

ORDINANCE NO. _____

**MILFORD TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

AN ORDINANCE OF MILFORD TOWNSHIP BOARD OF SUPERVISORS AMENDING THE MILFORD TOWNSHIP ZONING ORDINANCE BY ADDING DEFINITIONS OF “HIGH-DENSITY COMPUTING SYSTEM,” “DATA CENTER,” AND “DATA CENTER ACCESSORY USES/STRUCTURES” TO ARTICLE IV; ESTABLISHING DATA CENTERS AND DATA CENTER ACCESSORY USES/STRUCTURES AS A CONDITIONAL USE WITHIN THE PI – PLANNED INDUSTRIAL DISTRICT; AND ESTABLISHING ARTICLE IV, SECTION 404(G)(19), SETTING FORTH OBJECTIVE DEVELOPMENT STANDARDS, PERFORMANCE STANDARDS, OPERATIONAL REQUIREMENTS, CONTINUING COMPLIANCE REQUIREMENTS, CONDITIONAL USE CRITERIA, AND RELATED ADMINISTRATIVE PROVISIONS FOR DATA CENTERS.

PREAMBLE

The Board of Supervisors of Milford Township hereby finds, determines, and declares that the adoption of this Ordinance is authorized by the Pennsylvania Municipalities Planning Code, the Second-Class Township Code, and the Township's police powers to protect the public health, safety, and welfare.

The Board of Supervisors further finds that the rapid growth of artificial intelligence computing, cloud computing, high-performance computing, and other forms of digital infrastructure has created land uses possessing operational characteristics substantially different from traditional office, warehouse, commercial, and industrial development.

The Board of Supervisors further finds that such facilities frequently require extraordinary electrical infrastructure, extensive utility improvements, specialized cooling systems, emergency power generation, substantial security measures, and unique emergency response planning that may create impacts not adequately addressed by the existing provisions of the Milford Township Zoning Ordinance.

The Board therefore finds that Data Centers constitute a distinct land use requiring additional zoning standards to ensure compatibility with surrounding development while allowing such facilities to be located within appropriate industrial areas of the Township:

A. Purpose.

The purpose of this Ordinance is to establish comprehensive zoning regulations governing the location, design, construction, operation, expansion, modification, and continued operation of Data Centers and associated accessory uses in a manner that:

1. Protects the public health, safety, and welfare;

2. Promotes the orderly development of digital infrastructure within areas designated for industrial development.
3. Protects neighboring properties from unreasonable adverse impacts associated with electrical infrastructure, cooling systems, emergency power generation, lighting, noise, traffic, security features, and related operational characteristics.
4. Ensures that Data Centers are served by utility infrastructure capable of supporting the proposed development while recognizing that the Township's review of utility infrastructure is limited to matters properly regulated through zoning, land development, public safety, and site design and is not intended to regulate matters subject to the exclusive jurisdiction of public utilities, the Pennsylvania Public Utility Commission, the Federal Energy Regulatory Commission, or other governmental agencies.
5. Protects existing and planned municipal infrastructure, public roads, emergency services, groundwater resources, stormwater facilities, and other public improvements.
6. Establishes objective development standards that provide predictability for applicants while ensuring that proposed facilities demonstrate compliance with this Ordinance.
7. Provides clear standards for evaluating utility-related land development impacts, including electrical demand, utility corridors, substations, cooling systems, emergency access, stormwater management, grading, buffering, screening, and related site improvements.
8. Encourages efficient use of land and infrastructure through coordinated planning of principal buildings, accessory facilities, and utility systems.
9. Establishes continuing compliance requirements to ensure that approved facilities remain in compliance with applicable zoning standards throughout their operational life.
10. Establishes procedures for review of future expansions and modifications based upon measurable increases in land use impacts rather than routine maintenance or replacement of equipment.

B. Legislative Findings.

The Board of Supervisors further finds and determines that:

1. Modern Data Centers differ substantially from conventional industrial, warehouse, manufacturing, office, and commercial uses because they frequently require significantly greater electrical demand, cooling capacity, utility infrastructure, emergency power generation, communications systems, security measures, and supporting infrastructure.

2. The continuing growth of artificial intelligence computing, machine learning, cloud computing, high-performance computing, and similar technologies has significantly increased the electrical demand, cooling requirements, and infrastructure needs of modern Data Centers.
3. Large-scale Data Centers may require substantial public or private utility infrastructure, including electrical substations, transmission facilities, switchgear, transformers, backup generation, Battery Energy Storage Systems (BESS), cooling equipment, water supply infrastructure, wastewater facilities, and communications systems that are not typically associated with conventional industrial development.
4. The location and design of such facilities may affect neighboring land uses through construction activities, traffic, lighting, noise, visual impacts, emergency operations, utility infrastructure, and other site-specific conditions that are appropriately addressed through zoning and land development regulation.
5. The Township has a legitimate governmental interest in establishing objective zoning standards regulating the location, site design, buffering, landscaping, emergency access, utility coordination, environmental protection, and operational characteristics of Data Centers while avoiding regulation of matters preempted by federal or state law.
6. The Board of Supervisors further finds that objective development standards provide greater predictability for property owners, applicants, neighboring property owners, Township officials, and reviewing courts than standards based primarily upon subjective determinations.
7. Conditional Use review remains appropriate for Data Centers because site-specific conditions—including utility-related land development improvements, emergency access, environmental constraints, buffering, transportation impacts, and compatibility with surrounding development—may vary significantly among individual sites and require evaluation based upon competent evidence presented during the public hearing process.
8. Nothing contained in this Ordinance is intended to regulate the generation, transmission, distribution, reliability, dispatch, pricing, or operation of public utilities except to the extent that utility facilities constitute land development or site improvements subject to municipal regulation under applicable law.
9. The standards established herein are intended to supplement the general provisions of the Milford Township Zoning Ordinance and shall be interpreted as minimum standards necessary to protect the public health, safety, and welfare while providing reasonable opportunities for the development of Data Centers within the PI Planned Industrial District.

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Board of Supervisors of the Milford Township, Bucks County, Pennsylvania, as follows:

SECTION ONE

Definitions

Section 400 G of the Milford Township Zoning Ordinance is hereby amended as follows:

Section G19 Data Center.

