

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF UNITY, COUNTY OF WESTMORELAND,
COMMONWEALTH AMENDING SECTIONS 118 (RELATING TO ZONING) AND 104
RELATONG TO SUBDIVISIONS AND LAND DEVELOPMENTS) OF THE CODE OF
UNITY TOWNSHIP TO PROVIDE FOR THE LOCATION, CONSTRUCTION, USE AND
DECOMMISSIONING OF DATA CENTERS

SECTION 1. TITLE.

This Ordinance shall be known as the “Unity Township Data Center Ordinance”. It establishes requirements and specifications for the location, construction, use and decommissioning of Data Centers within the Township. The provisions herein are intended to be added to and made a part of the Unity Township Zoning Ordinance and be incorporated into Chapter 118 of the Code of Unity Township.

SECTION 2. FINDINGS, PURPOSE & INTENT.

A. FINDINGS. The Board of Supervisors of Unity Township find as follows:

1. The Governor of the Commonwealth of Pennsylvania issued an Executive Order on August 18, 2026, finding that:
 - (a) Pennsylvania has seen significant interest in the development of data centers within the Commonwealth; and that
 - (b) Although most of these proposals are speculative in nature, with no identified end user, but comprise plans that, if realized, would add significant burdens to the local community – including energy costs, noise pollution, and more – absent sufficient efforts to mitigate those impacts; and
 - (c) The development of data centers requires significant expenditures to upgrade electricity transmission and distribution systems, and current utility tariffs and regulatory practices allow some of these costs to be recovered from customers rather than data centers; and
 - (d) The Constitution of the Commonwealth of Pennsylvania and the laws of the Commonwealth recognize Pennsylvanians’ right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment; and

- (e) The Township recognizes that dBA measurements for noise coming from Data Centers may underrepresent low-frequency noise, which can travel long distances, penetrate walls and windows, and cause chronic disturbance even at low levels. Therefore, dBC measurements shall also be used in evaluating noise and site suitability, especially in cases involving mechanical equipment, industrial activity, or other sources known to emit low-frequency sound; and
- (f) The noise thresholds referenced herein are intended to protect against both high-frequency and low-frequency tonal noise at the point of compliance, which is any external perimeter property line. To the extent that occupational safety or health standards impose a more stringent obligation on the Data Center property, the more stringent standard shall prevail; and
- (g) Without proper controls, the proliferation of data centers could harm Pennsylvanians' right to clean air and pure water because of their emissions, water use, and energy demand; and
- (f) Under Article VI, Section 619.2 of Act of July 31, 1968, P.L. 805, No. 247, known as Pennsylvania's Municipalities Planning Code, directed that state agencies "shall consider and may rely upon comprehensive plans and zoning ordinances when reviewing applications for the funding or permitting of infrastructure or facilities"; and

2. The Board of Supervisors of Unity Township is authorized under the Pennsylvania Municipalities Code to enact and amend its zoning and subdivision and land development ordinances to regulate the locations and implementation of uses within the geopolitical boundaries of the Township for the protection of the public health, safety and wellbeing.

B. PURPOSE AND INTENT. The purpose of this Ordinance and the standards and requirements established herein are intended to define and regulate Data Centers in order to minimize impact on adjacent and surrounding properties; to ensure compatibility with other adjacent and surrounding land uses; to protect environmental resources, and to assure that the correlative rights of landowners and lessors owning or leasing and hosting Data Centers are balanced with those of neighboring land and communities; and to assure that the location, construction, operation, and decommissioning of Data Centers are undertaken in a manner that integrates the use into the existing improvements and natural environment surrounding same.

- (1) The appropriate location, construction, and operation of Data Centers is required and intended to minimize and mitigate any unavoidable adverse impacts to residential properties; neighborhoods; commercial areas; community and institutional buildings; land, air, and water resources; prime and productive agricultural lands;

forests and woodlands; threatened and endangered species and critical habitat; and historic, natural, and sensitive lands. The standards and planning requirements established herein are intended to ensure that the use and enjoyment of lands located adjacent to and in the proximity of the Data Centers are fully safeguarded.

- (2) The requirements of this Ordinance are intended to supplement any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

SECTION 3. DEFINITIONS.

When used in this Ordinance, the terms set forth hereafter shall have the following meanings:

CONTINUOUS NOISE EQUIVALENT LEVEL (CNEL) - A measure of the cumulative noise exposure in a community of defined area over a 24-hour period. It is calculated by adding up the average noise levels over the day and applying factors to the evening and nighttime periods.

DATA - Any information, whether digital, electronic, optical or quantum, that can be collected, stored, processed, or transmitted.

