable rigor; (c) follow applicable ANSI/ASA S12.9 environmental sound measurement procedures, or successor standards; (d) include meteorological monitoring sufficient to identify invalid or unreliable measurement periods; (e) utilize Fast time-response settings for compliance measurements; (f) include field calibration immediately before and after measurements; (g) exclude invalid measurement periods resulting from precipitation, excessive wind, construction activity unrelated to the facility, equipment malfunction, or other atypical events; (h) include both dBA and dBC measurements and octave-band sound-pressure data sufficient to evaluate Low-Frequency Sound and tonal characteristics; and (i) identify the lowest valid hourly A-weighted L90 measured during the baseline survey for use in applying the ambient-based criterion established below.

The Noise Impact Study shall identify the methodology, instrumentation, calibration records, measurement locations, weather conditions, software, model inputs, operating assumptions, and calculation parameters utilized so that the analysis can be independently reproduced and reviewed.

4. Compliance Demonstration.

The applicant shall demonstrate that the proposed Data Center is designed to comply with the noise standards contained herein under both normal operating conditions and emergency operations.

5. Maximum Operational Sound Levels.

Sound generated by a Data Center, Data Center Accessory Uses, or associated equipment, measured at any project property line and, where reasonably necessary to evaluate compliance, at or within the property line of a Sensitive Receptor or property located within a residential zoning district, shall not exceed:

(a) Between 8:00 a.m. and 5:00 p.m., Monday through Friday: 45 dBA and 60 dBC; and
(b) Between 5:00 p.m. and 8:00 a.m., Monday through Friday, and at all times on Saturdays, Sundays, and legal holidays: 40 dBA and 50 dBC.

In addition to the fixed operational limits above, Project Sound shall not exceed the lowest valid hourly baseline ambient A-weighted L90 plus five (5) dBA. The more restrictive of the ambient-based A-weighted criterion and the fixed A-weighted operational limit shall govern. Baseline ambient levels shall not be used to increase any fixed maximum sound level established by this Ordinance. C-weighted and octave-band/Low-Frequency Sound evaluations shall remain subject to the fixed and technical criteria otherwise established herein.

6. Infrasound and Low-Frequency Sound.

The Noise Impact Study shall identify and evaluate Low-Frequency Sound using octave-band or other generally accepted acoustical methodologies. Infrasound shall be qualitatively identified and discussed where equipment is reasonably anticipated to generate such sound. No separate numerical Infrasound compliance limit shall apply unless an objective measurement methodology and compliance criterion supported by generally accepted professional standards is adopted by the Township or established as a lawful condition of approval based upon competent expert evidence. Where Low-Frequency Sound or Infrasound analysis identifies the potential for unreasonable impacts upon neighboring properties or Sensitive Receptors, the applicant shall incorporate appropriate mitigation measures.

7. Tonal Noise.

The Noise Impact Study shall evaluate prominent tonal noise using ISO 1996-2:2017, Annex C, or a successor objective tonal-assessment standard of comparable rigor. Where prominent tonality is predicted during acoustical modeling or identified during post-construction compliance measurements, a five (5) dB tonal adjustment shall be applied for purposes of evaluating compliance with the applicable A-weighted limit, and appropriate mitigation measures shall be incorporated.

8. Emergency Generator Testing.

Routine maintenance and testing of emergency generators shall occur only between 8:00 a.m. and 6:00 p.m., Monday through Friday, and shall be limited to the duration reasonably necessary to maintain operational readiness. The application shall identify the anticipated

testing frequency and duration, number of generators proposed to be tested simultaneously, sequencing of tests, use of load banks, commissioning procedures, and proposed noise-control measures. Routine testing shall be sequenced to minimize simultaneous generator operation unless simultaneous testing is demonstrated to be operationally necessary and compliance with this Section is demonstrated.

Commissioning or maintenance outside the routine testing hours shall be permitted only where demonstrated to be reasonably necessary and specifically authorized as part of the approved operational plan, and all such operation shall remain subject to the operational sound limits established by this Section.

9. Emergency Operations.

The operational sound limits established herein shall apply during all operating conditions, including normal operations, maintenance, commissioning, testing, utility demand-response or peak-shaving activity, utility interruptions, and operation of emergency generators. The facility shall be designed and mitigated so that reasonably foreseeable simultaneous operation of emergency power systems complies with this Section.

The Noise Impact Study shall model and disclose anticipated sound levels resulting from simultaneous operation of emergency generators and other emergency equipment at the maximum reasonably foreseeable operating condition and shall identify all mitigation necessary to demonstrate compliance.

10. Vibration.

Operation of a Data Center shall not produce ground vibration perceptible without instruments beyond the property line under normal operating conditions. The applicant shall evaluate potential vibration impacts upon nearby Sensitive Receptors and shall incorporate mitigation where necessary.

11. Noise Mitigation Measures.

Where necessary to achieve compliance with this Section, the applicant shall incorporate appropriate mitigation measures, including but not limited to:

(a) Acoustic barriers;
(b) Sound walls;
(c) Building design measures;
(d) Equipment enclosures;
(e) Equipment placement; and
(f) Vegetative screening.

12. Post-Construction Verification.

No sooner than one (1) month and no later than twelve (12) months following Commencement of Operations, the Operator shall submit a Post-Construction Noise Verification Study prepared by an Acoustical Professional demonstrating compliance with this Section.

Testing shall evaluate the maximum reasonably representative operating condition achievable during the verification period and shall include dBA, dBC, octave-band/Low-Frequency Sound, tonal characteristics, and representative generator testing. Infrasound shall be qualitatively evaluated where applicable.

The Township may require additional testing when operational conditions during the initial verification study do not reasonably represent maximum normal operating conditions.

13. Independent Acoustical Review.

The Township shall retain an independent Acoustical Professional to review the Noise Impact Study, proposed mitigation measures, and Post-Construction Noise Verification Study. The reasonable costs of such review shall be borne by the applicant or Operator to the extent authorized by applicable law.