High-Density Computing Systems

A computing system, server installation, processor array, graphics processing unit (GPU) installation, accelerator array, storage architecture, or similar digital computing equipment characterized by electrical demand, rack density, cooling demand, heat generation, power distribution requirements, or utility infrastructure substantially greater than that typically associated with conventional office, commercial, warehouse, or light industrial uses.

High-Density Computing Systems include, but are not limited to:

- artificial intelligence computing;
- machine learning;
- high-performance computing (HPC);
- cloud computing;
- large-scale data processing;
- scientific computing;
- digital rendering;
- blockchain or distributed ledger processing where otherwise permitted by this Ordinance; and
- other computing technologies having substantially similar infrastructure demands.

Data Center

A principal use consisting of one or more buildings designed, constructed, or operated primarily for the processing, storage, routing, transmission, switching, management, hosting, analysis, or distribution of electronic or digital information through computer servers, High-Density Computing Systems, telecommunications equipment, networking equipment, storage equipment, or similar digital infrastructure.

A Data Center may include facilities devoted to cloud computing, artificial intelligence, machine learning, scientific computing, digital communications, enterprise computing, governmental operations, institutional operations, research computing, or other substantially similar computing functions.

The classification of a facility as a Data Center shall be determined by its principal land use and operational characteristics rather than by ownership, tenant identity, or specific computing technology.

Data Center Campus

One or more Data Centers developed upon a single tract or upon contiguous tracts operating as an integrated development utilizing common access, utility infrastructure, stormwater management facilities, security systems, internal roadways, or other shared improvements.

For purposes of this Ordinance, the aggregate impacts of a Data Center Campus shall be considered during zoning and land development review.

Data Center Accessory Uses/Structures

A building, structure, facility, equipment installation, utility improvement, mechanical system, security feature, or other improvement customarily incidental and subordinate to an approved Data Center and located upon the same tract unless otherwise approved or required by the serving public utility.

Accessory Uses and Structures include, including but not limited to:

- Administrative offices;
- Battery Energy Storage Systems (BESS);
- Chillers;
- Communications equipment;
- Computer support buildings
- Cooling towers;
- Domestic water facilities;
- Electrical substations;
- Emergency generators;
- Fencing;
- Fiber optic infrastructure;
- Fuel polishing systems;
- Fuel storage systems;
- Guard houses;
- Internal roadways;
- Landscaping;
- Loading areas;

- Maintenance buildings;
- Mechanical equipment yards;
- Microwave communications equipment;
- Non-contact cooling water systems;
- Parking areas;
- Pump stations;
- Satellite communications equipment;
- Screening walls
- Security barriers;
- Security buildings;
- Stormwater management facilities;
- Storage buildings;
- Switchgear;
- Transformers;
- Utility corridors;
- Utility vaults;
- Wastewater treatment facilities serving the Data Center;
- Water storage facilities;
- Water towers;
- Similar improvements customarily associated with the construction or operation of a Data Center.

Accessory Uses and Structures shall not be deemed separate principal uses solely because they are owned, operated, or maintained by a public utility, contractor, or third-party service provider.

Battery Energy Storage System (BESS)

One or more devices, assemblies, or systems capable of storing electrical energy for later use, including associated batteries, battery racks, enclosures, inverters, transformers, fire suppression equipment, thermal management systems, controls, and related infrastructure.

The term includes all associated equipment necessary for the safe operation of the system.

Backup Power System

One or more emergency generators, fuel systems, transfer switches, electrical controls, emissions control equipment, and related infrastructure intended to provide electrical service during utility interruptions, emergency conditions, reliability events, maintenance activities, or testing.

Utility Infrastructure

Electrical substations, switching stations, transformers, transmission facilities, distribution facilities, utility corridors, utility easements, communications facilities, water systems, wastewater facilities, cooling water systems, fuel systems, and other utility improvements serving a Data Center.

For purposes of this Ordinance, Utility Infrastructure is regulated solely with respect to land development, site design, public safety, buffering, screening, emergency access, stormwater management, grading, and other matters within the Township's zoning authority

Utility Impact Assessment

A report prepared, signed, and sealed by one or more Professional Engineers licensed in the Commonwealth of Pennsylvania identifying the existing and proposed utility demands of a Data Center and demonstrating compliance with the requirements of this Ordinance relating to land development, utility infrastructure, emergency access, environmental protection, and public safety.

The Utility Impact Assessment shall not constitute approval by any public utility nor certify future utility availability beyond information supplied by the applicable utility providers.

Major Modification

Any change to an approved Data Center that materially increases off-site impacts or materially changes the operational characteristics upon which Conditional Use approval was based, including but not limited to:

- construction of additional principal buildings;
- material increases in approved electrical demand;
- installation of additional substations;
- material increases in backup generation capacity;
- material increases in Battery Energy Storage System capacity;

- material increases in water withdrawal or wastewater generation;
- expansion of principal access roads;
- other changes determined by the Zoning Officer to materially increase off-site impacts.

Routine maintenance, replacement in kind, repairs, equipment upgrades that do not materially increase off-site impacts, software upgrades, server replacement, and internal equipment reconfiguration shall not constitute Major Modifications.

Minor Modification

A modification determined by the Zoning Officer to constitute routine maintenance, replacement, repair, modernization, or equipment replacement that does not materially increase the off-site impacts evaluated during Conditional Use approval and does not require additional discretionary approval under this Ordinance.

SECTION TWO Applicability, Authorization, General Compliance, and Interpretation

A. Applicability.

The provisions of this Section shall govern the establishment, construction, operation, expansion, modification, and continuing operation of every Data Center and every Data Center Accessory Use or Structure within Milford Township.

Data Centers shall be permitted only within the PI – Planned Industrial District and only upon approval as a Conditional Use in accordance with this Section, Article X, Section 1108, and all other applicable provisions of the Milford Township Zoning Ordinance.

Except as expressly modified herein, all applicable provisions governing zoning, subdivision and land development, stormwater management, building construction, fire protection, environmental protection, and public improvements shall remain fully applicable.