DATA CENTER – A facility of one or more buildings, designed and intended primarily to house computer, networking and communication systems, equipment and components, such as routers, switches, firewalls, servers, storage systems and application-delivery controllers, for storing, processing, managing, transmitting and backing up electronic data necessary for the operation of a business, enterprise, institution, or other similar organizational entity. A data center also includes accessory and supporting public utilities (e.g., substations, switch stations, etc.), infrastructure systems, mechanical equipment, components and environmental controls (e.g., air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and enhanced security. It also includes, but is not limited to, buildings designed to accommodate specialized computing hardware. A Data Center includes a Data Center principal use/structure, any Data Center accessory use/structure, and Data Center energy system. Examples of these facilities and uses include (but are not limited to) crypto processing, commercial cryptocurrency mining (bitcoin mining), artificial intelligence training and/or processing, and cloud-computing. This use does not include computers or telecommunications-related equipment that is considered customarily accessory to an otherwise permitted use on the property, such as servers associated with an office building, both located on the same property.

DATA CENTER PRINCIPAL USE/STRUCTURE. Any structure or building used primarily for the storage, management, processing, or transmission of data which includes, but not limited to, any building designed or used to accommodate and house computer

servers, storage systems, or specialized computing hardware. This term includes space for administrative offices and other spaces used in the operation of if contained within the same building as the Principal Structure.

DATA CENTER ACCESSORY USE/STRUCTURE. Any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development of or in further support of a Data Center. The category includes, but is not limited, to administrative, logistical, fiber optic, storage, and security buildings or structures; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment), water cooling and storage facilities, security features, and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.

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

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

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) - The world's leading resource on fire, electrical, and related hazards, dedicated to eliminating loss through knowledge.

NOISE LEVEL. The maximum sound pressure level measured in both A-weighted decibels (dBA) and C-weighted decibels (dBC) at the property line.

PRIME FARMLAND. A map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.

SENSITIVE RECEPTORS - Schools, preschools, day care centers, in-home daycares, agricultural land, conservation land, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, campgrounds, dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use.

STATIONARY ENERGY STORAGE SYSTEMS - Large scale technologies designed to store electricity for later use.

TOWNSHIP – Unity Township, Westmoreland County, Pennsylvania.

SECTION 4. SPECIFIC USE CRITERIA.

- A. The following requirements shall apply to all Data Centers. Data Centers shall be authorized by Special Exception Use in the Industrial Airpark (IAP) and M-1 Zoning Districts subject to the regulations and requirements set forth herein. In the event that any of the following regulations or requirements contained herein are found to be in conflict with regulations found elsewhere in any Township Ordinance or in the Code of Unity Township, the most restrictive regulations shall be applied, unless otherwise stated.
- B. The Applicant must demonstrate compliance with all applicable provisions of the Unity Township Zoning Ordinance, the Unity Township's Subdivision and Land Development Ordinance (SALDO), the Township's Stormwater Management Ordinance, the Township's Urban Interface Ordinance and the Specific and General Criteria contained herein. The Applicant shall also provide evidence that they can comply with all local, state, and federal rules and regulations applicable to its proposed use.
- C. The Applicant must also demonstrate consistency with the goals, policies, practices, purposes and intent of the Zoning Districts in which they are located, including, but not limited to any provisions addressing environmental protection, water resources, and infrastructure capacity.¹ When the use of a property for a proposed Data Center conflicts

¹ M-1 Manufacturing District. Purpose. This district includes lands that provide for new industrial and technology development and protect existing industrial sites and allow for continued operation of existing general industry, manufacturing, extraction, salvage and related activities, subject to performance standards and buffering requirements to minimize potential environmental impacts. Accessory office uses and freestanding offices are allowed as well as other uses that are not as appropriate for more restrictive districts.

I-AP Institutional Airpark District. Purpose. It is the intent and purpose of this district to provide for a well-designed park-like development for the uses in this Institutional Airpark District to promote and encourage high-quality employment opportunities for residents of Unity Township and economic development for the region as a whole in and around the Arnold Palmer Airport. Design standards and requirements for this district are intended to make it compatible with the surrounding residential areas. These regulations have been established to (1) provide a healthful operating environment; (2) to protect the accepted use from encroachment of uses adverse to their operation; and (3) to minimize their impact on surrounding uses. This district should be restricted to tracts that have close proximity to principal streets, are fairly level and act as a buffer between adjacent residential areas and nearby downgrading influences such as heavily traveled highways.

with the goals, policies, practices, purposes and intent of the Zoning Districts in which they are located, the Applicant shall identify specific mitigation measures to offset such conflict. The Zoning Board may deny a Special Exception Use for a Data Center where the Applicant fails to demonstrate that the Data Center conflicts with the goals, policies, practices, purposes and intent of the Zoning Districts in which they are located and proposed mitigation measures fails to resolve those conflicts.

