BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. ESRP 2026-1

THE MUNICIPALITIES OF RUSH TOWNSHIP, WALKER TOWNSHIP, SCHUYLKILL TOWNSHIP AND TAMAQUA BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, JOINTLY COMPRISING THE EASTERN SCHUYLKILL REGIONAL PLANNING GROUP, EACH AND INDIVIDUALLY HEREBY ENACT THIS ORDINANCE AMENDING THE EASTERN SCHUYLKILL REGIONAL PLANNING ZONING ORDINANCE TO: ADD DEFINITIONS OF DATA CENTER, DATA CENTER ACCESSORY FACILITIES, AND SHORT TERM RENTAL UNITS; AMEND DEFINITION OF MOTOR SPORTS FACILITY; ADD SHORT TERM RENTAL UNITS AS SPECIAL EXCEPTION USES IN THE W-P, A-P, R-1, R-2,R-3, R-4, G-C AND H-C ZONING DISTRICTS; DELETE WAREHOUSING AS A USE PERMITTED BY RIGHT IN THE L-I, GI-1 AND GI-2 ZONING DISTRICTS; ADD WAREHOUSES AND TRUCK TERMINALS AS CONDITIONAL USES IN THE GI-1 AND GI-2 ZONING DISTRICTS; AMENDING THE MAXIMUM IMPERVIOUS COVERAGE IN THE GI-1 and GI-2 ZONING DISTRICTS TO 70%; AMENDING THE MAXIMUM BUILDING COVERAGE IN THE GI-2 ZONING DISTRICT TO 50%; CREATE A NEW I – INDUSTRIAL ZONING DISTRCT MIRRORING THE GI-2 ZONING DISTRICT BUT IN WHICH WAREHOUSES AND TRUCK TERMINALS AND DATA CENTERS AND DATA CENTER ACCESSORY FACILITIES ARE CONDITIONAL USES; ADD A SECTION 1632 ESTABLISHING REGULATIONS FOR SHORT TERM RENTAL UNITS; REVISING SECTION 1663 REGULATIONS FOR MOTOR SPORTS FACILITY; REVISING SECTION 1689 REGULATIONS FOR TRUCK TERMINALS, WAREHOUSES AND DISTRIBUTION CENTERS; ADD A SECTION 1698 ESTABLISHING REGULATIONS FOR DATA CENTERS AND DATA CENTER ACCESSORY FACILITIES; CONTAIN REPEALER, SEVERABILITY AND EFFECTIVE DATE PROVISIONS; AND ADOPT A NEW ZONING MAP.

WHEREAS, the municipalities of Tamaqua Borough, Rush Township, Schuylkill Township, and Walker Township, (hereinafter "Participating Municipalities"), all located in Schuylkill County, Commonwealth of Pennsylvania, have joined together in a grouping titled the Eastern Schuylkill Regional Planning group (hereinafter "ESRP") to enact a common and shared Zoning Ordinance which distributes the various land uses among the Participating Municipalities;

WHEREAS, the Participating Municipalities each maintain their own individual Zoning Hearing Boards;

WHEREAS, the current version of the Zoning Ordinance is a 2019 Edition, amended and modified by amending ordinances enacted by each of the Participating Municipalities in 2022 (the 2019 Edition and the 2022 amendments shall hereinafter be jointly referred to as "Zoning Ordinance");

WHEREAS, in April and May, 2026, the Participating Municipalities have all enacted Resolutions pursuant to Section 609.2(1) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC") declaring an invalidity of the Zoning Ordinance due to the Zoning

Ordinance's failure to account for Data Centers, Warehouses and Short-term Rentals among its various land uses;

WHEREAS, each Participating Municipality desires to undertake an amendment to the Zoning Ordinance, which includes amendments to the ESRP Zoning Map(s); and

WHEREAS, all requirements of MPC, the Pennsylvania Second-Class Township Code, the Pennsylvania Borough Code, the Pennsylvania Sunshine Law, and the Zoning Ordinance, have been complied with;

NOW, THEREFORE, be it ORDAINED:

Section 1. Section 201 of the Zoning Ordinance is amended to include the following definitions:

Data Center(s): A building or group of buildings used primarily for the housing, operation or colocation of computers, computer equipment, and/or telecommunications and related equipment, including but not limited to hard drives, servers, server racks and data storage devices, for the handling, storing and backing up of electronic data, or for the processing, transferring and/or storing of digital information primarily to and from offsite locations. This use does not include computers or telecommunications equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, artificial intelligence uses, blockchain transactions processing, and server farms. A Data Center may include Data Center Accessory Facilities.