14. Corrective Action.

If any required testing demonstrates noncompliance with this Section, the Operator shall promptly submit a corrective action plan prepared by an Acoustical Professional and shall implement all measures reasonably necessary to achieve compliance within a timeframe approved by the Township.

15. Complaint Investigation.

Upon receipt of a documented complaint alleging a violation of this Section, the Township may require additional sound or vibration testing where the Zoning Officer or the Township's independent Acoustical Professional determines that such testing is reasonably necessary to evaluate compliance.

16. Maintenance of Noise Control Measures.

All noise mitigation measures required as part of the approval process shall be maintained in good working order for the life of the facility.

G. Lighting, Landscaping, Screening, and Visual Impact Standards.

1. Purpose.

The purpose of this Section is to minimize adverse visual impacts, reduce light trespass and glare, preserve community character, and provide effective screening of Data Centers and Data Center Accessory Uses from adjacent properties, Sensitive Receptors, and public rights-of-way.

2. Lighting Plan Required.

Each application shall include a Lighting Plan prepared and sealed by a Qualified Professional identifying:

(a) Fixture locations;
(b) Fixture types and specifications;
(c) Mounting heights;
(d) Illumination levels;
(e) Photometric data demonstrating anticipated illumination levels at property lines and Sensitive Receptors;
(f) Shielding measures;
(g) Security and emergency lighting; and
(h) Methods used to minimize light trespass, glare, and sky glow.

3. Lighting Standards.

All exterior lighting shall:

(a) Utilize full cut-off or fully shielded fixtures;
(b) Be directed downward and away from adjacent properties and Sensitive Receptors;
(c) Be designed to prevent disability glare or unreasonable nuisance glare upon adjoining properties and public roadways;
(d) Minimize unnecessary sky glow;
(e) Be limited to the minimum illumination reasonably necessary for safe operation and security;
(f) Not exceed 0.1 foot-candles at any property line adjoining a residential use or Sensitive Receptor, except at an approved driveway or access point; and
(g) Comply with all other applicable Township lighting regulations.

4. Security Lighting.

Security lighting shall be permitted where reasonably necessary for facility safety and security but shall utilize shielding, fixture placement, controls, and illumination levels designed to minimize light trespass, glare, and unnecessary nighttime illumination upon neighboring properties and Sensitive Receptors.

5. Independent Lighting Review.

The Township shall retain an Independent Qualified Professional possessing appropriate expertise to review the Lighting Plan and photometric analysis for compliance with this

Ordinance. The reasonable costs of such review shall be borne by the applicant to the extent authorized by applicable law.

6. Landscaping and Screening Plan Required.

Each application shall include a Landscaping and Screening Plan prepared by a Qualified Professional depicting all proposed landscaping, buffering, screening, fencing, berms, walls, and related visual mitigation measures. The Plan shall identify plant species, quantities, installation sizes, spacing, anticipated mature height and spread, existing vegetation to be preserved, berm dimensions, fence height and materials, and maintenance and replacement provisions.

7. Perimeter Buffering.

A landscaped buffer shall be provided along all portions of the Data Center property boundary adjoining or directly facing:

(a) A residential zoning district;
(b) An existing residential use;
(c) A Sensitive Receptor; or
(d) A public right-of-way from which the Data Center Principal Building or major operational equipment would otherwise be substantially visible.

8. Minimum Buffer Width.

The minimum required landscaped buffer width shall be fifty (50) feet. The required buffer shall be located on the Data Center property and shall be maintained as a landscaped or naturally vegetated area except for access drives, utility crossings, stormwater conveyances, or other improvements demonstrated to be reasonably necessary and designed to minimize disruption of the required screening.

9. Vegetative Screening.

Required buffers shall utilize existing healthy vegetation to the extent practicable and shall include supplemental evergreen and deciduous plantings sufficient to establish an effective year-round visual screen.

Supplemental plantings shall:

(a) Consist predominantly of native or non-invasive species appropriate to site conditions;
(b) Utilize a mixture of evergreen trees, deciduous trees, and shrubs arranged in staggered rows or naturalistic groupings;
(c) Include evergreen trees having a minimum height of eight (8) feet at the time of planting;
(d) Include deciduous shade trees having a minimum caliper of two and one-half (2½)

inches at the time of planting; and
(e) Be spaced and maintained to provide substantial visual screening at maturity.

10. Equipment Screening.

Cooling equipment, emergency generators, electrical substations, Battery Energy Storage Systems, transformers, fuel storage facilities, loading/service areas, and other major utility or operational infrastructure shall be screened from public rights-of-way, adjoining residential uses, and Sensitive Receptors through landscaping, fencing, walls, berms, building placement, architectural screening, or a combination thereof.

11. Security Fencing.

Security fencing shall be permitted where reasonably necessary for safety, facility security, or protection of critical infrastructure and shall be integrated with the Landscaping and Screening Plan.

Security fencing shall not exceed eight (8) feet in height except where a greater height is demonstrated to be reasonably necessary to satisfy applicable electrical safety, utility, insurance, or critical infrastructure security requirements.

Fencing visible from a public right-of-way, residential use, or Sensitive Receptor shall consist of ornamental metal fencing, decorative masonry, architecturally compatible opaque fencing, or other durable materials approved as part of the Special Exception. Chain-link fencing shall be screened by landscaping where visible from such locations.

Barbed wire, razor wire, concertina wire, or similar security devices shall be prohibited except where the applicant demonstrates that such devices are reasonably necessary for critical infrastructure security or required by applicable law, utility standards, or insurance requirements. Where permitted, such devices shall be located and screened to minimize visibility from public rights-of-way, residential uses, and Sensitive Receptors.

12. Maintenance and Replacement.

All landscaping, screening, fencing, berms, walls, and other visual mitigation measures required by this Ordinance or as a condition of approval shall be continuously maintained in good condition for the life of the facility. Dead, diseased, substantially damaged, or missing required vegetation shall be replaced with substantially equivalent vegetation during the next appropriate planting season.