- D. In order to evaluate the application for compliance with the Specific Criteria set forth hereafter, the Applicant must submit all studies, plans and other materials required for compliance along with its application to give the Township an adequate opportunity to review and analyze same in advance of any hearing before the Zoning Hearing Board. The Township may retain appropriate professional consultants to review and provide comment on all materials submitted at the expense of the Applicant. The Township shall obtain an estimate of the costs of providing their review from the consultant and the Applicant shall deposit the funds necessary to pay for same with the Township prior to the initiation of the review. The collection, escrow and disbursement of professional consultant fees shall be performed consistent with the terms of the Pennsylvania Municipalities Planning Code.
- E. The failure of the Applicant to submit all studies, plans and other materials required for compliance along with its application shall cause the application to be declared “incomplete”. The Township will notify the Applicant what additional documents may be required to be submitted within ten (10) days of the date the application is submitted. The application shall not be deemed “complete” and the time limitations for official action by either the Zoning Board or the Township shall not begin to run, until the time the Applicant submits all materials required. The acceptance of the “complete” Application and other materials required herein along with the Application shall not be deemed or construed as the Township’s agreement with the content of same, but shall only be construed as acceptance for the ministerial purposes of completing the Application.

SECTION 5. Specific Criteria to Be Submitted Along with any Application

- A. Building Placement and Orientation. The Applicant shall submit a Site Plan along with the application for a Data Center. The site plan is required to show:
 - 1. That all principal and accessory structures associated with a Data Center are arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, a Data Centers’ appearance should be visually consistent with other commercial office buildings in the zoning district in which they are located;
 - 2. That the Buildings are sited and oriented to:

- a. Provide safe and convenient vehicular access to the site, including sufficient on-site security fences and gates;
- b. Accommodate adequate parking;
- c. Minimize impacts to natural resources; and
- d. Provide sufficient space to incorporate appropriate stormwater management practices.
- e. Show Compliance with the following Area and Bulk Requirements. With the exception of set-backs set forth hereafter, all data centers shall meet the area and bulk requirements for the Zoning District in which they are located. Provided, however, that Data Centers with over 100,000 square feet in gross floor area shall have a minimum lot area of 5 acres.
- f. Show Compliance with the following Locations and Setbacks. Except for transmission and distribution powerlines, pipelines delivering electricity or natural gas to the property, and ingress/egress for road and rail traffic, all principal, accessory, and energy systems structures or facilities for the Data Center must be located:
 - 1. At least 500 feet from all outer perimeter property lines of the Data Center regardless of the zoning classification of the adjacent property. These setbacks shall not apply to property lines that are interior to a Data Center site.
 - 2. At least 1,500 feet from a Sensitive Use or the boundary of any Residential, Business, or Agricultural District.
 - 3. Any emission point or exhaust stack from a data center energy system whether for primary or backup power, shall be required to be at least one thousand (1,000) feet from the property boundary of any adjacent property and two thousand (2,000) feet from any Sensitive Use or the boundary of any Residential, Commercial or Agricultural District.
 - 4. Where necessary to comply with the noise limits at the exterior perimeter property boundary provided in this Section, due to site configuration, topography, and/or projected equipment noise, the Zoning Board may require a greater setback distance.
 - 5. The setback distance may be reduced up to 50% where the owner of the adjoining property to which the setback applies waives, in writing, the

greater setback distance, and where buffering, fencing, or other landscaping is employed such that the noise levels are not exceeded at that property boundary.

- g. Show the site meets the following Off-Street Parking Requirements. A minimum of 1 parking space per employee is required, plus an additional 3 visitor spaces or one (1) space for each three hundred (300 s/f) square feet of gross floor area whichever is greater.
 - h. Show the site meets the following Off Street Loading Requirements. A minimum of one loading bay is required. Loading bays shall be located on one facade of the Data Center Principal Building. These bays shall be designed to cause no obstructions to adjacent street traffic whether during backing and parking or parking and unloading. Sufficient area shall be provided to allow for emergency access around loading areas.
 - i. Show the locations of sound monitoring equipment as set forth in Sub-section B hereafter.
- B. Noise Standards, Testing and Compliance Measures. All Data Centers shall meet the following minimum noise standards:
 - 1. Noise from operations, including primary and accessory structures and uses and energy systems, shall not exceed 40 dBA or 60 dBC⁶ between 10:00 p.m. and 7:00 a.m., and shall not exceed 45 dBA or 65 dBC at any other times at any external perimeter property line.
 - 2. In addition to the decibel limits in Paragraph 1, a data center's operations shall not generate vibration, oscillation, or infrasound that causes perceptible resonance within any buildings or adverse impacts on the human body, including but not limited to dizziness, headaches, nausea, sleep disturbance, or other recognized health effects. Compliance shall be determined based on standards issued by ANSI and ISO for human exposure to whole-body and low-frequency vibration (e.g., ISO 2631 and ANSI S2.71) and shall be measured at any external perimeter property line for purposes of showing compliance.
 - 3. The locations of the noise measuring equipment for the pre-construction noise analysis shall be shown on the submitted site plan. The points of measurement shall be at all external perimeter property lines at locations most susceptible to noise from applicable proposed equipment.
 - 4. The maximum sound levels identified herein do not apply to emergency alerts; emergency work to provide electricity, water, or other public utilities when public