Data Center Accessory Facilities: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to utilities, utility lines, electrical substations, pump stations, water towers and holding tanks, wastewater treatment facilities, mechanical equipment and environmental controls, such as air conditioning or cooling towers and fire suppression systems, redundant/backup power supplies such as generators, redundant/backup data communications connections and security systems when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

Motor Sports Facility – Any facility or parcel(s) of land dedicated to the operation of on-road or off-road automobiles, trucks, motorcycles, all-terrain vehicles, utility vehicles, side-by-side vehicles or any other motorized vehicles or machinery and used in any of the following ways: recreational purposes where fees are charged for a membership or use of the facility or parcel(s); for recreational use for riding by non-owners of the parcel(s); where fees are charged to spectators of events; where fees are charged for food or beverages on-site; to stage competitive events; or to contain racing events, including practicing, training or instruction therefor.

Short Term Rental Unit: The lease or rental of a Dwelling or Dwelling Unit or a portion thereof by the owner(s) or person in control of said Dwelling or Dwelling Unit to a person or group of

people, whether related or not, who lease or rent the Dwelling or Dwelling Unit for a period of time not to exceed 30 consecutive days. A Short Term Rental is synonymous with the common understanding of an Airbnb or VRBO.

These definitions shall be used whether the term is capitalized or not, unless the context of the use of the term clearly implies a different meaning. The singular of the term shall include the plural, and vice versa.

Section 2. Section 403 (Uses Permitted By Special Exception in the W-P Zoning District) of the Zoning Ordinance is amended to add:

I. Short Term Rental Units, subject to Section 1632.

Section 3. Section 503 (Uses Permitted By Special Exception in the A-P Zoning District) of the Zoning Ordinance is revised to add the following:

Q. Short Term Rental Units, subject to Section 1632.

Section 4. Section 553 (Uses Permitted By Special Exception in the R-1 Zoning District) of the Zoning Ordinance is revised to add the following:

F. Short Term Rental Units, subject to Section 1632.

Section 5. Section 603 (Uses Permitted By Special Exception in the R-2 Zoning District) of the Zoning Ordinance is revised to add the following:

G. Short Term Rental Units, subject to Section 1632.

Section 6. Section 653 (Uses Permitted By Special Exception in the R-3 Zoning District) of the Zoning Ordinance is revised to add the following:

M. Short Term Rental Units, subject to Section 1632.

Section 7. Section 703 (Uses Permitted By Special Exception in the R-4 Zoning District) of the Zoning Ordinance is revised to add the following:

T. Short Term Rental Units, subject to Section 1632.

Section 8. Section 803 (Uses Permitted By Special Exception in the G-C Zoning District) of the Zoning Ordinance is revised to add the following:

K. Short Term Rental Units, subject to Section 1632.

Section 9. Section 853 (Uses Permitted By Special Exception in the H-C Zoning District) of the Zoning Ordinance is revised to add the following:

P. Short Term Rental Units, subject to Section 1632.

Section 10. Sections 902.Q., 952.Y., and 1002.Y. of the Zoning Ordinance, relating to Warehousing as a use permitted by right in the L-I, GI-1, and GI-2 Zoning Districts respectively, are deleted.

Section 11. Section 955 (Conditional Uses within the GI-1 Zoning District) of the Zoning Ordinance is revised to add the following:

B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.

Section 12. Section 956 (Area, Yard, and Height Regulations for the GI-1 Zoning District) shall be revised as follows:

MAXIMUM PERMITTED	
Impervious Coverage	70 Percent

Section 13. Section 1005 (Conditional Uses within the GI-2 Zoning District) of the Zoning Ordinance is revised to add the following:

B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.

Section 14. Section 1006 (Area, Yard, and Height Regulations for the GI-2 Zoning District for uses excepting Permitted Uses CC through HH) shall be revised as follows:

MAXIMUM PERMITTED	
Impervious Coverage	70 Percent

Section 15. Section 1007 (Area, Yard, and Height Regulations for the GI-2 Zoning District for Permitted Uses CC through HH) shall be revised as follows:

MAXIMUM PERMITTED	
Building Coverage	50 Percent
Impervious Coverage	70 Percent

Section 16. The following Sections 1100. through 1107. (relating to a newly added hereby I – Industrial Zoning District), along with Section 1108 (reserved for General Regulations) and Sections 1109. through 1499. (reserved) are added to the Zoning Ordinance as follows:

Section 1100. I – Industrial Zoning District

Section 1101. Specific Intent.