B. Coordination with Other Township Regulations

Approval under this Section shall not relieve an applicant from complying with the Milford Township Subdivision and Land Development Ordinance ("SALDO"), Stormwater Management Ordinance, Building Code, Fire Code, or any other applicable Township ordinance. Where both this Ordinance and the SALDO regulate the same subject matter:

- this Section shall govern the use, location, and development standards applicable to Data Centers;
- the SALDO shall govern engineering design, public improvements, construction details, and land development procedures;

- where both apply, the applicant shall comply with each unless expressly provided otherwise.

This Section shall be interpreted to complement, and not duplicate, Township land development regulations

C. Intent.

The standards contained in this Section establish minimum objective zoning requirements governing Data Centers.

Compliance with these standards shall not relieve any applicant from obtaining any permit, approval, certification, authorization, or review otherwise required by federal law, Commonwealth law, Bucks County regulations, public utilities, or other governmental agencies having jurisdiction.

Nothing contained herein shall be interpreted as relieving an applicant from demonstrating compliance with any other applicable provision of the Milford Township Zoning Ordinance.

D. Conditional Use Authorization.

Because of their unique operational characteristics, Data Centers are classified as a Conditional Use within the PI Planned Industrial District.

Conditional Use approval is intended to provide for the evaluation of site-specific conditions that cannot be addressed solely through objective dimensional standards, including but not limited to emergency access, environmental constraints, utility-related land development improvements, buffering, traffic impacts, and compatibility with adjoining land uses.

The Board of Supervisors shall evaluate Conditional Use applications in accordance with the objective standards of this Section, Article X, Section 1108, and the Conditional Use criteria set forth in Subsection O.

E. Relationship to Other Ordinance Provisions.

Where this Section imposes standards more restrictive than other provisions of the Milford Township Zoning Ordinance, this Section shall govern.

Where another applicable provision of the Milford Township Zoning Ordinance establishes a more restrictive requirement, the more restrictive requirement shall apply unless this Section expressly provides otherwise.

Nothing contained herein shall be construed to waive, reduce, or supersede any requirement established by another Township ordinance unless expressly stated.

F. General Compliance.

Every Data Center and every Data Center Accessory Use or Structure shall be designed, constructed, operated, maintained, expanded, and modified in continuous compliance with the following:

- 1) this Section;
- 2) Article V;
- 3) Article X;
- 4) all other applicable provisions of the Milford Township Zoning Ordinance;
- 5) all applicable subdivision and land development approvals;
- 6) all applicable federal, Commonwealth, County, and Township statutes, ordinances, permits, licenses, and approvals.

Compliance with this Section shall constitute a continuing obligation throughout the life of the facility.

G. Demonstration of Compliance.

Whenever this Section requires submission of a report, study, analysis, certification, plan, or other technical document, the submission shall demonstrate, through competent professional analysis, that the proposed development complies with the applicable requirements of this Ordinance.

Submission of information alone shall not constitute compliance unless the submitted information demonstrates compliance with the applicable ordinance standards.

Reports that merely describe existing conditions without evaluating compliance shall be deemed incomplete.

H. Alternative Compliance

Where this Section establishes a design standard, the Board of Supervisors may approve an alternative design by Conditional Use approval upon determining, based upon competent professional evidence, that:

- 1) the alternative provides equal or greater protection of the public health, safety, and welfare;
- 2) the purposes of the applicable standard are satisfied;
- 3) surrounding properties will receive protection equal to or greater than that provided by strict compliance.

I. Professional Certifications.

Unless expressly provided otherwise, all engineering reports, studies, plans, analyses, calculations, certifications, and technical submissions required by this Section shall be

prepared, signed, and sealed by qualified professionals licensed or otherwise authorized to practice within the Commonwealth of Pennsylvania.

Nothing contained herein shall require any professional to certify matters beyond the professional's area of expertise or beyond information reasonably available at the time of certification.

J. Supplemental Information.

Where information submitted by the applicant does not reasonably demonstrate compliance with the objective standards of this Ordinance, the Township may require supplemental information reasonably necessary to determine compliance.

Supplemental information shall be limited to matters directly relevant to unresolved ordinance requirements and shall not duplicate information previously submitted unless material deficiencies are identified.

K. Independent Professional Review.

The Township may retain qualified professional consultants, including engineers, hydrogeologists, acoustical engineers, traffic engineers, utility consultants, environmental consultants, architects, landscape architects, or other specialists, to review submissions required by this Section.

Such review shall be limited to determining compliance with the applicable provisions of this Ordinance and applicable engineering standards.

L. Utility Jurisdiction.

The provisions of this Section relating to electrical demand, substations, utility infrastructure, transmission facilities, distribution facilities, communications infrastructure, water systems, wastewater systems, fuel systems, and related utilities are adopted solely for purposes of land use regulation, zoning, subdivision and land development review, emergency access, buffering, screening, environmental protection, stormwater management, grading, site design, public safety, and protection of neighboring properties.

Nothing contained herein shall regulate or be interpreted to regulate the following:

- 1) electrical generation;
- 2) utility rates;
- 3) utility reliability;
- 4) utility dispatch;

- 5) transmission operations;
- 6) distribution operations;
- 7) interconnection approvals;
- 8) public utility service obligations; or
- 9) any matter within the exclusive jurisdiction of the Pennsylvania Public Utility Commission, the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, PJM Interconnection, or any other governmental authority.

M. Rules of Interpretation.

The standards established by this Section shall be interpreted as minimum requirements adopted for the protection of the public health, safety, and welfare.

The listing of specific equipment, technologies, computing systems, cooling systems, utility infrastructure, or accessory facilities shall be illustrative and shall not be interpreted as limiting the applicability of this Section to future technologies having substantially similar land use characteristics or impacts.

Whenever a provision of this Section refers to compliance with another Article of the Milford Township Zoning Ordinance, such reference shall include any successor provision adopted by amendment.

SECTION THREE Development Standards

The purpose of this Article is to establish objective development standards governing the location, layout, design, buffering, access, and physical characteristics of Data Centers to promote compatibility with surrounding development while providing predictable standards for applicants.

A. Principal and Accessory Uses.

Following Conditional Use approval of a Data Center, Data Center Accessory Uses and Structures shall be permitted by right, provided they:

- 1) remain subordinate to the principal Data Center;
- 2) serve only the approved Data Center or Data Center Campus;
- 3) comply with this Section and all applicable Township ordinances;
- 4) do not materially increase off-site impacts beyond those approved through the Conditional Use process.