health or safety is involved; snow removal; or road repair. Maximum sound levels do apply to testing or routine operation of emergency equipment for backup or primary power generation and to other situations that do not involve public health or safety.

5. A Noise Assessment Plan shall accompany any application for a data center. The Noise Assessment Plan shall include:
 - a. An assessment of baseline ambient levels of noise before construction, measured in all directions at the external perimeter property lines on which the Data Center is proposed to be located and any related activity conducted on the property; and
 - b. An assessment of all noise projected to be associated with the proposed Data Center (including all structures, facilities, and energy systems) before and after incorporation of noise minimization and abatement measures to control and minimize all exterior noise (including high, mid- and low-frequency) generated by the Data Center, including but not limited to exhaust vents, cooling equipment, chiller fans, and on-site power generation.
6. An Acoustical Study shall accompany any application for a data center. The study must:
 - a. Show expected daytime and nighttime sound levels, including generator noise and other equipment noise, indoors and outdoors at multiple distances and at the external perimeter property lines,
 - b. Include both A-weighted (dBA) and C-weighted (dBC) measurements, with full frequency spectra to identify low-frequency and tonal components,
 - c. Provide sound level projections and modeling for multiple distances from the facility, with measurements taken both outdoors and indoors of nearby dwellings,
 - d. Include testing during nighttime and early morning hours, when cooler air and atmospheric conditions may increase sound propagation, and
 - e. Make recommendations for specific mitigation measures (e.g., barriers, enclosures, mufflers, alternative cooling technologies) to ensure compliance with the noise standards of this Ordinance.
7. A Vibration Study shall also be submitted if any mechanical equipment or cooling infrastructure is installed within 2,000 feet of a Sensitive Use.
8. A Noise Monitoring, Minimization, and Mitigation Plan must be submitted along with the Application for a data center. Such plan must:

- a. Include real-time continuous monitoring and analysis of noise data sufficient to demonstrate compliance with the applicable standards for the facility over time and to identify patterns, trends, and potential areas of improvement; and use of frequency analysis to identify and address low-frequency tones associated with cooling fans or other equipment; and
 - b. Incorporate measures sufficient to avoid off-site nuisance conditions caused by any and all frequencies of noise, at all hours of the day and night, and conform to the required noise level limits at the property lines of the Data Center. These measures may include, but not be limited to, acoustic barriers or shrouds, higher efficiency/lower speed fans, or other noise reduction devices sufficient to assure that the noise levels measured at the perimeter property boundary for the Data Center conform to the required levels and prevent nuisance conditions.
9. All required noise analyses shall be designed and conducted by a certified/licensed acoustical engineer. The points of measurement shall be on each external perimeter property line at locations selected as those most susceptible to noise from applicable proposed equipment. Any noise analysis shall include the date, time, and duration of measurements taken and shall be taken at various times of the day and night.
10. Where any noise analysis post-construction and during operation identifies greater than maximum permissible sound levels at any perimeter property boundary, the applicant shall be required to develop and submit for review and approval such measures, including relocation of equipment, reorientation, and other mitigation measures, as are needed to bring the modeled noise level to below acceptable limits.
11. The Applicant, at its sole cost and expense, shall install continuous monitoring devices on the property prior to the commencement of operations, using the same methodology set forth above, to verify the actual post-construction, during-operation compliance sound levels and the effectiveness of mitigation measures. The nature of the monitoring devices to installed must be able to identify both A-weighted (dBA) and C-weighted (dBC) measurements, with full frequency spectra to identify low-frequency and tonal components and be approved by the Township. Such monitoring devices shall be capable of storing sound readings for a period of at least thirty (30) days and be capable of being made available to the Township upon request.
12. In the event of any complaints of noise, and in the event the sound readings Applicant provides shows sound readings are exceeding the maximum levels permitted by this Section, upon notice from the Township, the Occupant shall immediately take action

to bring the sound levels into compliance. The Board of Supervisors, in its discretion, shall determine the timeframe for any corrective actions.

