ORDINANCE NO. 579

AN ORDINANCE AMENDING PART II, CHAPTER 155, OF THE CODE OF THE TOWNSHIP OF TOBYHANNA, MONROE COUNTY, PA TO DEFINE DATA CENTER USE; AND TO ADD DATA CENTER USE AS A PERMITTED USE TO THE TOURIST DEVELOPMENT PROJECT ZONING DISTRICT AND SETTING FORTH SPECIFIC REGULATIONS

WHEREAS, the Board of Supervisors desire to amend the Tobyhanna Township Zoning Ordinance to define Data Center Use as a new use class and to add Data Center Use as a permitted use to the Tourist Development Project District; and

WHEREAS, it is the intention of the Board of Supervisors, except as modified herein, to keep intact all other provisions of Ordinance No. 557; and

WHEREAS, the Township of Tobyhanna seeks to amend the Zoning Ordinance to update the list of authorized land uses and the regulations pertaining thereof in order to keep up with changing technologies and best practices in the Zoning and Land Use Planning; and

WHEREAS, the Township of Tobyhanna deems it to be in the best interest and general welfare of the township residents and businesses to update and amend the provisions of the Zoning Ordinance relating to uses that have the potential to place intense demands on utilities and infrastructure and to provide standards for the scale and compatibility of such uses.

NOW, THEREFORE, under the authority and procedures of the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Tobyhanna Township hereby ordains and annexes the following amendment to Chapter 155 of the Code of Ordinances of Tobyhanna Township, Zoning, as follows:

Article II, Section 155-5.B. of the Tobyhanna Township Zoning Ordinance is hereby amended to add the following definition:

DATA CENTER – means a structure, or group of structures, with the purpose of centralized accommodation, interconnection and operation of information technology and network telecommunications equipment (e.g. such as telecommunication and storage systems) providing data storage, processing and transport services together with all the facilities and infrastructures for power distribution and environmental control and the necessary levels of resilience and security required to provide the desired service availability,

including, without limitation, providing on site or off-site electricity substations or facilities to serve the applicable structures and equipment; air conditioning and cooling towers; fires suppression; redundant back up power supplies; loading docks and parking.

Article III. Chapter 155. Zoning, Article VIII. SECTION 155-16.1 TOURIST DEVELOPMENT PROJECT Zoning District is amended as follows:

§155-16.1D Permitted Uses.

25. Data Center, subject to the special regulations set forth at Section 155.16.1 I, hereof.

Section I. Special Regulations applicable to Data Center Use.

(1) The following special regulations applicable to Data Center Use shall replace Sections E, F, and G above and provide for additional regulations.

(2) Conflicts. Where there is any conflict or inconsistency between Sections of the Zoning Ordinance and this Section 155-16.1, the provisions of this Section 155-16.1 shall govern and control.

(3) Sections of the Zoning Ordinance not applicable. The following Sections of the Zoning Ordinance shall not apply to the Data Center Use in the TDP Zoning District:

§155-89

(4) Accessory uses. Accessory uses and buildings customarily incidental to any principal Data Center use are permitted within the TDP Zoning District and include, without limitation:

(a) Accessory uses and structures including but not limited to:

i. Electricity Substations
ii. Water Cooling Facilities
iii. Site Power Generation, excluding wind turbines
iv, Thermal Storage
v. Water Reuse Systems

(b) Identification, directional and informational signs within the District where a Data Center is located shall be approved as part of any land development application and shall meet the requirements of Chapter 155 Article XI Signs.

(c) Other customary accessory uses, buildings and improvements, provided that such uses are clearly incidental to the principal use.

(d) Utility accessory uses shall meet the following requirements:

i. The proposed installation is necessary for the operation of the Data Center project and will not adversely impact public utility electric service to the neighborhood, or locality in which the Data Center project is located.

ii. Adequate screening and sound barriers will be provided to achieve the noise levels set forth in this section.

ii. Adequate off-street parking will be provided to meet the needs of the use.

iv. All of the area, yard and coverage requirements of this section will be met.

(5) Off-street parking, loading and unloading spaces. Off-street parking, loading and unloading spaces shall be provided and permitted pursuant to a parking plan subject to review and approval of the Board of Supervisors at the time of land development, which shall depict off-street parking, loading and unloading spaces as reasonably necessary to serve the Data Center and supported by evidence of parking demands of other similar data centers in operation elsewhere, which the parking requirements shall not exceed one (1) space per employee of the Data Center.

(6) Height, Lot and Yard Regulations. The height, lot and yard setback limitations set forth in Article X, Section 155 Attachment 1.1 shall not apply to buildings, structures or other habitable accessory structures which are part of the Data Center Use within the TDP Zoning District all of which shall be regulated as set forth below:

	I-380	State Roads	Adjacent Property	Property Building	Equipment	Max Bldg Height	Min Lot Size
SETBACK	**25'**	**25'**	**25'**	**200'**	**300'**	**100'**	**25 acres**

Front yard setback, side yard setback and rear yard setback as expressed above shall only apply to exterior property lines of the TDP Zoning District and shall not apply to lots within the TDP Zoning District. For purposes of determining the yard setback, an "Adjacent Property" means a lot located outside of the TDP Zoning District. The setback for Property Building and Equipment shall only apply to an Adjacent Property that is used as a residence. The maximum building height limit above shall not apply to rooftop equipment and screening.