13. Visual Impact Mitigation.

The applicant shall demonstrate that reasonable measures have been incorporated into the site design to minimize visual impacts upon neighboring properties, Sensitive Receptors, public rights-of-way, and significant public viewpoints.

H. Emergency Response, Fire Protection, and Hazardous Materials Standards.

1. Purpose.

The purpose of this Section is to promote public safety by ensuring that Data Centers are designed, constructed, and operated in a manner that provides adequate emergency access, fire protection, hazardous materials management, and emergency response coordination.

2. Emergency Response Plan Required.

Each application shall include an Emergency Response Plan prepared by Qualified Professionals with appropriate expertise and developed in consultation with the fire company or companies, emergency medical services, emergency management personnel, and other public safety agencies reasonably expected to respond to an incident at the facility.

3. Plan Contents.

The Emergency Response Plan shall include:

(a) Facility contact information;
(b) Emergency notification procedures;
(c) Emergency access routes;
(d) Site access controls;
(e) Fire suppression systems;
(f) Emergency shutdown procedures;
(g) Hazardous materials inventory;
(h) Fuel storage information;
(i) Battery Energy Storage System information;
(j) Utility shutoff locations; and
(k) Emergency response coordination procedures.
(l) Anticipated fire-flow and emergency water-supply requirements;
(m) Specialized firefighting agents, equipment, apparatus, personal protective equipment, or response capabilities reasonably anticipated to be necessary;
(n) Battery thermal runaway and re-ignition response procedures, where BESS is proposed;
(o) Emergency generator and fuel-system response procedures;
(p) Procedures for electrical isolation and de-energization;
(q) Evacuation and shelter-in-place procedures, where applicable; and
(r) Identification of anticipated training or facility-familiarization needs for local emergency responders.

4. Emergency Responder Review and Consultation.

The Emergency Response Plan shall be provided to the fire company or companies providing primary fire protection services to the Township, the applicable emergency medical service

provider, and the Township's emergency management personnel for review and comment prior to final approval.

The applicant shall participate in at least one consultation meeting with such responders when requested by the Township to address site access, fire suppression, water supply, hazardous materials, Battery Energy Storage Systems, electrical hazards, specialized equipment, training, and other reasonably anticipated emergency response needs.

5. Emergency Access.

The site shall provide adequate emergency vehicle access to all principal buildings, accessory structures, substations, battery storage facilities, fuel storage facilities, and other critical infrastructure. Emergency access shall be designed to accommodate the size, weight, turning radius, and operational requirements of anticipated emergency apparatus. Where reasonably practicable based upon site configuration, redundant emergency access shall be provided.

6. Fire Protection Systems.

All buildings and facilities shall be equipped with fire detection, suppression, alarm, and related life-safety systems required by applicable building codes, fire codes, NFPA standards, and other applicable requirements.

7. Battery Energy Storage Systems.

Any Battery Energy Storage System shall comply with all applicable federal, state, and local requirements and applicable building, fire, electrical, and NFPA standards.

The applicant shall identify the battery chemistry, maximum storage capacity, system configuration, fire detection and suppression systems, ventilation systems, thermal management systems, emergency isolation procedures, and manufacturer-recommended emergency response procedures.

Where applicable based upon the technology proposed, the Emergency Response Plan shall address thermal runaway, propagation, toxic or flammable gas release, re-ignition potential, contaminated fire suppression water, and post-incident monitoring.

8. Fuel Storage Facilities.

Fuel storage facilities associated with emergency generators or other equipment shall comply with all applicable federal, state, and local regulations and shall be designed to minimize risks to public health, safety, and the environment, including secondary containment, spill prevention and response measures, leak detection where applicable, and protection of groundwater and surface water resources.

9. Hazardous Materials Inventory.

The Operator shall maintain a current inventory of hazardous materials stored or utilized at the facility and shall maintain a current inventory and applicable Safety Data Sheets and provide such information to the Township and emergency responders in accordance with applicable law and upon reasonable request.

10. Emergency Contact Information.

The Operator shall provide and maintain current emergency contact information for responsible personnel available on a twenty-four (24) hour basis.

11. Training and Coordination.

Prior to Commencement of Operations, and periodically thereafter as reasonably necessary, the Operator shall provide facility familiarization and site-specific emergency response information to the fire company or companies and other emergency responders reasonably expected to respond to the facility.

Where the Emergency Response Plan identifies specialized training reasonably necessary as a direct result of the facility's equipment or operations, the Operator shall provide or fund such site-specific training to the extent authorized by law.

12. Emergency Response Capability Assessment.

The Emergency Response Plan shall identify whether the proposed facility creates a reasonably anticipated need for specialized emergency response equipment, firefighting agents, apparatus, or capabilities not ordinarily available to the Township's emergency responders.

Where such needs are identified, the applicant shall identify proposed measures to ensure adequate emergency response capability, which may include on-site equipment, mutual-aid arrangements, specialized contractor response, applicant-provided equipment, or other measures acceptable to the Township and authorized by law.

13. Incident Reporting.

The Operator shall immediately notify appropriate emergency responders and governmental agencies of any significant fire, explosion, hazardous material release, battery incident, fuel spill, electrical event, or other emergency requiring public safety response.

Within five (5) business days following any such incident, the Operator shall provide the Township with a written incident report identifying the nature and cause of the incident, response actions taken, known environmental or public safety impacts, and proposed corrective measures, subject to supplementation as additional information becomes available.

14. Emergency Response Plan Updates.

The Emergency Response Plan shall be reviewed by the Operator at least annually and shall be updated whenever there is a Material Expansion or material change in battery technology, fuel storage, emergency generation, fire suppression systems, hazardous materials, facility configuration, or other condition affecting emergency response.

Updated plans shall be provided to the Township and applicable emergency responders.

15. Compliance with Applicable Codes.

Nothing contained herein shall relieve the applicant or Operator from compliance with any applicable building code, fire code, electrical code, environmental regulation, permit condition, or other legal requirement.