13. The Township may, at any time thereafter, conduct its own compliance testing, and, where any noise analysis identifies greater than maximum permissible sound levels at any perimeter property boundary, may after providing the operator of the data center with reasonable notice and an opportunity to cure the conditions contributing to the exceedance, suspend or revoke the special exception use permit or occupancy permit. The Township may also hire an independent acoustical engineer to perform its own compliance testing to evaluate the noise, coming from the data center and should it be determined that such noise is in violation of the noise provisions of this Section, the Applicant or Occupant shall reimburse the Township for the full costs of the same.

C. Equipment Safety Standards and Emission Impacts.

1. All equipment used in any Data Center operation must be shown to be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
2. Data Centers proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
3. The Environmental Impact Statement required hereafter, shall include an analysis of whether any use or activity on the property will produce air, dust, smoke, glare, exhaust, heat, or humidity in any form and the measures taken to ensure same will not be perceptible at or beyond the property line. The emission of any smoke, odorous gases or other odorous matter or steam in quantities that are offensive or have an extremely offensive smell at any point along the boundary with an adjacent zoning district, residential property or Sensitive Receptor property line shall be prohibited.
4. The Environmental Impact Statement required hereafter, shall also include a Vibration Study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

D. Emergency Management

1. The Applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional along with the Application. The ERP shall:
 - a. Be reviewed and accepted by the local fire department and emergency management services as part of the [conditional use/land development] process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - d. Provides a training program to ensure that all first responders receive adequate training specific to the installed system. Applicant shall bear the costs of any specialized training needed;
 - e. The Applicant shall coordinate with the Westmoreland County 911 Coordinator to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the County Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems as needed to meet compliance. A 911 address shall be obtained. It shall be confirmed that the local emergency departments have the proper chemicals/supplies in the event of a fire emergency. The Applicant shall submit an ERP to the Unity Township Department of Emergency Management and to the local fire department(s) having jurisdiction.
2. No Data Center shall be issued a Certificate of Occupancy unless the Applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety, and welfare, are consistent with the Township's Fire Prevention Procedures set forth in the Township Code and that such procedures have been approved, in writing, by the County and Township Emergency Management Coordinators. The lack of availability of equipment to safely fight a fire at a data center may be used as justification for the Emergency Management Coordinators to refuse to approve any proposed Emergency Response Plan.
3. Data Centers shall also provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name, if applicable, owner/representative name and telephone number and corresponding power

provider and telephone number. All data centers shall also have a Knox Box installed consistent with the Township's requirements for same.

E. Energy System/Supply

1. The Applicant for a Data Center must provide documentation along with the Application to show that the data center development is designed and operated to meet the highest achievable standards of energy efficiency. The U.S. Green Building Council's LEED BD+C: Data Centers rating system, or equivalent design standards, as approved by the Township's engineer.
2. The Applicant is encouraged to supply their own power generation system not to exceed noise levels provided for Data Centers set forth in this Ordinance. Any energy generation system designed or used to supply power solely to a Data Center during normal operations, including solar, wind, fossil fuel (gas or oil), or nuclear energy generating systems, shall be considered part of the Data Center Use and be subject to the terms of this Ordinance in general and Section F hereafter.
3. If the Applicant proposes to connect the Data Center to the electric grid, the Applicant shall provide documentation from the applicable electric service provider certifying:
 - a. That the Applicant has reached an interconnection agreement with the applicable electric service provider and has submitted a copy of same to the Township along with the Application;
 - b. That adequate capacity is available on the applicable service lines and substation to ensure that capacity is available to serve the proposed Data Center together with the other needs of the service area and is consistent with the normal projected load growth envisioned by the provider;
 - c. That utility supply equipment and related electrical infrastructure are sufficiently sized and will safely accommodate the proposed Use;
 - d. That the use of the data center will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
 - e. That there is sufficient capacity, interconnection, power quality, reliability, and that the existing local and regional infrastructure is sufficient to accommodate the proposed Data Center and Data Center Accessory Uses. Applicant or Developer shall be solely responsible to pay for the full costs of any infrastructure upgrades needed because of the proposed use.
 - f. That the utility provider has acknowledged and agreed in its interconnection agreement with the Applicant that the Data Center's proposed increase in

electrical power consumption required for the Data Center through the utility infrastructure does not and will not create a rate increase in the service area.

- g. That if the proposed Data Center whose Energy Usage Plan estimates a power demand of over 50 megawatts (MW) and proposes to connect to the power grid, the data center be required to procure a minimum of 10% of its power from renewable generation sources. If solar panels are used as an alternate form of renewable power, such panels may only be used on the roofs of structures serving the data center development.
- h. Prior to approval and issuance of a certificate of occupancy, the Applicant shall provide the building inspector with written verification that the electrical work has passed a third-party inspection.