Utility Infrastructure. Electrical substations, switchgear, transformers, Battery Energy Storage Systems (BESS), generators, cooling facilities, communications infrastructure, fuel systems, utility vaults, utility corridors, and similar infrastructure serving the approved Data Center shall be considered permitted accessory uses and shall not constitute separate principal uses solely because of their ownership, operational control, or utility function.

Building Separation. Mechanical equipment, utility equipment, substations, cooling systems, BESS installations, emergency generators, fuel systems, transformers, switchgear, communications facilities, and similar accessory improvements shall not be considered principal buildings for purposes of building separation, provided all applicable building, fire, electrical, and safety codes are satisfied.

B. Area and Bulk Regulations.

The following standards shall apply to every Data Center:

Requirement	Standard
Minimum Lot Area	5 acres
Minimum Lot Width	500 feet
Minimum Public Road Frontage	200 feet
Maximum Principal Building Height	60 feet
Maximum Building Height by Conditional Use Approval	80 feet
Maximum Accessory Structure Height	50 feet
Maximum Building Coverage	60%
Maximum Impervious Coverage	60%
Minimum Landscaped Open Space	20%
Minimum Front Yard	250 feet
Minimum Side Yard	250 feet
Minimum Rear Yard	250 feet
Minimum Setback from External Public Road	200 feet
Minimum Setback from Existing Residential Dwelling	1,000 feet
Minimum Setback from Residential Zoning District	1,000 feet

C. Building Height.

Principal buildings shall not exceed sixty (60) feet in height unless the applicant demonstrates through sealed engineering plans that additional height is required for mechanical equipment, cooling systems, structural requirements, or similar operational needs.

The Board of Supervisors may approve a building height not exceeding eighty (80) feet upon finding that the increased height:

- is necessary for the intended operation;
- will comply with all setback requirements;
- will comply with applicable noise standards;
- will comply with lighting standards;
- will not materially increase visual impacts after required buffering and screening.

D. Lot Coverage.

Building coverage and impervious coverage calculations shall include all principal buildings, accessory buildings, substations, switchyards, cooling facilities, parking areas, loading areas, internal roadways, fuel storage facilities, utility compounds, and other impervious improvements unless expressly excluded by this Ordinance.

E. Landscape Open Space.

A minimum of twenty percent (20%) of the gross tract area shall remain landscaped open space. The following areas shall not be credited toward the required landscaped open space:

- buildings;
- parking lots;
- loading areas;
- utility compounds;
- substations;
- fuel storage;
- outdoor storage;
- mechanical yards;
- paved access roads.

Stormwater management facilities may be credited only where designed as landscaped naturalized features approved by the Township.

F. Buffer Yards.

A continuous landscape buffer having a minimum width of one hundred (100) feet shall be provided wherever a Data Center abuts the following:

- 1) an existing residential dwelling;
- 2) a residential zoning district;
- 3) a public park;
- 4) a school property;
- 5) a preserved agricultural property;
- 6) a designated conservation easement.

Buffer Components. The required buffer shall include the following:

- evergreen screening;
- deciduous shade trees;
- understory vegetation;
- native shrubs;
- ground cover;
- earth berms where appropriate;
- fencing where necessary;
- walls where appropriate.

Screening Requirements. The following shall be completely screened from adjoining residential properties and public roads:

- generators;
- substations;
- switchgear;
- transformers;
- cooling towers;
- chillers;
- fuel tanks;
- loading docks;

- service yards;
- mechanical equipment;
- refuse facilities.

Existing Vegetation. Existing mature vegetation preserved as part of the approved landscape plan may receive credit toward required screening where it provides equivalent or greater year-round screening than newly planted material.

G. Architectural Standards.

Any building façade exceeding one hundred fifty (150) linear feet and visible from a public street or residential property shall incorporate façade articulation at intervals not exceeding one hundred fifty (150) feet.

Acceptable articulation shall include at least three of the following:

- changes in wall plane;
- changes in exterior materials;
- changes in color;
- pilasters;
- architectural reveals;
- horizontal projections;
- vertical projections;
- glazing;
- canopies;
- entrance features;
- green walls;
- landscape courts;
- public art;
- equivalent architectural features approved by the Township.

The purpose of these standards is to reduce apparent building mass while recognizing the functional requirements of secure industrial facilities.

H. Highway Access.

Every Data Center shall obtain primary vehicular access from:

- an arterial roadway;

- or another roadway demonstrated by a traffic impact study to possess sufficient capacity for anticipated construction traffic, employee traffic, freight traffic, emergency

Construction Access. Temporary construction access shall be identified on the approved Construction Management Plan and shall minimize impacts upon local residential streets.

I. Reserved Utility Corridors.

Where future phases are proposed, the land development plan shall identify reserved utility corridors sufficient to accommodate reasonably anticipated future utility infrastructure, including electrical transmission, distribution, communications facilities, water, wastewater, stormwater, and emergency access improvements.

Identification of future utility corridors shall not authorize future construction without approvals otherwise required by this Ordinance.

SECTION FOUR Utility Infrastructure and Engineering Standards

The purpose of this Article is to require sufficient engineering information to demonstrate compliance with the land development, environmental protection, emergency access, public safety, and site design requirements of this Ordinance.

Nothing contained herein regulates the operation of public utilities or matters under the jurisdiction of federal or Commonwealth utility regulatory agencies.

A. General Utility Standards.

Every Data Center shall be designed, constructed, and operated with utility infrastructure sufficient to support the proposed development while demonstrating compliance with the requirements of this Section.

Utility-related information required by this Article shall be submitted solely for purposes of zoning review, land development review, emergency planning, site design, environmental protection, and public safety. Nothing contained herein shall regulate utility operations or utility service obligations.

B. Utility Impact Assessment.

Each Conditional Use application shall include a Utility Impact Assessment ("UIA") prepared, signed, and sealed by one or more Professional Engineers licensed in the Commonwealth of Pennsylvania.

The UIA shall identify existing and proposed utility demands and shall demonstrate that the proposed development complies with the requirements of this Ordinance.

The Utility Impact Assessment shall include all information reasonably necessary for evaluation of:

- site design;
- land development;
- grading;
- utility corridors;
- emergency access;
- buffering;
- screening;
- stormwater management;
- environmental protection;
- public safety.