The purpose of the I Zoning District is to provide an area for heavy industry such as the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties; and serviced by a modest volume of trucks or other vehicles, and to provide areas which are suitable for extractive industry, warehouses and data centers.

Section 1102. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the I Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Assembly and Packaging Establishment

B. Automobile Service Station – Minor and Major repairs, subject to Section 1645.

C. Bakeries

D. Bottling

E. Pottery and ceramics (using only previously pulverized clay and kilns fired only by gas or electricity)

F. Bulk photo processing

G. Commercial/Industrial machinery sales/service

H. Construction or building trades company

I. Fuel oil company, subject to applicable federal, state and local fire protection standards.

J. Furniture manufacturing

K. Metal fabrication/processing

L. Millwork or other wood product manufacturing

M. Self-Storage Facility, subject to Section 1677.

N. Municipal use, subject to Section 1700.

O. (Reserved)

P. Plastics/Rubber products industry

Q. Printing, publishing, binding establishments

R. Research, engineering, or testing laboratories

S. Scientific/electronic instruments manufacturing

T. Storage of fireworks and explosives in accordance with Pennsylvania Code, Title 34. Labor and Industry. Chapter 5 Blasting, Demolition, Fireworks and Explosives, Subchapter "C". Fireworks. and Subchapter "D". Explosives.

U. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

V. Textile/garment manufacturing

W. Textile bleaching

X. Car and Vehicle Washing Facility, subject to Section 1664.

Y. No-impact Home-based Business subject to Section 1601.

Z. Forestry, subject to Section 1685.

AA. New Telecommunications Towers with or without Telecommunication Antennas, subject to Section 1678.D.

BB. Mineral extraction (Not subject to Specific Use Regulation Section 1687).

CC. Mine reclamation.

DD. Preparation Plant/Breakers.

EE. On site and open air storage of coal products and byproducts.

FF. Prepared coal storage and staging.

GG. The placement and removal of refuse (culm) banks.

HH. The following uses shall be considered permitted uses in conjunction with permitted principal uses BB. through GG. on the same parcel or individually provided however that the uses are contiguous to lands under ownership and used for principal uses BB. through GG.

1. Administrative and business offices
2. Structures for the maintenance, repair, and storage of equipment and motor vehicles
3. Rail sidings
4. Scales, scalehouses
5. Equipment and truck wash facilities

Section 1103. Accessory Uses.

A. Heliport pads, Subject to Section 1676

B. Mine water treatment and discharge

C. Soil sedimentation and erosion control

D. Off street parking

E. Installation of Solar Panels or Collectors, subject to Section 1694.D.

F. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use (Excepting provisions of Section 1002 II.) and customarily appurtenant to a principal permitted use

Section 1104. Special Exception Uses.

The following uses are permitted in the GI-2 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Asphalt manufacturers

B. Automobile Dismantling Facilities, subject to Section 1690.

C. Breweries

D. Cement plants

E. Chemical products industry

F. Fertilizer manufacturing

G. Flour mills

H. Food processing

I. Airport/Heliport, subject to Section 1676.

J. Paint manufacturing

K. Paper/Pulp mill

L. Slaughter house (commercial), subject to Section 1691.

M. Soap manufacturing

N. Solid Waste Disposal Facility, subject to Section 1686.

O. Tank farm.

P. Tanning, curing or storage of leather and skins

Q. Junkyards, subject to 1690.

R. Campgrounds and recreational vehicle parks, subject to Section 1661

S. (Reserved)

T. Coal gasification and liquefaction facilities.

U. Renewable energy production and generation, including but not limited to geothermal, hydroelectric, and solar energy, subject to pertinent Sections for the specific use.

V. Wind Energy Facility, subject to Section 1692

W. Renewable/Alternative energy source facilities, subject to Sections for the specific use.

X. Solar Energy, subject to 1694.

Section 1105. Conditional Use.

The following uses are permitted in the I Zoning District when a Conditional Use is granted by the Governing Body. Standards to be used in determining whether a Conditional Use should be granted are found in the sections of the Ordinance indicated below as well as Section 2004 of this Ordinance.