F. On-site Power Generation:

- 1. On-site power generation using natural gas, renewable fuels, or other clean sources when used to improve reliability, efficiency, or sustainability is authorized, provided:
 - a. All systems to be used are shown to meet environmental, safety, and utility interconnection standards;
 - b. That the applicant is using Tier 4 or greater generators that are subject to stringent emission standards aimed at reducing pollutants and improving air quality and that operate at the lowest dBA levels for its energy needs.
 - c. That the use of solar panels is limited to placement only on the roofs of buildings serving the data Center and shall serve only the data center. All building roofs shall be solar ready and the applicant may cover 50-80% of all unused roof space with solar arrays to offset a portion of the demand on the electric grid. If solar panels are being used, buildings must be designed and constructed in a manner that facilitates and optimizes the installation of roof-mounted solar energy systems.
- 2. If solar panels are being used as a primary or alternate source of energy, the Applicant shall submit a Solar Energy Plan prepared by a qualified professional:
 - a. Certifying the use's projected annual electricity consumption in kilowatt hours (kWh);
 - b. Certifying the type, capacity, and location of proposed solar energy systems;

- c. Providing Calculations showing how much of the projected annual consumption that the proposed systems will generate;
- d. Certifying that the applicant's proposed use of solar panels meets the requirements and regulations found in the Township's Zoning Ordinance and Subdivision and Land Development Ordinance for Solar Farms; and
- e. Prove a timeline for installation of solar energy systems, which shall be completed prior to the issuance of the Certificate of Occupancy for the Data Center.

F. Power Lines and Electric Utility Substations.

- 1. In addition to any other landscaping requirements imposed under the Township's Subdivision and Land Development Ordinance, Data Center Electric Utility Substations must include year-round landscaping and a screen wall a minimum of eight (8) feet in height to minimize visual impact.
- 2. Utility Substations shall be secure to eliminate the possibility of trespass by non-authorized personnel.
- 3. Utility Substations shall have two points of access for emergency responders.
- 4. Electric Utility Substations on the same property as the Data Center they serve shall not be located in the front yard, and must be located adjacent to a side or the rear of a Data Center Principal Building so they are screened from public view. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- 5. All new and enhanced electric lines, both transition and distribution, must be located underground if technically possible. On-site power lines of 34.5 kV and below must be buried.
- 6. The Data Center Electric Utility Substation shall be subject to applicable zoning district setback requirements as the primary data center structure.

G. Water Infrastructure

- 1. The Applicant shall submit an analysis prepared by a licensed engineer of raw water needs (groundwater or surface water) from either private or public sources, indicating the quality and quantity of water required for the operation of the data center. If the source is from a municipal system; the Applicant shall submit documentation that the public municipal authority will supply the water needed without the necessity for a rate increase to existing customers;

2. No principle use on a Data Center site shall use private groundwater wells or direct withdrawals from surface watercourses as its primary source of water for cooling purposes if a public water source is available.
3. Data Centers shall be designed to include a closed-loop water circulation system to cool data center processing equipment. An applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed-loop systems to the satisfaction of the Township engineer.
4. If the Data Center is to rely in whole or in part upon nonpublic sources of water, a water feasibility study, prepared, certified and signed by a licensed hydrological engineer or hydrologist must be provided at the sole cost of Applicant. The purpose of the study will be to determine whether there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing wells, ground water, and surface water in the vicinity. Any water feasibility study shall be made to determine the long-term safe yield of water in the area, and shall include the following:
 - a. Calculations of the projected water demand and sources of water to be used for the data center;
 - b. A geological map of the area with a radius of at least two miles from the site's property line.
 - c. The location and analysis of all existing and proposed wells within 1,000 feet of the site property line, with a notation of the capacity of all high-yield wells.
 - d. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the site property line and all known point sources of pollution.
 - e. Based on the geologic formation(s) underlying the site, and an analysis of the long term safe-yield, the study shall:
 1. Report the anticipated effects of the proposed water supply system for the data center on the quantity and quality of the water in nearby wells, streams, and the groundwater table; and
 2. Identify how water will be recycled or released into surrounding water bodies.