16. Continued Compliance.

The Operator shall maintain all emergency response, fire protection, hazardous materials management, and safety systems in accordance with approved plans and applicable regulations throughout the life of the facility.

17. Independent Emergency Response Review.

The Township may retain an Independent Qualified Professional with expertise in fire protection engineering, hazardous materials, Battery Energy Storage Systems, or emergency response planning to review the Emergency Response Plan where the Township determines specialized review is reasonably necessary. The reasonable cost shall be borne by the applicant to the extent authorized by law.

I. Utility Infrastructure and Electrical Demand Standards.

1. Purpose.

The purpose of this Section is to ensure that Data Centers are supported by adequate electrical, communications, utility, and related infrastructure; to evaluate the existing and anticipated demands of such facilities; and to minimize significant adverse impacts upon public facilities, neighboring properties, Sensitive Receptors, public rights-of-way, existing utility systems, and public safety.

2. Utility Infrastructure Plan Required.

Each application shall include a Utility Infrastructure Plan prepared by a Qualified Professional identifying all existing and proposed electrical, communications, water, wastewater, fiber optic, transmission, distribution, substation, switching, emergency power, and related utility facilities associated with the proposed Data Center or Data Center Campus.

The Plan shall identify, to the extent applicable:

(a) The location, type, ownership, and capacity of all proposed utility infrastructure;
(b) Existing utility infrastructure proposed to serve the development;
(c) Proposed substations, transformers, switchyards, switching stations, transmission lines, distribution lines, and related electrical equipment;
(d) Proposed above-ground and underground utility facilities;
(e) Proposed utility easements, rights-of-way, and access corridors;
(f) Known off-site improvements necessary to provide service; and
(g) Infrastructure anticipated for future phases or reasonably foreseeable expansion.

3. Independent Utility Review.

The Township shall retain an Independent Qualified Professional possessing expertise in electrical engineering, utility systems, power systems, transmission infrastructure, or a related discipline to review the Utility Infrastructure Plan, Electrical Demand Analysis, proposed emergency power systems, and other utility-related submissions required by this Ordinance.

The reasonable costs of such independent review shall be borne by the applicant to the extent authorized by applicable law.

4. Electrical Demand Analysis.

The applicant shall provide an analysis prepared by a Qualified Professional identifying:

(a) Anticipated peak electrical demand;
(b) Anticipated average electrical demand;
(c) Proposed electrical service requirements;
(d) Emergency power generation capacity;
(e) Battery Energy Storage System capacity, if any; and
(f) Any planned future increases in electrical demand.
(g) Maximum anticipated coincident electrical demand for the Data Center Campus;
(h) Anticipated electrical demand for each proposed phase;
(i) The proposed source and configuration of electrical service;
(j) The anticipated number, type, and capacity of substations and transformers; and
(k) Any on-site or associated electrical generation proposed for normal operations.

5. Utility Provider Coordination.

The applicant shall identify all utility providers expected to serve the proposed Data Center and shall provide written documentation from the applicable utility provider or other competent evidence demonstrating that the provider has been consulted regarding the proposed development, anticipated demand, necessary infrastructure, and the availability or planned availability of service.

Nothing herein shall be construed as requiring a utility provider to guarantee future service or capacity beyond that which it is legally authorized and willing to provide.

6. Electrical Infrastructure.

The applicant shall identify all proposed substations, switching stations, transformers, transmission facilities, distribution facilities, and related electrical infrastructure necessary to support the proposed Data Center.

On-site electrical distribution lines and similar service infrastructure shall be installed underground to the maximum extent technically feasible.

Where above-ground installation is proposed, the applicant shall demonstrate that underground installation is technically infeasible, inconsistent with utility-provider requirements, prohibited or impracticable under applicable regulatory requirements, or would result in greater environmental or public safety impacts.

Nothing in this Section shall be construed to regulate the implementation, location, construction, or maintenance of public utility facilities to the extent such matters are subject to the exclusive or superseding jurisdiction of the Pennsylvania Public Utility Commission or another governmental agency.

7. Communications Infrastructure.

The applicant shall identify all significant communications infrastructure, fiber optic facilities, telecommunications facilities, and related systems necessary to support the proposed Data Center. On-site fiber optic and telecommunications lines shall be installed underground where technically feasible.

8. Utility Impacts.

The applicant shall evaluate potential land-use and infrastructure impacts associated with the proposed utility facilities, including impacts upon:

(a) Adjacent properties;
(b) Sensitive Receptors;
(c) Public rights-of-way;
(d) Existing Township infrastructure;
(e) Existing utility corridors and facilities;
(f) Emergency access;
(g) Visual character; and
(h) Future phases of the proposed development.

The analysis shall identify reasonable mitigation measures for impacts within the Township's lawful regulatory authority.

9. Utility Easements.

The application shall identify all proposed utility easements, rights-of-way, access easements, and utility corridors associated with the proposed development.

10. Emergency Power Systems.

The applicant shall identify the type, manufacturer, model, number, location, rated capacity, fuel source, total fuel storage capacity, emissions classification, anticipated testing frequency and duration, proposed testing sequence, maximum number of generators expected to be tested simultaneously, use of load banks, commissioning procedures, anticipated emergency operation, and proposed noise-control measures for all emergency generators, backup power systems, and related facilities.

11. Future Expansion.

Where future phases or Material Expansion are contemplated or reasonably foreseeable, the applicant shall disclose anticipated future utility demands and infrastructure needs to the extent reasonably known or capable of estimation.

12. Utility Safety.

All utility facilities shall be designed, constructed, operated, and maintained in accordance with applicable laws, regulations, industry standards, and utility provider requirements.

13. Compliance with Other Agencies and Utility Providers.

Nothing contained herein shall relieve the applicant from obtaining any permit, approval, authorization, interconnection agreement, certificate, or review required by any utility provider, governmental agency, or regulatory authority having jurisdiction.

Nothing in this Ordinance shall be construed as authorizing the Township to regulate matters reserved by law to the Pennsylvania Public Utility Commission or another governmental or regulatory authority.