A. Gas and Oil Development, subject to Section 1695.
B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.
C. Data Centers, subject to Section 1698.
D. Data Center Accessory Facilities, subject to Section 1698.

Section 1106. Area, Yard, and Height Regulations for the I Zoning District.

(For uses excepting Permitted Uses BB. through GG.)

MAXIMUM PERMITTED

Building Height	50 Feet
Impervious Coverage	70 Percent

MINIMUM REQUIREMENTS

Lot Size	2 Acre
Lot Width	200 Feet
Building Setback Line	50 Feet
Rear Yard	50 Feet
Side Yard	
One Side	50 Feet
Total	100 Feet
Improvements Setback Line	25 Feet
Distance between Highway Access Points	75 Feet

Section 1107. Area, Yard, and Height Regulations for the I Zoning District.

(For Permitted Uses BB. through GG.)

MAXIMUM PERMITTED

Building Height	100 Feet
Building Coverage	50 Percent
Impervious Coverage	70 Percent

MINIMUM REQUIREMENTS

Lot Size 5 acres for Principal Permitted Uses (Section 1002) CC. through HH. unless otherwise stated for the Specific Use.

1 Acre for Principal Permitted Uses Section 1002 II.

Minimum Lot Size for Uses By Special Exception shall be determined by the Zoning Hearing Board unless otherwise stated for the Specific Use.

Width	150'(i)
Building Setback Line	35'
Rear Yard	25'
Side Yard, Each	*10'

(i) Lots with central water and sewer; Minimum lot width shall be 50' at the street

(*) For pre-existing non-conforming lots:

If lot width is less than 50' side setback is 5'on both sides.

Section 1108. General Regulations. (Reserved)

Section 1109. through 1499. (Reserved).

Section 17. Section 1632. is added to the Zoning Ordinance as follows:

Section 1632. Short Term Rental Units.

The following regulations shall apply to a Short Term Rental Unit (the word "Owner" shall mean the record owner, occupier, or person having control over the property on which the Short Term Rental Unit is located).

A. The Owner shall obtain a municipal permit prior to renting or leasing the Short Term Rental Unit, which may set occupancy limits or parking restrictions taking into consideration the size and location of the Short Term Rental Unit;
B. The Owner shall provide a municipal official with an emergency contact number where they can be contacted at any hour of the day or night at the time of permit application, and shall keep said information up-to-date;

C. There shall be the greater of either one off-street parking space available for each vehicle used by a renter or lessee of the Short Term Rental Unit or two parking spaces per sleeping room (bedroom);
D. The Owner shall post in a conspicuous location inside the Short Term Rental Unit the Owner's name, the manager's name if applicable, and up-to-date emergency contact information for the Owner/manager, the maximum number of guests permitted at any one time per municipal regulations or requirements; the maximum number of vehicles permitted and all applicable parking restrictions; and the trash pick-up day.
E. The exterior portions of the property hosting the Short Term Rental Unit shall be kept free of trash and debris;
F. The permit is subject to revocation if there are more than three (3) bona fide complaints about noise or disruptive behavior to the peace and quiet enjoyment of the neighborhood within any 6-month span, or three (3) bona fide violations of any of the regulations of this Section in any 6-month span;
G. No weddings, receptions or other special events shall be permitted in the Short Term Rental Unit in a manner that would exceed the occupancy limits set in any permit;
H. If the Owner resides more than 10 miles outside of the host municipality, he/she shall appoint a person as manager of the Short Term Rental Unit who does reside within 10 miles of the host municipality, and said manager must sign the permit application acknowledging acceptance of responsibility and liability for all violations of municipal ordinances at the Short Term Rental Unit.
I. All Short Term renal owners and/or agents must provide a State or Federal issued identification or driver's license, with photo,

Section 18. Section 1663 of the Zoning Ordinance, and more specifically Section 1663 A.1., is amended to include all trails to be used for recreational riding in the list of areas to be included in the site plan.

Section 19. Section 1689. of the Zoning Ordinance is amended as follows:

Section 1689. Truck Terminal; Warehouses; Distribution Center

The following regulations shall apply to Truck Terminals, Warehouses and Distribution Centers.