- f. Applicant shall submit the study to the applicable Municipal Authority for comment and recommendation at the time the data center special exception use application is filed with the Township and all comments from the Authority shall be addressed to the Township and the Applicant prior to the date of the first Zoning Board Hearing on same.
- g. Applicant must exhaust all reasonable efforts to utilize existing public or private waterlines for site water needs before proposing withdrawals from local aquifers or surface waters. Documentation of these efforts shall be submitted with the Application. Such withdrawals will not be permitted where surrounding water supplies will be negatively impacted or dewater surrounding properties.
- h. The Applicant shall provide proof of review and approval from the Ohio River Basin Commission for projects that have:
 - 1. Water withdrawals of one hundred thousand (100,000 gpd) gallons per day or more over a 30-day average from any water source or combination of sources within the Ohio River Basin and/or
 - 2. Any consumptive water use of twenty thousand (20,000 gpd) gallons per day or more over a 30-day average from any water source.

H. Water Use, Quality & Management:

- 1. The Applicant shall employ the best available technology “closed loop” heating and cooling systems for the data center to provide the most energy efficient means possible of heating and cooling water used in the data center facility.
- 2. The Applicant shall certify that adequate means have been provided for the disposal of all wastewater from the Data Center, including the volume of same. Wastewater shall include domestic wastewater and wastewater discharge from cooling or industrial uses (used for cooling or industrial purposes including but not limited to refrigerants), and approved by the Township Sewage Enforcement Officer, Municipal Authority, Ohio River Basin Commission, and/or Pennsylvania Department of Environmental Protection (DEP).
- 3. Applicant shall certify that the aforesaid plan complies with all local, state, and federal rules and regulations related to water quality.
- 4. Applicant shall certify that the Plan complies with the 2025 Westmoreland County Hazard Mitigation Plan, PEMA, and the Pennsylvania Drought Contingency Plan in response to a drought or water shortage emergency. Furthermore, the Applicant shall certify that the plan complies with Pa. Code, Title 4, Chapter 120, Local Water

Rationing Plans as adopted by the Township or approved by the Commonwealth Drought Coordinator in response to a drought or water shortage emergency.

I. Environmental and Community Impact Analysis

1. As part of the Special Exception Use application, the applicant shall submit an environmental and community impact assessment and analysis to determine whether the proposed data center creates adverse environmental impacts to the property upon which it is located and surrounding areas.
2. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual, at the sole cost and expense of the Applicant, and shall include:
 - a. A description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact.
 - b. A comprehensive description of the existing environment and the probable future effects of the proposed data center on same;
 - c. A site plan of the property showing the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within 500 feet of the boundaries of the property, to assess the potential impact on nearby residents resulting from the data center's operations.
 - d. A specific description of the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.
 - e. A narrative description of the proposed nature of the on-site activities and operations of the data center, including the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials, and the relationship to other projects or proposals. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.
 - f. An analysis of the items listed above regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan, including the foregoing focus areas;

- g. Air pollution impacts emissions from operations or equipment. The Applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The Applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site.
 - h. Critical impact areas. In addition to the above, plans must include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment. For purposes of this Section, “Critical Impact Areas” include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas. The Environmental Impact Statement must include (i) a statement of the potential impact upon critical areas including a statement of any adverse impacts upon same and (ii) a statement of the environmental protection measures, procedures, and schedules necessary to be implemented to minimize damage to critical impact areas during and after construction.
- J. Traffic. A traffic impact study prepared by a traffic engineer shall be provided by the Applicant at the Applicant’s sole cost and expense. The traffic impact study shall include, at a minimum:
- 1. The location of potential traffic hazards and/or congestion in the area and how same may be avoided and/or mitigated in compliance with accepted traffic engineering principles;
 - 2. An analysis – during both construction and operation of the data center – describing at a minimum:
 - a. Traffic impact on all roadways, intersections, bridges, and interchanges within a one-half-mile radius of the site property line.
 - b. Traffic characteristics of the proposed development.
 - c. Traffic volumes for average daily traffic at peak hours, before and after the proposed development.
 - d. Any necessary on-site and/or off-site improvements proposed to mitigate any adverse impacts.

- e. All other information, findings, conclusions and recommendations necessary to produce a complete analysis in compliance with accepted traffic engineering principles and practice.

K. Buffering and Screening:

1. In addition to compliance with the landscaping requirements of the Township's Zoning and Subdivision and Land Development Ordinances, Data Center sites abutting Sensitive Receptors or Township roads must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm is three (3) feet.
2. Where any proposed data center principal and/or accessory use abuts any land zoned A, R-1, R-2 or R-3/VC, the following shall apply:
 - a. A buffer strip at least twenty (20') feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an A, R-1, R-2 or R-3/VC 1 Zoning District.
 - b. The buffer strip shall contain suitable screening, defined as either of the following:
 - i. A solid fence or wall, architecturally compatible with existing structures in the area, no less than four (4') feet nor more than six (6') feet in height; or
 - ii. A sight-obscuring planting of evergreens, not less than four (4') feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six (6') feet upon maturity, planted at a spacing of the lesser of eight (8') feet or the diameter of a mature specimen of the species being planted.
 - c. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted appropriate ground cover vegetation. Fences or walls must be maintained in safe and structurally sound condition.
 - d. Installation and maintenance of the buffer and screening and other landscaping required by this Section shall be the responsibility of the owner of the property on which the use is located and be incorporated into a "landscaping developer's agreement for the property.
3. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.