J. Environmental Impact and Natural Resource Protection Standards.

1. Purpose.

The purpose of this Section is to protect environmentally sensitive resources, natural features, and environmental quality within Butler Township and to minimize significant adverse environmental impacts associated with the construction and operation of Data Centers.

2. Environmental Impact Study Required.

Each application shall include an Environmental Impact Study prepared by one or more Qualified Professionals evaluating the environmental impacts of the proposed Data Center and associated facilities.

3. Study Contents.

The Environmental Impact Study shall identify and evaluate, to the extent applicable:

(a) Streams and watercourses;
(b) Wetlands;
(c) Floodplains;
(d) Groundwater resources;
(e) Woodlands and forested areas;
(f) Steep slopes;
(g) Geologic features;
(h) Environmentally sensitive areas;
(i) Existing vegetation;
(j) Wildlife habitat;
(k) Threatened, endangered, candidate, rare, and special concern species, habitats, and other resources identified through the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review process.
(l) Stormwater impacts;
(m) Air quality impacts;
(n) Cumulative environmental impacts;
(o) Historic and active mining areas, reclamation areas, and mine-related environmental conditions;
(p) Potential interactions between stormwater management systems and underground mine workings, mine pools, groundwater, and acid mine drainage;
(q) Sensitive Receptors potentially affected by environmental conditions associated with the project; and
(r) Reasonably foreseeable cumulative impacts of all proposed phases of the Data Center Campus.

4. Resource Identification.

All environmentally sensitive features located on the property and within areas reasonably affected by the proposed development shall be identified and mapped on the site plan and Environmental Impact Study, together with proposed avoidance, setback, buffering, or mitigation measures.

5. Resource Protection.

The applicant shall incorporate reasonable and practicable measures to avoid and minimize significant adverse environmental impacts and shall provide mitigation where significant impacts cannot reasonably be avoided.

6. Woodland Preservation.

To the maximum extent practicable, existing mature vegetation, wooded areas, and natural screening features shall be preserved and incorporated into the site design.

7. Steep Slopes.

Development upon steep slopes shall be minimized to the greatest extent practicable and shall comply with all applicable Township ordinances and regulations.

8. Wetlands and Watercourses.

Development activities shall avoid and minimize disturbance to wetlands, watercourses, and associated environmentally sensitive areas to the maximum extent practicable and shall comply with the environmental-resource protection requirements established elsewhere in this Ordinance and all applicable federal and state requirements.

9. Stormwater Management.

All stormwater management facilities shall comply with applicable Township stormwater regulations and shall be designed to minimize significant adverse impacts upon adjacent properties, Sensitive Receptors, groundwater, and environmental resources.

On sites affected by historic or active mining, the Environmental Impact Study shall evaluate the potential interaction between proposed infiltration, detention, conveyance, or discharge facilities and mine workings, mine pools, subsidence conditions, acid mine drainage, and groundwater flow in accordance with Sections D and E of this Ordinance.

10. Threatened, Endangered, and other Protected Species.

The applicant shall comply with all applicable federal and state requirements relating to threatened, endangered, candidate, rare, special concern, or otherwise protected species and their habitats.

11. Pennsylvania Natural Diversity Inventory (PNDI) Review.

The applicant shall provide evidence that a current Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review has been completed for the proposed project. If the PNDI Environmental Review identifies potential impacts to threatened, endangered, candidate, rare, or special concern species, habitats, or other sensitive ecological resources, the applicant shall:

(a) Provide copies of all correspondence with the applicable reviewing agencies;
(b) Demonstrate compliance with any recommendations, avoidance measures, mitigation measures, or conditions required by those agencies; and
(c) Incorporate such measures into the project design where applicable.

12. Environmental Permits.

The applicant shall obtain all applicable environmental permits, approvals, and authorizations required by federal, state, county, and local agencies having jurisdiction over the proposed development.

13. Environmental Mitigation.

Where significant adverse environmental impacts are identified, the applicant shall incorporate reasonable avoidance, minimization, restoration, or mitigation measures necessary to demonstrate compliance with this Ordinance and applicable environmental approvals.

14. Continued Compliance.

The Operator shall maintain compliance with all environmental permits, approvals, mitigation measures, and environmental protection requirements throughout the life of the facility. All required environmental mitigation and monitoring measures shall be maintained for the duration specified by the applicable approval or, where continuing in nature, for the operational life of the facility.

15. Environmental Monitoring.

Where the Environmental Impact Study or the Township's Independent Qualified Professional identifies a reasonable potential for continuing environmental impacts, the Zoning Hearing Board shall require appropriate post-construction monitoring as a condition of approval.

The scope, duration, frequency, and parameters of such monitoring shall be reasonably related to the potential impact identified.

16. Independent Environmental Review.

The Township may retain an Independent Qualified Professional possessing appropriate environmental expertise to review the Environmental Impact Study, PNDI documentation, proposed mitigation measures, or other environmental submissions where specialized independent review is reasonably necessary. The reasonable costs of such review shall be borne by the applicant to the extent authorized by applicable law.

K. Independent Technical Review.

1. Purpose.

The purpose of this Section is to ensure that the Township, Planning Commission, Township Engineer, and Zoning Hearing Board have access to qualified technical expertise necessary

to evaluate the complex engineering, environmental, geologic, hydrogeologic, electrical, safety, and operational issues associated with Data Centers.

2. Independent Review Required and Authorized.

The Township shall retain one or more Independent Qualified Professionals to conduct the independent reviews expressly required by this Ordinance, including review of hydrogeologic, mine subsidence and geotechnical, acoustical, and utility infrastructure submissions.

The Township may retain additional Independent Qualified Professionals to review any other application, study, report, plan, certification, analysis, or technical submission where specialized review is reasonably necessary to evaluate compliance with this Ordinance.