C. Electrical Demand.

The Utility Impact Assessment shall identify, where reasonably available:

- anticipated maximum electrical demand;
- anticipated annual electrical consumption;
- anticipated annual potable water consumption;
- cooling technology;
- anticipated Power Usage Effectiveness (PUE), if calculated by the applicant.

The Utility Impact Assessment shall identify the following:

1) *Existing Conditions*

- existing electrical infrastructure serving the property;
- existing substations;
- transmission facilities;
- distribution facilities.

2) *Proposed Development.* The applicant shall identify and demonstrate compliance for the following:

- connected electrical load (MW);
- peak electrical demand (MW);
- average electrical demand (MW);
- estimated annual electrical consumption (MWh);
- projected demand by development phase;

- anticipated ultimate build-out demand;
- projected demand growth during the first ten (10) years, if known;
- whether High-Density Computing Systems are proposed;
- anticipated rack density, if available;
- anticipated cooling load.

D. Electrical Supply. The applicant shall identify the following:

- serving electric utility;
- transmission voltage;
- distribution voltage;
- substations;
- switchgear;
- transformers;
- utility easements;
- underground utility corridors;
- overhead transmission facilities;
- primary electrical service routing.

E. Utility Coordination.

The applicant shall submit documentation demonstrating coordination with each proposed utility provider regarding utility availability and anticipated utility improvements.

Documentation shall include, where reasonably available, the following:

- Will Serve letters;
- capacity reservation letters;
- interconnection status;
- utility review correspondence;
- transmission studies;
- distribution studies;
- required utility approvals.

F. Utility Improvements. Where utility improvements are required, the applicant shall identify the following:

- new substations;
- transmission improvements;
- distribution improvements;
- switching stations;
- easements;
- utility corridors;
- grading;
- retaining walls;
- access roads;
- stormwater facilities;
- screening;
- buffering;
- security fencing.

The applicant shall demonstrate that the site design accommodates the identified improvements.

G. Water Supply.

The Utility Impact Assessment shall demonstrate compliance with applicable Township ordinances regarding water supply. The report shall identify the following:

- average daily demand;
- maximum daily demand;
- peak hourly demand;
- annual demand;
- cooling demand;
- domestic demand;
- fire flow requirements;
- emergency water supply.

H. Water Conservation.

The applicant shall identify measures incorporated into the project to minimize potable water consumption. Such measures may include the following:

- closed-loop cooling;
- reclaimed water;

- recycled water;
- air-cooled systems;
- leak detection;
- automated controls;
- water-efficient equipment.

I. Groundwater

Where groundwater withdrawals are proposed, the applicant shall submit a hydrogeologic evaluation prepared by a qualified hydrogeologist demonstrating compliance with this Ordinance. The evaluation shall address the following:

- aquifer characteristics;
- recharge;
- neighboring wells;
- wetlands;
- streams;
- seasonal variations;
- cumulative withdrawals;
- anticipated impacts.

J. Wastewater. The Utility Impact Assessment shall identify the following:

- average daily flow;
- maximum daily flow;
- peak daily flow;
- wastewater characteristics;
- pretreatment requirements;
- cooling water discharge;
- discharge method.

The report shall demonstrate compliance with all applicable wastewater regulations.

K. Fuel Storage. The applicant shall identify the following:

- fuel type;
- maximum storage volume;
- storage locations;

- secondary containment;
- spill prevention measures;
- delivery frequency;
- refueling procedures;
- emergency shutdown procedures.

L. Battery Energy Storage Systems (BESS). The applicant shall identify the following:

- battery chemistry;
- manufacturer;
- total MWh storage;
- enclosure type;
- fire suppression;
- ventilation;
- thermal management;
- thermal runaway mitigation;
- emergency shutdown procedures;
- monitoring systems;
- compliance with applicable editions of:
 - NFPA 855;
 - UL 9540;
 - UL 9540A where applicable;
 - adopted Fire Code.

M. Backup Power Systems. The Utility Impact Assessment shall identify the following:

- number of generators;
- generator rating;
- total generating capacity;
- fuel source;
- emissions controls;
- exhaust locations;
- operating duration;
- testing schedule;
- emergency operating duration.

N. Sustainability. The applicant shall identify the following:

- renewable energy utilization;
- battery storage;
- energy efficiency measures;
- waste heat recovery;
- reclaimed water use;
- carbon reduction strategies.

Nothing contained herein shall require any minimum level of renewable energy utilization unless otherwise required by law.

O. Engineering Certification.

The Professional Engineer shall certify that, based upon information reasonably available at the time of preparation, the Utility Impact Assessment demonstrates compliance with the applicable requirements of this Ordinance concerning utility infrastructure, land development, public safety, emergency access, environmental protection, and site design.

The Engineer shall not be required to certify future utility availability beyond information supplied by the applicable utility providers.

P. Independent Technical Review. The Township may retain independent:

- civil engineers;
- electrical engineers;
- hydrogeologists;
- acoustical engineers;
- utility consultants;
- environmental consultants;
- traffic engineers;
- architects;
- landscape architects;
- geotechnical engineers;
- or other qualified professionals.

Independent review shall be limited to determining compliance with the objective standards of this Ordinance.

Q. Supplemental Technical Information.

Where submitted information does not demonstrate compliance with this Ordinance, the Township may require supplemental technical information reasonably necessary to resolve identified deficiencies.

Supplemental submissions shall be limited to unresolved ordinance requirements and shall not duplicate previously accepted analyses absent material new information or identified deficiencies.

R. Community Utility Protection.

The applicant shall identify whether the proposed development is reasonably expected to require the following:

- utility corridor expansion;
- new substations;
- transmission improvements;
- distribution improvements;
- roadway widening for utility construction;
- temporary utility facilities;
- utility easements;
- permanent utility access roads.

Where such improvements are anticipated, the applicant shall identify their relationship to the following:

- grading;
- stormwater management;
- emergency access;
- landscaping;
- buffering;
- screening;
- environmental protection;
- future development phases.

Nothing in this Section shall require approval of utility facilities by the Township where such approval is preempted by state or federal law. Rather, this information is required solely to evaluate land development impacts associated with the proposed Data Center.