A. Dimensional Requirements for Truck Terminals, Warehouses and Distribution Centers.

1.	Minimum Lots Area:	10 acres
2.	Minimum Lot Width:	300 feet
3.	Minimum Front yard:	100 feet
4.	Minimum Side Yard:	100 feet
5.	Minimum Rear Yard:	100 feet

6.	Maximum Building Height:	55 feet
7.	Minimum Setback for parking Lots:	50 feet (public street); 200 feet (residential use or zoned land)
8.	Minimum Building spacing:	50 feet
9.	Maximum Impervious Surface:	60%

B. General Regulations for Truck Terminals, Warehouses and Distribution Centers

1. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred and fifty (150) feet from one another, as measured from closest points of cartway edges.

2. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

3. The use shall have direct access to an arterial street, defined as a street with an existing or proposed right-of-way width of 50 feet that is part of a major system and servicing thru-traffic needs.

4. Truck drivers shall be instructed regarding acceptable routes between the facility and the nearest expressway with respect to the class of vehicle accessing the facility, tractor trailers shall not be routed through residential neighborhoods.

5. No structure including parking areas and access driveways shall be located closer than two hundred (200) feet to any residential use property line or any property line of a School, Child Day Care Facility, Healthcare Facility, Hospital, park, or playground.

6. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.

7. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within 30 days after arrival.

8. The applicant shall establish that the proposed location and proposed intensity of the use will not cause substantial amounts of unmitigated (by traffic controls and the like) tractor-trailer truck traffic that will adversely affect residential neighborhoods, as reflected in the report required in subsection 10.d. below.

9. All outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal carcasses or similar items shall be enclosed, and no outdoor storage of these items or any inventory or raw materials shall be permitted in a front yard.

10. The applicant shall provide a detailed description of the proposed use in each of the following topics:

a. It is understood that the warehousing and truck terminal development industry is speculative. To the extent reasonably known, the applicant shall provide a narrative regarding the nature of the on-site activities and the general scale of the operation(s), the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations. To the extent unknown, the applicant shall provide information applicable to the average warehouse or truck terminal end-user, or provide such information if it becomes available.

b. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

c. The applicant shall present credible evidence that the number of off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by the warehouse activities.

d. The applicant shall furnish a traffic impact report, prepared by a professional traffic engineer, in accordance with the ESRP SALDO and in accordance with PennDOT Publication 282 to identify the projected volumes pof vehicular and truck traffic. The study shall include the analysis of reasonable affected nearby neighborhoods.

C. Truck Terminals

1. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least two hundred (200) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.

2. Trucks with compressors running twenty-four (24) hours a day shall be located within a quadrangle of buildings or walls.

3. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment lubricants, fuels, or

other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.

4. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.

5. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable state and federal regulations.

D. Warehousing; Distribution Center

1. Parking of Trucks shall be limited to those trucks picking up or delivering warehouse or wholesale materials twenty-four (24) hours prior to or after said pickup or delivery.

2. The applicant shall designate and reserve sufficient space on the site to accommodate staged or queued vehicles awaiting loading/unloading at a rate of no less than five percent (5%) of the projected maximum number of trips per day.

E. Off-Street Loading for Truck Terminals; Warehouses and Distribution Center Uses

1. Each use shall provide off-street loading facilities which meet the minimum requirements of this Section and are sufficient to accommodate the maximum demand generated by the use. At the time of site plan or land development review, the applicant shall provide evidence to the municipality of whether the use will have a sufficient number and sizes of loading facilities.

2. A minimum of one off-street loading space per loading dock must be provided. Spaces for tractor trailers must measure at least 12 feet by 80 feet.

3. Each loading space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas and street rights-of-way.

4. Each loading space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it creates a safety hazard, public nuisance or an impediment to traffic off the lot.

6. Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the municipal Fire Marshal (or other duly designated emergency services official serving the municipality).

7. All access and parking areas shall be paved.

F. Additional requirements for Warehouse/Truck Terminal Uses

1. In addition to off-street loading facilities, each use shall provide one and one half (1.5) off-street parking space for each employee on the largest shift or one (1) space for every 4,000 square feet of gross building footprint, whichever is greater; plus one (1) space for each company vehicle normally stored on the premises.