3. Qualified Consultants.

Consultants retained pursuant to this Section may include, but shall not be limited to:

(a) Professional engineers;
(b) Geologists;
(c) Hydrogeologists;
(d) Mining engineers;
(e) Geotechnical engineers;
(f) Acoustical Professionals;
(g) Fire protection engineers;
(h) Environmental consultants;
(i) Traffic engineers;
(j) Utility consultants;
(k) Electrical engineers; and
(l) Other qualified professionals possessing expertise relevant to the proposed Data Center.
(m) Power generation, transmission, and utility-system consultants.
(n) Ecologists, biologists, or other environmental scientists.

4. Scope of Review.

Independent review may include, but shall not be limited to:

(a) Hydrogeologic Studies;
(b) Mine Subsidence and Geotechnical Studies;
(c) Geotechnical investigations;
(d) Environmental Impact Studies;
(e) Noise Impact Studies;
(f) Traffic Impact Studies;
(g) Emergency Response Plans;
(h) Utility infrastructure analyses;

(i) Water supply analyses;
(j) Stormwater management analyses;
(k) Battery Energy Storage System evaluations;
(l) Fire protection evaluations;
(m) Lighting Plans and photometric analyses;
(n) baseline water testing/monitoring programs;
(o) decommissioning plans and cost estimates;
(p) mining-permit/reclamation information; and
(q) Any other technical matter reasonably related to the proposed development.

5. Applicant Responsibility for Costs.

The applicant shall reimburse the Township for the reasonable and necessary costs incurred for consultant review conducted pursuant to this Section in accordance with the Pennsylvania Municipalities Planning Code and other applicable law.

6. Escrow.

The Township may require the applicant to establish and periodically replenish an escrow account in an amount reasonably estimated to cover anticipated professional review costs, to the extent authorized by applicable law.

7. Supplemental Information.

The Township, Planning Commission, Township Engineer, Zoning Hearing Board, or any retained consultant may request supplemental information reasonably necessary to evaluate compliance with this Ordinance.

8. No Waiver of Applicant Burden.

The retention of consultants by the Township shall not relieve the applicant of its burden to demonstrate compliance with this Ordinance.

9. Reliance Upon Consultant Recommendations.

The Planning Commission, Township Engineer, and Zoning Hearing Board may consider and rely upon the recommendations and findings of retained consultants in evaluating the application.

10. Continuing Review.

The Township may retain Independent Qualified Professionals during construction, operation, Material Expansion, decommissioning, remediation, or post-construction monitoring where reasonably necessary to evaluate continuing compliance with this Ordinance, approved plans, or conditions of approval.

L. Decommissioning and Abandonment.

1. Purpose.

The purpose of this Section is to ensure the timely removal of abandoned Data Centers and associated facilities and to protect the Township, neighboring property owners, and the public from the adverse impacts of abandoned or unused facilities.

2. Decommissioning Plan Required.

Each application shall include a preliminary Decommissioning Plan prepared by a Qualified Professional.

3. Plan Contents.

The Decommissioning Plan shall include:

(a) A description of facilities and equipment subject to removal;
(b) Procedures for dismantling and removal;
(c) Site restoration measures;
(d) Estimated decommissioning costs;
(e) Proposed schedule for decommissioning activities;
(f) Identification of any anticipated environmental remediation activities;
(g) Identification of any buildings, roads, utility infrastructure, or other improvements proposed to remain for a lawful subsequent use;
(h) Estimated salvage value, if proposed to be credited against decommissioning costs; and
(i) A description of site stabilization and stormwater-management measures required during and following decommissioning.

4. Abandonment.

A Data Center shall be considered abandoned as provided in the definition of "Abandonment" contained in Section 202 of the Zoning Ordinance.

5. Notice of Cessation.

The Operator shall provide written notice to the Township within thirty (30) days after permanently ceasing operations.

6. Decommissioning Obligation.

Upon abandonment of a Data Center, the Operator shall commence decommissioning activities within twelve (12) months unless an extension is granted by the Board of Supervisors for good cause shown.

7. Removal Requirements.

Unless specifically approved by the Township to remain for a lawful subsequent use, decommissioning shall include the removal of:

(a) Data Center Principal Buildings, unless otherwise approved by the Township;
(b) Data Center Equipment;
(c) Emergency generators;
(d) Battery Energy Storage Systems;
(e) Fuel storage facilities;
(f) Cooling equipment;
(g) Utility equipment not intended to remain in service;
(h) Fencing, signage, and security infrastructure not intended to remain in service; and
(i) Other improvements identified in the approved Decommissioning Plan.

8. Site Restoration.

Following decommissioning, the site shall be restored to a safe and stable condition. Restoration may include grading, stabilization, revegetation, stormwater management improvements, environmental remediation, or other measures reasonably necessary to protect public health, safety, and welfare.

9. Environmental Compliance.

All decommissioning activities shall be conducted in compliance with applicable federal, state, and local environmental laws, regulations, permits, and approvals.

10. Periodic Review and Updated Decommissioning Plan.

The Operator shall submit an updated Decommissioning Plan and updated decommissioning cost estimate:

(a) At least once every three (3) years following Commencement of Operations;
(b) Upon any Material Expansion;
(c) Upon a material change in equipment, facility configuration, fuel storage, Battery Energy Storage Systems, cooling systems, or utility infrastructure that would reasonably affect decommissioning methods or costs; and
(d) At such other time as reasonably required following a documented change that materially affects the anticipated cost or scope of decommissioning.

Each updated Plan shall be reviewed in accordance with Section K and shall replace the prior approved Decommissioning Plan upon Township approval.

11. Partial Decommissioning.

Where one building, phase, or portion of a Data Center Campus satisfies the definition of Abandonment while other portions remain active, the abandoned portion shall be subject to decommissioning unless the Zoning Hearing Board or Board of Supervisors, as applicable, determines that retention is reasonably necessary for the continuing lawful operation of the active portion or an approved subsequent use.

12. Township Remedies.

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.

13. Financial Security.

Financial security for decommissioning shall be provided in accordance with Section M of this Ordinance.

