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**ORDINANCE NO. 175**

**AN ORDINANCE AMENDING THE PROVISIONS OF THE ZONING ORDINANCE OF NOCKAMIXON TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA TO REGULATE DATA CENTERS**

**WHEREAS**, Section 66601 of Pennsylvania's Second Class Township Code, 53 P.S. § 65101 et seq., provides that the Board of Supervisors of the Township of Nockamixon ("Board of Supervisors") may adopt ordinances in which the general or specific powers of the Township of Nockamixon ("Township") are exercised, and may amend, repeal or revise the same; and

**WHEREAS**, pursuant to Section 66516 of the Second Class Township Code, the Board of Supervisors may enact a Zoning Ordinance under the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10101 et seq.; and

**WHEREAS**, Section 10601 of the MPC enables the Township to enact, amend, and repeal zoning ordinances to implement comprehensive plans and accomplish the purposes of the MPC; and

**WHEREAS**, the purposes of zoning in the MPC, as provided in Section 10604, include protecting and promoting public health, safety, and morals as well as the general welfare, and the facilitation of practical community development; and

**WHEREAS,** since its adoption, the Zoning Ordinance has from time to time been amended; and

**WHEREAS,** the energy consumption, water use, and electronic waste generation characteristics of Data Centers were not envisioned when the Zoning Ordinance was adopted; and

**WHEREAS,** the use of the specialized computer hardware needed for Data Centers creates a high energy density load situation in areas or at facilities where the electricity distribution infrastructure is not designed for its high energy loads, potentially disrupting power to the citizens and businesses in the Township; and

**WHEREAS,** the Board of Supervisors finds it is in the interest of the Township and its citizens to amend the Zoning Ordinance to regulate Data Centers; and

**WHEREAS**, these steps are designed to ensure that all data processing and digital computer operations within the township are conducted responsibly and in accordance with the local laws; and

**WHEREAS,** the Board of Supervisors finds and determines that this Zoning Ordinance Amendment is consistent with the Township Comprehensive Plan and the Community Development Objective stated therein and in the Zoning Ordinance;

**NOW, THEREFORE,** in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Nockamixon Township, Bucks County, Pennsylvania as follows:

**I. Chapter 234, Zoning, Article IV, Use Regulations, Section 234-23, Industrial use regulations, is hereby amended by ADDING Subsection 234-23(X) as follows:**

**X.** G-24 Data Center.

**(1)** Definitions. For the purpose of this subsection, the following definitions shall apply:

**CARGO CONTAINER**

A standardized, reusable storage and transport unit which was designed for the packing, shipping, movement or transportation of freight, articles, goods or commodities, and which was designed to be, or capable of being, mounted or moved on a railroad car, semi-trailer truck or similar device for subsequent transportation.

**DATA CENTER**

Any building, structure or facility that primarily houses networks of computer servers and associated computer components designed for the purpose of providing computer services such as, but not limited to, building, running, hosting and delivering applications or websites, managing databases, providing network security, mining cryptocurrency, and storing and managing the data associated with those applications or services.

**(2)** Existing Data Centers. A lawful Data Center use existing on the effective date of this Ordinance which would not be allowed under the terms of these regulations may continue so long as it remains otherwise lawful, subject to the following conditions:

**(a)** Existing structures devoted to nonconforming Data Centers shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the complete use of the structure to a use that conforms with these regulations.

**(b)** Non-conforming Data Centers may be expanded or extended to unoccupied portions of the building or to other buildings only if the expanded or extended portion of the operation conforms with these regulations.

**(c)** Any nonconforming Data Center may be replaced by the same use only in compliance with these regulations.

**(d)** If a nonconforming Data Center is discontinued or abandoned for one hundred and eighty (180) days or a nonconforming Data Center is replaced by a conforming use at any time, the structure shall thereafter be used in conformance with these regulations.

**(e)** Removal or destruction of a structure occupied by a nonconforming Data Center use shall eliminate the nonconforming status of the use.

**(f)** Any structure occupied by a nonconforming Data Center that is destroyed by any means such that the cost of reconstruction amounts to more than fifty percent (50%) of the total building replacement cost (exclusive of building foundation) shall thereafter be used in conformance with these regulations.

**(3)** Regulations and Requirements. Data Centers must meet all of the following requirements:

**(a)** The applicant shall provide the identity of the licensed electronic waste recycling firm they shall use for the disposal of all electronic waste from the Data Center.

**(b)** The applicant shall demonstrate that the proposed Data Center, including all ancillary equipment shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the Industrial District.