G. Buffer Yard for Truck Terminals; Warehouse and Distribution Centers

1. Such uses where vehicle parking, outdoor storage and/or loading/unloading areas are visible from beyond the exterior lot lines of the use by a residential use or residential zoning district shall be screened by a 50 feet wide/deep buffer yard; provided further that for any parcel/lot with existing woodland (an area of land that trees and bushy undergrowth cover and form a screen) within the front yard setback, such woodland shall either be preserved to the extent possible, or, if removed or disturbed during construction, shall be replaced with the buffer described herein below regardless of the neighboring use or zoning district. This buffer yard shall include a dense landscape buffer consisting of all of the following:

   a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1 (narrow species: large evergreen). No more than 25% of total required large evergreen species can be substituted with narrow/upright species.

   b. One canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting

   c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.

   d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

2. Plant material within buffer plantings shall meet the following requirements:

   a. Be resistant to diesel exhaust;

b. Not be identified on the most current PA DCNR invasive species or watch lists; and;
c. Be hardy within the applicable USDA hardiness Zone.
d. Shall be planted on the exterior of any required berm (or exterior side of a wall or fence if permitted in lieu of a berm).
e. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
f. Shall be arranged in groupings to allow for ease of maintenance and to provide a naturalized appearance.
g. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

3. Proposed plantings shall be reviewed and approved by the municipality.

4. Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.

H. Berms for Truck Terminals; Warehouse and Distribution Centers

Vehicle parking, outdoor storage, loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines shall be separated from such lot lines by an earthen berm; except no earthen berm shall be required where the exterior lot line abuts an interstate highway, a right-of-way separating a parcel/lot or parcels/lots within the same land development, or a parcel/lot on which at the time of plan submission for the project is woodland (an area of land that trees and bushy undergrowth cover and form a screen). Such berm shall meet the following conditions:

1. A minimum of five (5) feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

2. The top of the berm shall be a minimum of 5' wide.

3. Have a maximum side slope of three horizontal to one vertical.

4. Be covered by a well-maintained all season natural ground cover, such as grass.

I. Amenities for Truck Terminal Uses

Each and every building containing a Truck Terminal use shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site employees. The following provision shall apply:

1. The amenities shall include, at a minimum, a suitable lounge for drivers/operators, with restroom facilities, including at least three sinks, stalls, etc. per restroom, and dispensing machines or other facilities to provide food and beverages.

2. At least one amenity shall be provided for every thirty (30) truck loading/unloading docks/doorways of the use.

3. The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways of the use. Each amenity shall contain not less than one seat per ten (10) docks/doorways, with a minimum area to accommodate six seats and one four-person table.

4. Parking for the amenity shall be provided in close proximity to the amenity and in a suitable, safe, and separately defined location. There shall be at least one twelve-foot by eighty-foot truck parking space per each required lounge seat of the amenity provided.

5. Trucks parked in amenity parking spaces shall not leave engines idling unless permitted by State or Federal law. Electrical outlets shall be included in parking areas for trucks to utilize.

6. All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated amenity parking spaces unless all such spaces are already occupied.
7. This use shall reserve a minimum of 5% of the proposed total tractor-trailer parking spaces for outbound trucks which are required to layover or rest due to hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.

Section 20. Section 1698. Is added to the Zoning Ordinance as follows:

Section 1698. Data Centers.

The following regulations shall apply to Data Centers and Data Center Accessory Facilities.

A. Dimensional Requirements

1.	Minimum Lots Area:	30 acres
2.	Minimum Lot Width:	300 feet

3.	Minimum Front yard:	100 feet
4.	Minimum Side Yard:	100 feet
5.	Minimum Rear Yard:	100 feet
6.	Maximum Building Height:	50 feet
7.	Minimum Setback for parking Lots:	50 feet (public street); 200 feet (residential use or zoned land)
8.	Minimum Building spacing:	50 feet
9.	Maximum Impervious Surface:	60%

B. Buffer Yard

1. Where such uses, vehicle parking, outdoor storage and/or loading/unloading areas are visible from beyond the exterior lot lines of the use shall be screened by a 50 feet wide/deep buffer yard. This buffer yard shall include a dense landscape buffer consisting of all of the following:

   a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1 (narrow species : large evergreen). No more than 25% of total required large evergreen species can be substituted with narrow/upright species.

   b. One canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at time of planting.

   c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.

   d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

   e. Plant material within buffer plantings shall meet the following requirements:

i. Be resistant to diesel exhaust;
ii. Not be identified on the most current PA DCNR invasive species or watch lists; and
iii. Be hardy within the applicable USDA hardiness Zone.
iv. Shall be planted on the exterior of any required berm (or exterior side of a wall or fence if permitted in lieu of a berm).
v. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
vi. Shall be arranged in groupings to allow for ease of maintenance and to provide a naturalized appearance.
vii. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

f. Proposed plantings shall be prepared by a registered Landscape Architect and shall be reviewed and approved by the municipality.

g. Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.