SECTION FIVE

Operational Performance Standards

The purpose of this Article is to establish objective operational performance standards that protect neighboring properties while recognizing the operational characteristics of modern Data Centers.

A. Noise Performance Standards. Every Data Center and every Data Center Accessory Use or Structure shall comply with Article V, Section 508 ("Noise"), together with the supplemental standards contained herein. Where this Section establishes a more restrictive requirement, this Section shall govern.

1) Acoustical Analysis.

The Conditional Use application shall include an Acoustical Analysis prepared, signed, and sealed by a qualified acoustical engineer.

The analysis shall demonstrate compliance with Article V and this Section under representative operating conditions. The analysis shall evaluate, at a minimum:

- cooling towers;
- chillers;
- rooftop equipment;
- emergency generators;
- transformers;
- substations;
- switchgear;
- mechanical equipment yards;
- loading areas;
- service areas;
- HVAC equipment;
- all other significant stationary noise sources.

2) Noise Modeling. The Acoustical Analysis shall evaluate cumulative sound levels resulting from simultaneous operation of all significant stationary equipment reasonably expected to operate under normal conditions.

3) Generator Testing. Routine generator testing shall:

- occur only Monday through Friday;
- occur only between 9:00 a.m. and 5:00 p.m.;
- be limited to the minimum duration reasonably necessary to verify operational readiness;
- comply with all applicable air quality regulations.

Emergency operation shall not be subject to these limitations.

- 4) Post-Construction Verification. Prior to issuance of a Certificate of Occupancy, the owner shall submit post-construction acoustical testing demonstrating compliance with Township noise standards.

Additional testing shall be required following:

- installation of additional generators;
- replacement of cooling towers;
- significant mechanical modifications;
- substantial facility expansion;
- other Major Modifications.

B. Emergency Access.

Every Data Center shall provide emergency access sufficient to accommodate fire apparatus, emergency medical services, utility providers, hazardous materials response, and law enforcement. Site Plans shall identify the following:

- primary access;
- secondary emergency access;
- fire lanes;
- emergency gates;
- emergency staging areas;
- hydrants;
- fire department connections;
- utility shutoffs;
- BESS emergency access;
- fuel shutoff locations.

C. Emergency Operations Plan

Prior to issuance of a Certificate of Occupancy, the owner shall submit an Emergency Operations Plan demonstrating compliance with this Section. The Plan shall address:

- utility outages;
- prolonged power failures;
- emergency generator operation;
- battery emergencies;
- hazardous materials;
- fire suppression;

- evacuation;
- fuel deliveries;
- emergency contacts;
- utility coordination.

Annual Updates. The Emergency Operations Plan shall be reviewed annually and updated whenever material operational changes occur.

D. Fire Protection. The applicant shall demonstrate compliance with the following:

- adopted Fire Code;
- applicable NFPA standards;
- adopted International Fire Code;
- Township Fire Marshal requirements.

Where applicable, the applicant shall provide:

- pre-incident plans;
- hazardous material inventories;
- emergency contact procedures;
- utility isolation procedures;
- BESS emergency response procedures.

E. Lighting. Exterior lighting shall comply with Article V, Section 512 and the standards set forth below.

Lighting shall:

- minimize glare;
- minimize light trespass;
- minimize sky glow;
- preserve roadway safety;
- provide safe operations.

Fixtures

Lighting shall utilize the following:

- full-cutoff fixtures;
- shielded luminaires;
- downward-directed lighting.

Security Lighting

Continuous security lighting shall be limited to areas reasonably necessary for facility security.

F. Parking.

Off-street parking shall be provided as follows:

- one parking space per employee on the largest shift;
- one parking space for each company vehicle;
- visitor parking as demonstrated by operational needs.

Parking Reduction

The Board may approve fewer spaces where a Parking Demand Study demonstrates that fewer spaces will adequately serve the proposed facility.

G. Truck Access and Freight Operations.

A Truck Access and Freight Operations Plan shall be submitted.

The Plan shall identify the following:

- anticipated truck routes;
- construction traffic;
- oversized deliveries;
- employee traffic;
- loading docks;
- internal circulation;
- emergency vehicle circulation;
- delivery schedules.

Oversized Deliveries

The Plan shall identify anticipated deliveries requiring:

- police escorts;
- utility coordination;
- temporary roadway closures;
- temporary removal of overhead utilities.

H. Construction Management.

Prior to commencement of site work, the applicant shall submit a Construction Management Plan. The Plan shall address the following:

- construction access;
- haul routes;
- erosion controls;

- sediment controls;
- staging areas;
- contractor parking;
- material storage;
- temporary utilities;
- temporary lighting;
- construction hours;
- roadway restoration.

I. Roadway Protection.

Where extraordinary construction traffic is anticipated, the Township may require:

- pre-construction roadway surveys;
- post-construction roadway surveys;
- restoration of damage attributable to construction activities;
- financial security where authorized by law.

The applicant shall be responsible only for damage attributable to project construction activities.

J. Security.

Security measures may include the following:

- fencing;
- access control;
- electronic surveillance;
- bollards;
- guard houses;
- security barriers;
- controlled-access gates.

Design Standards

Security improvements shall:

- protect critical infrastructure;
- preserve emergency access;
- minimize visual impacts;
- comply with required buffering.

K. Fencing.

Security fencing shall comply with Township fence regulations except where modified by Conditional Use approval.

Additional height may be approved where demonstrated necessary for:

- critical infrastructure protection;
- public safety;
- utility security.

L. Construction Hours.

Unless otherwise approved by the Board or required due to emergency conditions:

- 1) Construction activities generating significant noise shall occur only between 7:00 a.m. and 7:00 p.m. Monday through Saturday.
- 2) Emergency work shall be exempt.

M. Construction Vibration.

Where pile driving, rock excavation, blasting, or similar construction activities are proposed, the Township may require the following:

- pre-construction structural surveys;
- vibration monitoring;
- construction vibration management plans;
- post-construction inspections.

Where monitoring is required, the applicant shall demonstrate that construction activities comply with recognized engineering standards for protection of adjacent structures.

N. Construction Dust and Debris.

The Construction Management Plan shall identify measures to minimize:

- dust;
- mud tracking;
- debris;
- erosion;
- sediment transport;
- material stockpile impacts.