**(c)** The applicant shall demonstrate that the proposed Data Center shall not cause the dissemination of dust, smoke, glare, heat, exhaust, air, humidity, or vibration in such a manner that it is perceptible at or beyond the property lines. Noise shall not be in excess of the maximum levels established in Section 140-9 of the Township Code.

**(d)** The applicant shall demonstrate that the proposed placement of any computing equipment that may cause electrical or magnetic interference or fluctuations in line voltage off the Property will not cause such electrical or magnetic interference or fluctuations in line voltage off the Property.

**(e)** No more than twenty percent (20%) of the area of the facade of any Data Center shall be composed of temperature control components such as vents, fans, HVAC systems, etc.

**(f)** The use of Cargo Containers, railroad cars, semi-truck trailers or other similar storage containers for any component of the operation is not permitted, nor shall Cargo Containers be stored or otherwise placed on properties used as Data Centers.

**(g)** The applicant shall provide:

**[1]** An operational plan which must include a detailed description of the operation, an emergency management plan and proof that the Data Center, including all ancillary equipment, will be designed, constructed, operated and maintained so as to comply with State and Federal regulations, as well as the Nockamixon Township Code.

**[2]** Copies of all state and federal permits required and obtained by the Data Center.

**[3]** Written verification from the electric utility company serving the Data Center that adequate capacity is available on the applicable supply lines and substation to ensure that the energy needs of Township residents will continue to be met. In making this determination, the projected growth of the Township shall be taken into account;

**[4]** An assessment of current grid capacity and expected load increase, including detailed energy consumption projections for the Data Center, which illustrates any potential rate impacts under various

load scenarios and has been independently reviewed or certified by a qualified professional.

**(h)** The applicant must demonstrate a process that they shall implement whereby any adverse impacts to residents' electric utility bills will be detected and ameliorated by the applicant. This process shall ensure that transparent communication with residents and local stakeholders will be maintained, and that updates on power usage, grid impacts, and any infrastructure changes will be provided to the Township.

**(i)** All Data Centers shall be housed in permanent, non-accessory buildings. A chain or wire link fence having a height of at least seven (7) feet must surround the portion of land used as a Data Center. The fence must firmly have attached thereon a physical location, address and telephone number of a person identified by the owner or operator of the data center who shall be authorized to receive inquiries or complaints on behalf of the owner or operator concerning the Data Center.

**(j)** Strict Adherence and Environmental Protection Requirements:

**[1]** In accordance with local regulations, strict adherence to the Nockamixon Ordinance, including but not limited to Article XIV, to ensure the protection of groundwater resources and the surrounding environment. All parties involved in the design, construction, or operation of groundwater-related systems are expected to fully comply with every aspect of the ordinance.

**[2]** The applicant must demonstrate that the system is designed to minimize the risk of leaks, that if a leak occurs, it will be addressed and remediated immediately, and that the coolant used in any coolant system or loop circulation system will not create an environmental hazard, as recognized by reliable environmental standards, if the system fails or leaks. The applicant must include detailed information on the coolant's chemical composition and safety profile.

**(k)** Applicant must demonstrate that the Data Center will have an active clean agent fire protection system and demonstrate that there will be a maintenance plan in place that will ensure its continued operation. The applicant must also demonstrate that the clean agent fire protection system will use high-sensitivity smoke detectors.

**(l)** The applicant shall demonstrate that there shall be an emergency electricity termination switch or kill switch installed somewhere that is easily accessible in the event of an emergency that would require the use of such a switch.

**(m)** The equipment used in any Data Center shall be housed in an individually metered, electrically grounded and metal-encased structure with a fire rating designed to resist an internal electrical fire for at least thirty (30) minutes. The containment space shall contain baffles that will automatically close in the event of fire independent of a possible electric system failure.

**(n)** The ambient temperature inside of a containment space which houses a Data Center shall not exceed one hundred and twenty degrees Fahrenheit (120°

F) at any time. No person shall be permitted to regularly inspect and work within the containment area which houses a Data Center if the ambient temperature within the containment area exceeds ninety degrees Fahrenheit (90° F).

**(o)** The applicant shall demonstrate that no more than twenty percent (20%) of the heat generated by the computer services occurring on the site shall be released directly outside when the average daily temperature is less than forty degrees Fahrenheit (40° F).

**(p)** Financial Securities.

**[1]** End of Operations Financial Security. The applicant must provide financial security equal to the estimated cost to remove all equipment associated with the Operation. The financial security shall be held by the Township to guarantee the removal of such equipment. The financial security will be released once the facility has been properly closed and the site has been cleared of all equipment associated with the Operation. Applicant shall provide an estimate of the cost of removing all equipment and the cost to dispose of all materials, which must be reviewed and approved by the Township.