C. Berm

Where such uses, vehicle or tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from an area within 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:

1. A minimum of five (5) feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

2. The top of the berm shall be a minimum of 5' wide.

3. Have a maximum side slope of three horizontal to one vertical.

4. Be covered by a well-maintained all season natural ground cover, such as grass.

D. Additional Requirements

1. All access and parking areas shall be paved.

2. The use shall not be approved unless the applicant demonstrates that procedures for fire protection, suppression, containment, ventilation and evacuation are sufficiently protective of public health, safety and welfare, and shall comply with National Fire Protection Association (NFPA) standards.

3. Fire Lanes shall be provided where required by state and federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the Municipality's Fire Marshal (or other duly designated emergency services officials serving the Municipality).

4. The applicant shall submit an emergency response plan which shall be reviewed by the local fire department and emergency management coordinator at least 30 days prior to the conditional use hearing, shall include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency vehicles, and shall include detailed procedures for fire suppression, containment, ventilation and evacuation. The applicant shall provide training to the fire department providing emergency services to the Data Center or the Data Center Accessory Facilities at the reasonable request of the Municipality. There shall also be provisions made for annual fire safety inspections performed by a qualified person approved by the Municipality with the costs paid by the facility operator.

5. The use shall have direct access to an arterial street, defined as a street with an existing or proposed right of way width of at least 50 feet that is part of a major system servicing through traffic needs.

6. Where gates, guard shacks or check points are proposed at such facilities, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets.

7. A minimum of three (3) loading spaces shall be required. The applicant may request, within their Conditional Use application, fewer loading spaces, subject to review and approval by the Municipality, in consideration of whether vehicle queuing impairs the ability of first responders to access the property.

8. The minimum number of parking spaces shall be twice the maximum number of employees on site during the largest shift.

9. No outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances or similar items shall be permitted.

10. External security fencing is required and shall not exceed 12 feet in height. No barbed wire or chain-line fencing shall be permitted. Such fencing shall be wrought iron/metal or a similar style of fence approved by the Municipality.

11. The applicant shall provide a general description of the on-site activities and operations.

12. The applicant shall provide a general description of the scale of the use in terms of its allocated floor space for each activity.

13. The applicant shall submit a detailed description of the type of cooling system including all sourced components required for the system to be used as part of the operation.

14. The applicant shall provide an interconnection or other agreement from the electric service provider indicating that capacity is available and the Data Center or Data Center Accessory Facilities will be served by such sources. If the applicant proposes to connect the Data Center or the Data Center Accessory Facilities to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available, and that electric service provider will serve the project. Any known impacts on electric rates or availability for other uses directly attributable to the project shall be noted.

    a. Any energy generation system designed or used to supply power directly to the project during normal operations, including but not limited to wind, solar, fossil fuel, or nuclear energy generating systems shall be considered to be a different use and shall require compliance with all zoning regulations applicable to such use.

    b. The anticipated usage of standby generators must be identified. Standby generators are subject to maximum noise level requirements of item 15.

15. Applicant shall provide a sound study conducted by an independent professional acoustical expert that the installation of one or more sound reducing materials or systems will effectively reduce the sound generated by the Data Center or the Data Center Accessory Facilities during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to, generators running) to a maximum daytime (7:00am to 8:00 pm Monday – Friday) decibel level of 75 dB(A) and a maximum nighttime (8:00pm to 7:00am Monday – Friday and the 48 – hour period of Saturday and Sunday) decibel level of 57 dB(A) as measured from the property lines of the parcel(s) on which the Data Center or the Data Center Accessory Facilities are located. Sound from the use shall not exceed such levels, except for the operation of emergency equipment and routine testing and maintenance of emergency equipment (that occurs monthly during daytime hours).

16. An as-built sound study shall be conducted by the applicant subject to review of the Municipality six months after issuance of the certificate of occupancy for any Data Center and associated Data Center Accessory Facilities, and prior to the final escrow release for any land development phase, to ensure compliance with required decibel levels.