O. Operational Reporting.

Upon written request reasonably related to zoning enforcement, the owner shall provide documentation demonstrating continued compliance with:

- approved noise standards;
- approved parking;
- generator testing schedules;
- emergency contact information;
- required inspections;
- fire protection systems.

Nothing herein shall require disclosure of trade secrets, customer information, cybersecurity information, proprietary software, confidential computing processes, or other information protected by law.

SECTION SIX Utility Facilities, Environmental Performance, Conditional Use Standards, and Modifications

A. Electrical Substations and Utility Interconnection Facilities.

Electrical substations, transmission interconnection facilities, distribution facilities, switching stations, switchgear yards, transformers, utility control buildings, utility vaults, and similar electrical infrastructure serving an approved Data Center or Data Center Campus shall constitute permitted Accessory Uses, subject to this Section.

Nothing herein shall prohibit ownership or operation of such facilities by a public utility where otherwise authorized by law.

B. Location Standards.

Utility facilities shall be integrated into the overall site design. The applicant shall demonstrate that utility infrastructure has been located to provide the following:

- emergency access;
- utility maintenance access;
- screening;
- buffering;
- stormwater management;
- protection of environmentally sensitive resources;
- compatibility with adjoining development.

C. Setbacks.

Unless otherwise required by applicable utility safety regulations:

Utility Improvement	Minimum Setback
Public Street	200 feet
Property Line	150 feet
Existing Residential Dwelling	1,000 feet
Residential Zoning District	1,000 feet

The Board may approve alternative setbacks only where the applicant demonstrates that equivalent or greater protection is achieved through topography, buffering, screening, engineering design, or other objective measures.

D. Utility Coordination. The applicant shall identify the following:

- proposed ownership;
- maintenance responsibilities;
- utility providers;
- anticipated utility transfers;
- utility easements;
- future utility expansion areas.

Where ownership will transfer to a public utility, documentation of coordination shall be provided when reasonably available.

E. Future Expansion Areas.

Future utility expansion areas shown on approved plans shall not constitute approval for future construction.

Any future expansion resulting in a Major Modification shall require approvals otherwise required by this Ordinance.

F. Environmental Performance Standards.

Every Data Center shall comply with Article V, Section 504 together with the supplemental standards contained herein.

The applicant shall demonstrate through competent engineering analysis that the proposed development has been designed to avoid or minimize adverse environmental impacts.

Demonstration of Compliance

The applicant shall demonstrate compliance regarding:

- stormwater;
- groundwater;
- wetlands;
- floodplains;
- steep slopes;
- erosion;
- sedimentation;
- hazardous materials;
- fuel systems;
- wastewater;
- cooling water.

G. Environmental Protection Measures.

Where applicable, the applicant shall identify:

- spill prevention;
- secondary containment;
- emergency shutoffs;
- stormwater quality controls;
- groundwater protection measures;
- erosion controls;
- sediment controls;
- restoration measures.

H. Conditional Use Standards.

Purpose

The purpose of this Article is to establish objective standards governing Conditional Use review while limiting discretionary determinations to site-specific issues supported by competent evidence presented during the public hearing

Required Findings

The Board of Supervisors shall approve a Conditional Use application upon determining, based upon substantial evidence in the record, that the applicant has demonstrated compliance with the following:

- this Section;
- Article V;

- Article X;
- all applicable objective standards of the Milford Township Zoning Ordinance;
- all conditions required by applicable federal, Commonwealth, County, and Township permits to the

Additional Findings

The Board shall further determine that the proposed development:

- will provide safe emergency access;
- will accommodate required utility infrastructure;
- will comply with Township noise standards;
- will comply with applicable lighting standards;
- will provide required buffering and screening;
- will protect adjoining properties from unreasonable adverse impacts demonstrated by competent evidence.

Evidence

Evidence may include:

- engineering reports;
- traffic studies;
- acoustical analyses;
- hydrogeologic reports;
- utility analyses;
- environmental studies;
- expert testimony;
- governmental agency comments.

I. Conditions of Approval.

The Board of Supervisors may impose conditions reasonably necessary to ensure compliance with the objective requirements of this Ordinance and to mitigate demonstrated impacts supported by substantial evidence presented during the public hearing.

Conditions may include the following:

- roadway improvements;
- landscaping;
- buffering;

- screening;
- emergency access;
- utility coordination;
- construction sequencing;
- post-construction testing;
- monitoring;
- phasing.

J. Major Modifications.

The following shall constitute Major Modifications requiring additional Township approval:

- additional principal buildings;
- material increase in electrical demand;
- construction of additional substations;
- material increase in generator capacity;
- material increase in BESS capacity;
- material increase in water withdrawal;
- material increase in wastewater generation;
- construction of additional principal access roads;
- increase in building coverage;
- increase in impervious coverage;
- reduction of required buffering;
- reduction of required setbacks.

Determination

The Zoning Officer shall determine whether a proposed modification constitutes:

- routine maintenance;
- Minor Modification;
- Major Modification.

The determination shall be made using the objective standards of this Ordinance.

K. Minor Modifications.

The following shall generally constitute Minor Modifications:

- replacement in kind;

- software upgrades;
- server replacement;
- cooling equipment replacement with equivalent capacity;
- transformer replacement of equivalent capacity;
- generator replacement of equivalent capacity;
- internal reconfiguration;
- maintenance;
- repairs.

Minor Modifications may be approved administratively.

L. Administrative Review.

The Zoning Officer may approve Minor Modifications without additional Conditional Use approval where the applicant demonstrates:

- no increase in off-site impacts;
- continued compliance with setbacks;
- continued compliance with noise standards;
- continued compliance with buffering;
- continued compliance with lighting standards;
- continued compliance with applicable approvals.

M. Reserved Authority.

Nothing contained herein shall prohibit the Township from requiring additional approvals otherwise required by:

- the Pennsylvania Municipalities Planning Code;
- subdivision and land development regulations;
- stormwater ordinances;
- building codes;
- fire codes;
- other applicable Township ordinances.

N. Burden of Proof.

The applicant shall bear the burden of demonstrating compliance with the objective standards of this Ordinance.

Objectors shall bear the burden established under applicable Pennsylvania law regarding allegations of adverse impacts beyond those normally expected from the proposed use.