L. Riparian Buffers:

To the extent a proposed site is located in an area requiring Riparian Buffers, the Applicant shall comply with Chapter 99 of the Code of Unity Township relating to same.

M. Decommissioning:

1. The Applicant shall submit a decommissioning plan along with its application that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall be prepared and certified by a licensed engineer at the Applicant's expense.
2. The Decommissioning Plan shall include but is not limited to:
 - a. Identification of all above-ground structures, equipment, and facilities that have no ongoing purpose which shall be removed;
 - b. Identification of all hazardous materials, including batteries, fuel, or refrigerants shall be disposed of in compliance with all local, state, and federal regulations;
 - c. A description of the process that will be implemented for the handling and removal of any Electronic Waste (also known as "E-Waste") and/or any other hazardous material, including but not limited to contaminated water, that may be present on the site.
 - d. Identification of disturbed soil that will need to be stabilized and re-vegetated; and
 - e. Identification of any utility connections that are required to be disconnected and capped;
3. An independent and certified professional engineer shall be retained by the Township at the Facility Owner or Operator's expense to review the Applicant's estimate of the total cost of decommissioning cost and determine whether same is sufficient. In the event of a dispute, the Applicant may file an immediate appeal with the Court of Common Pleas of Westmoreland County to challenge the Township's determination while the Applicant's Special Exception Use Approval request is pending. Thereafter, the Facility Owner or Operator shall retain an engineer to provide the Township with cost estimates of decommissioning after the first year of operation and every fifth year thereafter. The financial security shall

be updated every five (5) years throughout the life of the project. The Applicant has the burden of demonstrating which facilities and infrastructure may have an ongoing purpose and the same shall be reviewed during the Special Exception Use/Land Development process and during the five-year updates as set forth hereafter.

4. At the time of the issuance of the permit for the construction of the Data Center, the Facility Owner or Operator shall provide financial security to the Township to secure the expense of dismantling and removing the Data Center, including accessory equipment, and restoration of the land to its original condition consistent with paragraph a above. The financial security shall be in the amount of one hundred ten (110%) percent of the cost of decommissioning. The financial security for decommissioning shall be posted and maintained in place with the Township during the life of the project in the form of a Performance Bond, Irrevocable Letter of Credit or other financial form of security acceptable to the Township. And be in place prior to the final approval of the Land Development Plan and the issuance of any building permit.
5. The Facility Owner or Operator shall notify the Township immediately upon cessation or abandonment of the use. The use shall be presumed to be discontinued or abandoned if the Data Center is not operated for a continuous period of twelve (12) months.
4. The Facility Owner or Operator shall then have six (6) months in which to dismantle and remove the Data Center and Data Center accessory equipment. The Facility Owner or Operator shall also be responsible to restore the land to its original pre-construction condition. If the Facility Owner or Operator fails to dismantle or remove the Data Center and restore the land within the six (6) month time period, the Township may, but shall not be required to, complete the decommissioning and land restoration at the Owner's expense.

SECTION 5. MISCELLANEOUS

A. FEES AND COSTS

The Applicant shall pay all costs and fees, and make all deposits, associated with its proposed data center use, including, but not limited to, all fees, inspection fees, consultant fees, review fees and deposit all financial security required under this Ordinance, the Township's Zoning Ordinance, Subdivision and Land Development Ordinance, Stormwater Management Ordinance. All fees shall be paid prior to any approval being granted.

B. ENFORCEMENT

The failure of any person, partnership, corporation, entity or firm to comply with the provisions of this Ordinance shall be deemed to be in violation of its provisions. These provisions are intended to be incorporated into the Township's Zoning Ordinance and, in part, into its Subdivision and Land Development Ordinance and violations of same shall be disposed of subject to the terms of those Ordinances.

C. SEVERABILITY

If any sentence, clause, section, provision or part of this Ordinance is for any reason found to be unconstitutional, illegal, void or invalid, such provision shall be severed and removed from this Ordinance, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance and same shall continue on in full force and effect. It is hereby declared as the intent of the Board of Supervisors of Unity Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included herein.

ATTEST:

THE BOARD OF SUPERVISORS OF
THE TOWNSHIP OF UNITY

Sharon Sweeney, Secretary

Michael J. O'Barto, Chairman