**[2]** Power Bill Increase Financial Security. Financial security that the Township has determined to be sufficient to cover any potential costs or damages related to an increase in residents' power bills should the Data Center's operations lead to such an increase in residents' power bills. The financial security shall be held by the Township to guarantee that the Data Center's presence will not result in higher resident power bills. What remains of the financial security shall be released ten (10) years after the Data Center begins to function. The financial security shall be in a form that is acceptable to the Township and electric utility company.

**II. Chapter 234, Zoning, is hereby AMENDED by STRIKING the document entitled Attachment 1 - Attachment A, Table of Use Regulations and replacing it with the attached Exhibit A, also entitled Attachment 1 – Attachment A, Table of Use Regulations, which includes an added row for Data Center under Industrial Uses.**

**III. Chapter 234, Zoning, Article VI, Districts, Section 234-45, Industrial, is hereby AMENDED by ADDING the following to the table provided under Subsection 234-45(A)(2) by placing the following in such a way as to retain the alphabetical and numerical order currently exhibited therein:**

G-24 Data Center

**IV. Partial Repealer**

All other provisions of the Nockamixon Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Township's Code of

Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

## V. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

## VI. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ENACTED AND ORDAINED this 18th day of June, 2026.

ATTEST:

Teri Lewis, Township Manager

NOCKAMIXON TOWNSHIP
BOARD OF SUPERVISORS

William Sadow, Chair

David DiPalantino, Vice-Chair

Vince Fleek, Member

Jennifer McCandless, Member

John Haubert, Member

# Exhibit A

## Attachment 1 – Attachment A, Table of Use Regulations

*234 Attachment 1*

**Township of Nockamixon**

**Attachment A**
**Table of Use Regulations**

**Permitted Uses From the Nockamixon Township Zoning Ordinance, as amended [Amended 2-13-2001 by Ord. No. 103; 5-18-2004 by Ord. No. 115; 5-18-2006 by Ord. No. 126; 4-17-2007 by Ord. No. 129; 5-20-2009 by Ord. No. 137; 12-16-2009 by Ord. No. 139; 12-21-2011 by Ord. No. 144; 11-20-2012 by Ord. No. 145; 11-20-2012 by Ord. No. 146; 2-19-2015 by Ord. No. 157; 1-19-2017 by Ord. No. 163]**

**Key:**
Blank = Not permitted
R = Use by right
C = Conditional use

| Uses | | Zoning Districts | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | OSM | RP | RA | R | VC | C | I | LI | Q |
| **AGRICULTURAL USES** | | | | | | | | | | |
| Agricultural and Horticultural | A-1 | R | R | R | R | R | R | R | R | |
| Riding Academy/Boarding Stable | A-2 | | R | R | R | | | R | R | |
| Noncommercial Kennel | A-3 | | R | R | R | R | R | R | R | |
| Accessory Agricultural Sales/Farm Stands | A-4 | | R | R | R | R | R | R | R | |
| Agricultural Support Services and Retail | A-5 | | R | R | R | C | R | R | R | |
| Forestry | A-6 | R | R | R | R | R | R | R | R | |
| Nursery and Greenhouse | A-7 | | C | R | R | | | | | |
| **RESIDENTIAL USES** | | | | | | | | | | |
| Single-Family Detached Dwelling | B-1 | | R | R | R | R | C | C | R | |
| Village House | B-2 | | | | | R | | | | |
| Twin Dwelling | B-3 | | | C | C | R | | | | |
| Duplex Dwelling | B-4 | | | C | C | R | | | | |
| Townhouse Dwelling | B-5 | | | | | R | | | | |
| Multi-family | B-6 | | | | | R | | | | |
| Single-Family Detached Cluster | B-7 | | R | R | R | | | | | |
| Residential Conversion | B-8 | | C | C | C | C | | | | |
| Senior Citizen Housing | B-9 | | | | | R | C | | | |
| (Reserved) | B-10 | | | | | | | | | |
| Guest Houses/Bed-and-Breakfast | B-11 | | R | R | C | C | C | | | |
| Mobile Home Park | B-12 | | | | | | | C | C | |