M. Financial Security.

1. Purpose.

The purpose of this Section is to ensure that sufficient financial 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.

2. Financial Security Required.

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.

3. Amount of Financial Security.

The required financial security shall equal one hundred ten percent (110%) of the estimated cost of completing all decommissioning, removal, stabilization, remediation, and site-restoration obligations contained in the approved Decommissioning Plan.

4. Cost Estimate.

The decommissioning cost estimate shall be prepared and certified by a Qualified Professional and shall include the estimated cost of:

(a) Removal of Data Center buildings and structures;
(b) Removal of Data Center Equipment;

(c) Removal of Battery Energy Storage Systems;
(d) Removal of emergency generators;
(e) Removal of fuel storage facilities;
(f) Removal of cooling systems;
(g) Removal of utility infrastructure not intended to remain in service;
(h) Site stabilization and restoration;
(i) Environmental remediation reasonably anticipated as part of the decommissioning process; and
(j) Professional, mobilization, disposal, and contingency costs reasonably associated with completion of the work.

5. Independent Review.

The Township shall retain an Independent Qualified Professional to review each initial and updated decommissioning cost estimate. The applicant or Operator shall reimburse the Township for the reasonable costs of such review to the extent authorized by applicable law.

6. Form of Security.

Financial security shall be in a form, institution, terms, and conditions acceptable to the Township Solicitor and Board of Supervisors. Financial security may be provided in the form of:

(a) Irrevocable letter of credit;
(b) Performance bond;
(c) Cash escrow;
(d) Surety bond; or
(e) Other financial security acceptable to the Township Solicitor and Board of Supervisors.

7. Adjustment of Security.

The financial security amount shall be adjusted whenever an updated decommissioning cost estimate demonstrates that the amount of security then held is insufficient to satisfy the requirement of subsection M.3.

The Operator shall increase the security to the required amount within sixty (60) days following written notice of the approved revised cost estimate.

Where an updated estimate demonstrates a material decrease in decommissioning cost, the Township may authorize a corresponding reduction, provided the remaining security continues to satisfy subsection M.3.

8. Review Interval.

The decommissioning cost estimate and financial security shall be reviewed at least every three (3) years and following each Material Expansion or other triggering event identified in subsection L.10.

9. Failure to Maintain Security.

Failure to establish, maintain, replenish, or increase required financial security shall constitute a violation of this Ordinance and shall be subject to enforcement through any remedy authorized by the Pennsylvania Municipalities Planning Code, Township Zoning Ordinance, applicable approval conditions, or other law.

10. Township Access to Security.

If the Operator fails to perform required decommissioning after notice and reasonable opportunity to cure, the Township may draw upon the security to the extent reasonably necessary to complete the required work, subject to the terms of the financial-security instrument and applicable law.

11. Partial Release.

The Township may authorize partial release of financial security as portions of decommissioning work are completed and verified and only upon certification by the Township Engineer or other Independent Qualified Professional that the completed portion of the work satisfies the approved Decommissioning Plan.

12. 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.

N. Special Exception Standards.

1. General.

In addition to all other applicable requirements of this Ordinance, the Butler Township Zoning Ordinance, and the Pennsylvania Municipalities Planning Code, the applicant shall demonstrate compliance with the standards contained in this Section.

2. Burden of Proof.

The applicant shall have the burden of demonstrating compliance with the objective requirements of this Ordinance and establishing that the proposed Data Center satisfies the standards for Special Exception approval.

3. Required Findings.

The Zoning Hearing Board may grant a Special Exception for a Data Center only upon making all of the following findings based upon substantial evidence contained in the record:

(a) The proposed Data Center complies with all applicable provisions of this Ordinance and the Butler Township Zoning Ordinance.

(b) The proposed Data Center has been designed to avoid, minimize, and mitigate significant adverse impacts upon neighboring properties and Sensitive Receptors.

(c) The proposed Data Center has been designed to avoid or minimize significant adverse impacts upon groundwater resources, surface waters, private wells and springs, public water supplies, and groundwater recharge areas.

(d) The proposed Data Center has been demonstrated through competent professional studies to be suitable for the proposed site considering geologic conditions, historic and active mining activities, mining and reclamation permits, mine subsidence risks, mine pools, and other site-specific conditions.

(e) The proposed Data Center provides adequate emergency access, fire protection, and public safety measures.

(f) The proposed Data Center has been designed to avoid or minimize significant adverse impacts associated with noise, Low-Frequency Sound, Infrasound, vibration, lighting, traffic, and visual impacts.

(g) The proposed Data Center complies with all applicable environmental requirements and has incorporated all avoidance, minimization, monitoring, and mitigation measures required by this Ordinance or demonstrated to be necessary through the required professional studies.

(h) The proposed Data Center satisfies the applicable public health, safety, emergency response, environmental, and operational standards established by this Ordinance.

(i) Adequate utility infrastructure is available or will be provided, and the Utility Infrastructure Plan and Electrical Demand Analysis satisfy the requirements of this Ordinance.

(j) The applicant has provided all studies, plans, reports, analyses, and information required by this Ordinance.

(k) The applicant has completed all required Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review procedures and has demonstrated compliance with any applicable agency recommendations relating to threatened, endangered, candidate, rare, or special concern species and habitats.

(l) The applicant has identified all federal, state, county, regional, utility-provider, and local permits or approvals reasonably known to be required and has demonstrated that such approvals will be obtained prior to the stage of development at which they are legally required.

(m) The applicant has demonstrated compliance with all applicable Residential Zoning District and Sensitive Receptor separation requirements.

(n) The applicant has satisfied the Baseline Water Testing and water-resource protection requirements applicable prior to approval or has demonstrated how such requirements will be completed prior to site disturbance.

(o) The required independent technical reviews have been completed and the applicant has addressed material deficiencies identified by the Township's Independent Qualified Professionals.

(p) The proposed Data Center complies with applicable decommissioning and financial-security requirements or has demonstrated how those requirements will be satisfied prior to issuance of the Certificate of Occupancy.