17. Any sound measurements shall be conducted using sound level meters described in ASA/ANSI S1.4-2014 and using generally accepted criteria.

18. The applicant shall demonstrate that adequate means of wastewater treatment and disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, are provided to ensure protection of the public health, safety and welfare. Any required approvals form the municipal sewer enforcement officer and the Pennsylvania Department of Environmental Protection shall be obtained.

19. Applicant shall prepare and submit a traffic impact study in accordance with PennDOT Publication 282 to identify the projected volumes of vehicular and truck traffic during construction and operation.

20. The Applicant shall provide an environmental impact study containing a description of any environmental impacts that are likely to be generated in the areas of odor, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, or solid waste from the Data Center or the Data Center Accessory Facilities, and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the project fall within acceptable levels, as regulated by applicable laws and ordinances.

21. In order to provide protection to the local water supply the applicant shall submit the following items:

    a. An analysis of water needs (groundwater or surface water) from either private or public sources indicating the quantity and frequency of water required.

    b. If the water source is from a municipal or public system, the applicant shall submit documentation that the supplier has the capacity to meet water consumption requirements of the proposed development.

    c. Identification of how water will be recycled, treated and disposed of.

    d. If the water source is from a private supplier, the applicant shall submit information relating to said supplier including its name and a copy of any contract or agreement.

    e. If any water source is from an on-site well, the applicant shall submit a water feasibility study. The purpose of the study shall be to determine if there is an adequate supply of water for the Data Center and the Data Center Accessory Facilities and to estimate the impact of the project on existing wells in the vicinity. The water feasibility study shall include the following minimum information:

        i. Calculations of the projected water needs;
        ii. A geologic map of the area with a radius of at least one mile from the site of the Data Center and the Data Center Accessory Facilities;

iii. The location of all existing and proposed wells within 1,000 feet of the site of the Data Center and the Data Center Accessory Facilities, with a notation of the capacity of all existing and proposed wells;

iv. The location of all streams within 1,000 feet of the site of the Data Center and the Data Center Accessory Facilities and its water source;

v. The long-term yield of the on-site water source shall be determined based on the geological formations underlying the site of the Data Center and the Data Center Accessory Facilities;

vi. An analysis and determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table;

vii. Identification of how water will be recycled, treated and disposed of.; and

viii. The water supply analysis shall be prepared by a Hydrogeologist, licensed in the Commonwealth of Pennsylvania and shall include a statement of the qualification(s) and the signature(s) of the person(s) preparing the study.

Section 21. The Zoning Map referenced by the date August 7, 2026, prepared by the Schuylkill County Planning, Zoning & GIS, is adopted as the new Zoning Map of the Municipality.

Section 22. The Zoning Ordinance (both the 2019 Edition and the 2022 amendments) remains in full force and effect except to the extent necessary to give effect to the provisions of this Ordinance.

Section 23. If any part or provision of this Ordinance is found illegal or unenforceable by a court of competent jurisdiction or an entity empowered by law to make such a determination, the rest and remainder of this Ordinance shall remain in full force and effect as if enacted without the part or provision found illegal or unenforceable.

Section 24. This Ordinance shall be effective immediately upon the enactment of the version of it by the last of the Participating Municipalities to enact it.

ORDINANCE ENACTMENT – RUSH TOWNSHIP

Duly enacted by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, this 6 day of October, 2026 in lawful session duly assembled.

TOWNSHIP OF RUSH

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Secretary

ORDINANCE ENACTMENT – SCHUYLKILL TOWNSHIP

Duly enacted by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, this 6th day of October, 2026 in lawful session duly assembled.

TOWNSHIP OF SCHUYLKILL

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Assistant Secretary/Treasurer

ORDINANCE ENACTMENT – WALKER TOWNSHIP

Duly enacted by the Board of Supervisors of the Township of Walker, Schuylkill County, Pennsylvania, this 6th day of October, 2026 in lawful session duly assembled.

TOWNSHIP OF WALKER

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Secretary/Treasurer

ORDINANCE ENACTMENT – BOROUGH OF TAMAQUA

Duly enacted by the Borough Council of the Borough of Tamaqua, Schuylkill County, Pennsylvania, this 6th day of OCTOBER, 2026 in lawful session duly assembled.

BOROUGH OF TAMAQUA

BY: _____
PRESIDENT

BY: _____
MAYOR

Attest: _____
Secretary