SECTION SEVEN Continuing Compliance, Decommissioning, Enforcement, and Administration

A. Continuing Compliance.

Purpose

The purpose of this Article is to ensure that approved facilities remain in compliance with this Ordinance throughout their operational life while providing objective procedures for inspections, modifications, and enforcement.

Every Data Center and every Data Center Accessory Use or Structure shall remain in continuous compliance with the following:

- 1) this Ordinance;
- 2) all conditions of Conditional Use approval;
- 3) approved land development plans;
- 4) approved Construction Management Plans;
- 5) approved Emergency Operations Plans;
- 6) all permits applicable to land development and zoning.

Compliance shall be a continuing obligation throughout the operational life of the facility.

B. Annual Certification of Compliance.

Beginning one (1) year following issuance of a Certificate of Occupancy, and annually thereafter, the owner shall submit a written certification signed by an authorized representative stating that:

- the facility remains in substantial compliance with this Ordinance;
- required emergency access remains available;
- required buffering and landscaping are maintained;
- required noise controls remain operational;
- required fire protection systems remain operational;
- required stormwater facilities continue to function.

The Township may require supporting documentation only where reasonably necessary to verify compliance with identified ordinance requirements.

C. Operational Changes.

The owner shall notify the Township in writing prior to implementing any Major Modification.

Examples include the following:

- additional principal buildings;
- additional substations;
- additional generators;
- material increase in electrical demand;
- additional BESS capacity;
- increased water withdrawal;
- increased wastewater generation;
- additional cooling towers;
- expansion of principal access roads.

Routine maintenance shall not require notice.

D. Records.

The owner shall maintain records reasonably necessary to demonstrate compliance with this Ordinance.

Records may include the following:

- generator testing logs;
- noise testing reports;
- fire system inspections;
- emergency contact information;
- utility coordination documents;
- hazardous material inventories required by law;
- required environmental permits.

Nothing herein shall require disclosure of:

- trade secrets;
- proprietary software;
- customer information;
- cybersecurity information;
- confidential business information protected by law.

E. Inspections.

The Township may conduct inspections at reasonable times and upon reasonable notice for purposes of determining compliance with this Ordinance.

Emergency access without prior notice shall be permitted only where immediate action is reasonably necessary to address an imminent threat to public health or safety.

Inspections shall be limited to areas reasonably necessary to verify compliance with zoning requirements.

F. Corrective Action.

Where the Township identifies a violation, written notice shall identify:

- the applicable ordinance provision;
- the factual basis for the alleged violation;
- the corrective measures required.

Unless an immediate threat to public health or safety exists, the owner shall be afforded a reasonable opportunity to correct the violation.

The Township may require submission of a Corrective Action Plan prepared by qualified professionals where technical remediation is necessary.

G. Decommissioning.

A Data Center shall be considered abandoned when operations cease for a continuous period of twenty-four (24) months, unless the owner demonstrates intent to resume operations.

Within twelve (12) months following abandonment, the owner shall submit a Decommissioning Plan. The Plan shall identify the following:

- buildings to remain;
- buildings to be removed;
- generators;
- fuel systems;
- BESS installations;
- transformers;
- substations;
- hazardous materials;
- utility infrastructure;
- stormwater facilities;

- site restoration measures.

Decommissioning Standards

Where removal is proposed, the owner shall:

- remove hazardous materials in accordance with applicable law;
- remove fuel from storage systems;
- properly dispose of batteries;
- stabilize disturbed areas;
- restore drainage systems;
- protect stormwater facilities;
- revegetate disturbed areas.

Nothing herein shall require removal of utility facilities that remain in lawful operation by a public utility.

H. Financial Security.

Where authorized by applicable law, the Township may require financial security for:

- restoration of Township roads damaged by construction;
- completion of required public improvements;
- completion of approved landscaping;
- completion of stormwater facilities.

Nothing herein shall authorize financial security beyond that permitted by the Pennsylvania Municipalities Planning Code or other applicable law.

I. Enforcement.

Violations shall be enforced in accordance with:

- Article XIII of the Milford Township Zoning Ordinance;
- the Pennsylvania Municipalities Planning Code;
- all other remedies authorized by law.

The Township may:

- institute proceedings to restrain violations;
- seek removal of unlawful structures or uses;
- require compliance with approved plans;

- require restoration of disturbed areas;
- revoke permits where authorized by law;
- pursue civil enforcement remedies;
- seek injunctive relief.

J. Appeals.

Administrative determinations made under this Section may be appealed in accordance with the procedures established by the Pennsylvania Municipalities Planning Code and the Milford Township Zoning Ordinance.

SECTION EIGHT Repealer

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. Nothing herein shall repeal any ordinance provision not specifically amended.

SECTION NINE Severability

If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

The Board of Supervisors declares that it would have adopted this Ordinance irrespective of the invalidity of any individual provision.

SECTION TEN Interpretation

This Ordinance establishes minimum standards for protection of the public health, safety, and welfare. Where this Ordinance imposes more restrictive requirements than another Township regulation, this Ordinance shall govern. Where another applicable ordinance establishes a more restrictive requirement, that requirement shall govern.

SECTION ELEVEN Existing Approvals

Nothing contained herein shall invalidate any lawful zoning approval, Conditional Use approval, subdivision or land development approval, zoning permit, building permit, or other municipal approval issued prior to the effective date of this Ordinance.

Any expansion, Major Modification, or change in use occurring after the effective date shall comply with this Ordinance to the extent required by law.

SECTION TWELVE

Codification

It is the intent of the Board of Supervisors that this Ordinance be incorporated into the Milford Township Zoning Ordinance. The Township codifier may renumber, reletter, reorganize, and cross-reference the provisions of this Ordinance, provided no substantive changes are made.

SECTION THIRTEEN

Effective Date

This Ordinance shall become effective five (5) days following enactment, in accordance with the Pennsylvania Second Class Township Code and the Pennsylvania Municipalities Planning Code.

ENACTED and ORDAINED by the Milford Township Board of Supervisors this _____ day of _____, 2026.

Attest:

Milford Township Board of Supervisors

Jeffrey Vey, Township Manager

Christian Haberle, Chair

John Mininger, Vice Chair

Timothy M. Johnson, Member