4. Conditions.

The Zoning Hearing Board may impose reasonable conditions and safeguards reasonably necessary to implement the purposes of this Ordinance and protect the public health, safety, and welfare, provided such conditions are supported by the record and authorized by law.

5. Reliance Upon Professional Reports.

The Zoning Hearing Board may consider and rely upon reports, studies, testimony, recommendations, and analyses prepared by the applicant's experts, Township consultants, Township Engineer, Planning Commission, and other qualified professionals.

6. Continuing Compliance.

Compliance with all representations, plans, studies, mitigation measures, monitoring obligations, operational limitations, and conditions relied upon by the Zoning Hearing Board in granting the Special Exception shall constitute continuing obligations of the Operator unless subsequently modified through an approval process authorized by this Ordinance.

7. Material Expansion and Modification.

Any Material Expansion shall require a new or amended Special Exception approval by the Zoning Hearing Board in accordance with this Ordinance, together with any additional land development or other approvals required by applicable law.

Routine maintenance, repair, software upgrades, and replacement of existing equipment with equipment of substantially equivalent size, type, capacity, and operational impact shall not constitute a Material Expansion, provided such work does not result in noncompliance with any condition of approval or other requirement of this Ordinance.

Where a proposed modification does not meet the definition of Material Expansion but materially changes an approved plan, condition, mitigation measure, utility system, water demand, noise profile, emergency response characteristic, or environmental impact, the Zoning Officer may determine that additional Township review is required under the applicable provisions of the Zoning Ordinance.

O. Enforcement and Violations.

1. Violations.

Any violation of this Article, any condition of approval imposed by the Zoning Hearing Board, any approved plan, required mitigation or monitoring measure, required financial security, representation upon which approval was granted, or other continuing obligation established pursuant to this Ordinance shall constitute a violation of the Butler Township Zoning Ordinance.

2. Enforcement.

This Article shall be enforced by the Township in accordance with the Pennsylvania Municipalities Planning Code, the Butler Township Zoning Ordinance, and any other applicable law.

3. Enforcement Notice.

If it appears to the Township that a violation of this Article or the Butler Township Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by serving an enforcement notice in accordance with Section 616.1 of the Pennsylvania Municipalities Planning Code.

The enforcement notice shall include, at a minimum:

(a) The name of the owner of record and any other person against whom the Township intends to take enforcement action;
(b) The location of the property;
(c) A description of the violation and citation to the applicable provisions of the Ordinance;
(d) The date by which corrective action must commence and the date by which compliance must be completed;
(e) Notice of the right to appeal to the Zoning Hearing Board in accordance with applicable law; and
(f) Notice of the consequences of failure to comply.

4. Continuing Violations.

Continuing violations shall constitute separate violations to the extent provided by Section 617.2 of the Pennsylvania Municipalities Planning Code.

5. Civil Enforcement and Penalties.

Any person, partnership, corporation, or other entity that has violated or permitted the violation of this Ordinance shall be subject to the civil enforcement remedies, judgments, court costs, and reasonable attorney's fees authorized by Section 617.2 of the Pennsylvania Municipalities Planning Code.

6. Suspension or Revocation of Permits and Approvals.

In addition to any other remedy authorized by law, the Township may seek suspension, revocation, modification, or other appropriate relief with respect to permits or approvals only to the extent authorized by applicable law.

7. Injunctive and Equitable Relief.

The Township may institute any action or proceeding authorized by Section 617 of the Pennsylvania Municipalities Planning Code or other applicable law to prevent, restrain, correct, or abate a violation of this Ordinance. Where a violation presents an imminent or substantial threat to public health, safety, a private or public water supply, or the environment, the Township may seek immediate injunctive, equitable, or other emergency relief, including temporary cessation or curtailment of the equipment or operation causing the violation, to the extent authorized by applicable law.

8. Recovery of Costs.

The Township may recover court costs, reasonable attorney's fees, consultant costs, and other enforcement expenses only to the extent authorized by applicable law, an approved financial-security instrument, or other enforceable agreement.

9. Cumulative Remedies.

The remedies provided by this Article shall be cumulative and nothing contained herein shall limit the Township's authority to enforce this Ordinance through any remedy authorized by the Pennsylvania Municipalities Planning Code or other applicable law.

10. No Waiver.

Failure of the Township to enforce any provision of this Article shall not constitute a waiver of the Township's right to enforce such provision in the future.

SECTION 5. CODIFICATION.

The provisions of this Ordinance shall be incorporated into and become part of the Butler Township Zoning Ordinance. The section numbers, article numbers, and placement of the provisions of this Ordinance within the Butler Township Zoning Ordinance may be revised by the Township, codifier, or publisher as necessary to accomplish such incorporation, and the word "Ordinance" may be changed to "Section," "Article," or another appropriate designation.

SECTION 6. REPEALER.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. SEVERABILITY.

The provisions of this Ordinance are severable. If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance shall be declared invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause, phrase, and provision hereof irrespective of the fact that any one or more provisions may be declared invalid, unconstitutional, or unenforceable.

SECTION 8. INTERPRETATION.

This Ordinance shall be interpreted and applied in a manner consistent with the Pennsylvania Municipalities Planning Code and the legislative findings and purposes set forth herein.

The regulations established by this Ordinance are supplemental to the other requirements of the Butler Township Zoning Ordinance. Where two provisions are applicable and can reasonably be read together, both shall apply.

Where a provision of this Ordinance specifically regulates Data Centers or Data Center Accessory Uses and conflicts with a general provision of the Zoning Ordinance addressing the same subject, the specific Data Center provision shall control.

Nothing herein shall be interpreted to supersede any requirement imposed by federal or state law or by an agency having jurisdiction.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon adoption.

ADOPTED and EFFECTIVE this 13th day of October, 2026, by the Butler Township Board of Supervisors.

ATTEST:

Manager

BUTLER TOWNSHIP BOARD OF SUPERVISORS:

Chairperson

Vice Chairperson

Secretary/Treasurer