(7) Water.

(a)Data Center shall:

i. Be served by a publicly or privately owned sanitary sewage collection system or privately-owned on-site sewerage collection and disposal system. Will Serve Letter for publicly owned sewer systems shall be provided upon the submission of land development; and

ii. Be served by a publicly or privately owned water distribution system.

iii. If the Data Center Use is not served by a publicly owned water distribution system, the Developer of a Data Center Project shall obtain a water withdrawal permit issued by the Commonwealth of Pennsylvania Department of Environmental Protection for any water wells serving he Data Center and provide proof of review and approval from the Delaware River Basin Commission water withdrawals of 100,000 gallons per day or more over a 30-day average from any source or combination of sources within the Delaware Rive Basin. In addition, the Developer shall submit a hydrogeologic study by a qualified hydrologist demonstrating that the water withdrawal will not adversely affect the health and welfare of neighboring properties. Data Centers are strongly encouraged to deploy technologies for water conservation, including utilizing closed-loop ore recirculation systems to reduce the demand for water usage.

(8) Power Supply.

If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide the documentation from the applicable electric service provider certifying that the necessary capacity is available, and that electric service provider will serve the Data Center.

(9) Noise.

(a) Ground level mechanical equipment that are located exterior of a building shall be screened by an acoustical barrier on any side facing an existing residential use within a separate residential zoning district. For purposes of this section, an acoustical barrier is defined as an exterior solid or louvered wall containing sound-proofing materials designed to absorb noise and protect abutting residential properties from noise pollution.

(b) A noise study shall be performed and included in the land development application. The noise study shall be performed by a professional acoustic expert. Noise from a Data Center project shall not exceed 60 dBa as measured from any exterior property line or within the TPD Zoning District that abuts an existing residential use within a separate residential zoning district; provided, however, it shall be permissible for the noise level to exceed 60 dBa by up to an additional 10 dBa if the noise study shows existing noise levels at the applicable exterior property

line (for example, caused by highway noise) when taken together with anticipated noise levels from a Data Center project would exceed 60 dBa. As a condition of land development approval, a Post Construction Noise Study shall be conducted at 18 months following the completion of construction and operational start of the Data Center.

(10) Studies Required. The Developer of a proposed Data Center project shall participate in a pre-submission conference with the Board of Supervisors or staff designees to determine which of the following impact statements and/or studies are deemed necessary as a condition of preliminary land development submission:

(a) List of Impact Statements/Studies. Impact Statements/Studies may include but are not limited to:

1. Traffic Impact;
2. Hydrogeologic;
3. Wetlands;
4. Environmental;
5. Stormwater Management (See 155:16.1.J);
6. Fire Protection;
7. Police and security;
8. Emergency Services (to include but not be limited to firefighting response, emergency medical services and emergency management);
9. Geotechnical Subsurface Exploration;
10. Sewage and waste treatment and disposal;
11. Solid waste disposal;
12. Architectural and general aesthetics;
13. Landscaping and Buffering;
14. Social/Economic;
15. Noise control/Sound Study;
16. Historical;
17. Archaeological;
18. Flood;
19. Air quality;

20. Control of radioactivity, electrical emissions and electrical disturbances;

21. Airport/Airspace; and

22. Public transportation.

(b) The Board of Supervisors, upon review of any and all Impact Statements/Studies, may require the recommendations and/or action steps be implemented as described in the Impact Statements/Studies to ensure the health, safety, and welfare of the Township residents and surrounding properties.

(11) Design Standards. Data Centers shall adhere to the Township of Tobyhanna Design Standards as attached to Chapter 135 Subdivision and Land Development. In the event of a hardship with the Design Standards, the Board of Supervisors may waive certain requirements as a part of final land development approval.

Article IV. **REPEALER**.

All ordinances or parts of ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Article V. **SEVERABILITY**.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Tobyhanna Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Article VI. **EFFECTIVE DATE.**

This Ordinance shall be effective five days after enactment.
ENACTED AND ORDAINED this 11th day of December, 2025.

Tobyhanna Township Board of Supervisors

John Kerrick, Chair

Joseph Colyer, Vice Chair

Rachel Schickling, Treasurer

Edward Tutrone, Member

Ted Wolski, Member

ATTEST:

I do hereby certify that this is a true and correct copy of Ordinance No. 579 of Tobyhanna Township that was adopted by the Tobyhanna Township Board of Supervisors on December 11, 2025.

Bethanne Eisler

Bethanne Eisler, Township Secretary