| Uses | | Zoning Districts | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | OSM | RP | RA | R | VC | C | I | LI | Q |
| Private Camp or Cottage | B-13 | | R | R | R | | | | | |
| **REL. EDU. REC AND INSTITUTIONAL USES** | | | | | | | | | | |
| Place of Worship | C-1 | | C | C | C | R | R | | | |
| School | C-2 | | C | C | C | C | C | | | |
| Commercial School | C-3 | | C | C | C | C | C | R | | |
| Library or Museum | C-4 | | | | | R | R | | | |
| Public and Nonprofit Recreational Facility | C-5A | R | R | R | R | R | R | R | R | |
| Public and Nonprofit Recreational Facility/Shooting Range | C-5B | | | | | | C | C | C | |
| Private Organization Recreational Facility | C-6 | | | | | | C | C | C | |
| Golf Course | C-7 | | R | R | R | | | | | |
| Community Center | C-8 | | | | | R | R | | | |
| Day-Care Service | C-9 | | | C | C | R | R | R | | |
| Nursing Home | C-10 | | | C | | C | C | | | |
| Hospital | C-11 | | | | | C | C | | | |
| Cemetery | C-12 | | C | C | C | R | R | | | |
| Municipal Building | C-13 | | | | R | R | R | R | R | R |
| Private Club | C-14 | | C | C | C | R | R | R | | |
| **OFFICE USES** | | | | | | | | | | |
| Office | D-1 | | | | | R | R | R | C | R |
| Medical Office | D-2 | | | | | R | R | R | | |
| Veterinary Office or Clinic | D-3 | | | C | | R | R | R | | |
| **RETAIL AND CONSUMER SERVICES USES** | | | | | | | | | | |
| Retail Trade and Retail Service | E-1 | | | | | R | R | | | |
| Large Retail Store | E-2 | | | | | | R | | | |
| Financial Establishment | E-3 | | | | | R | R | | | |
| Eating Place | E-4 | | | | | R | R | | | |
| Eating Place, Drive-Through and Fast-Food | E-5 | | | | | C | C | | | |
| Repair Shop | E-6 | | | | | C | R | C | C | |
| Motel or Hotel | E-7 | | | | | | R | | | |
| Entertainment | E-8 | | | | | R | R | | | |
| Service Station | E-9 | | | | | C | R | C | C | |
| Automotive Sales | E-10 | | | | | C | R | | | |
| Automotive Body Repair and Paint Shoe | E-11 | | | | | | R | R | | |
| Car Wash | E-12 | | | | | | R | | | |
| Shopping Center | E-13 | | | | | | R | | | |

| Uses | | Zoning Districts | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | OSM | RP | RA | R | VC | C | I | LI | Q |
| Specialty/Neighborhood Shopping Facility | E-14 | | | | | R | R | | | |
| Funeral Home | E-15 | | | | | R | R | | | |
| Recreational Campsites | E-16 | | R | R | C | | | | | |
| Convenience Store | E-17 | | | | | C | R | | | |
| Adult Entertainment | E-18 | | | | | | C | | | |
| Mini-Warehouse | E-19 | | | | | | R | R | | |
| Flea Market | E-20 | | | | | | C | | | |
| Commercial Kennel | E-21 | | | C | | | | C | C | |
| Medical Marijuana Dispensary Facility | E-22 | | | | | | P | | | |
| **PUBLIC UTILITIES AND PUBLIC SERVICE USES** | | | | | | | | | | |
| Utility Operating Facility | F-1 | | C | C | C | C | C | C | C | C |
| Emergency Services | F-2 | | | C | C | C | C | C | C | C |
| Telecommunications Facility | F-3 | C | C | C | C | C | C | C | C | C |
| **INDUSTRIAL USES** | | | | | | | | | | |
| Manufacturing | G-1 | | | | | | C | R | C | |
| Research | G-2 | | | | | | C | R | R | |
| Wholesale | G-3 | | | | | | C | R | R | R |
| Contractor Services | G-4 | | | | | C | C | R | R | C |
| Fuel Storage and Distribution | G-5 | | | | | | | C | | |
| Building Material Sales | G-6 | | | | | | R | R | R | R |
| Truck Terminal | G-7 | | | | | | C | R | | R |
| Food Processing | G-8 | | | | | | | R | R | |
| Solid Waste Facility | G-9 | | | | | | | C | C | C |
| Junkyard | G-10 | | | | | | | C | C | C |
| Quarry Extraction Operations | G-11 | | | | | | | | | R |
| Warehouse | G-12 | | | | | C | C | R | R | R |
| Light Equipment and Sales | G-13 | | | | | | R | C | R | R |
| Asphalt Plant | G-14 | | | | | | | | | R |
| Ready Mix Concrete Plant | G-15 | | | | | | | | | R |
| Heavy Equipment and Sales | G-16 | | | | | | | R | R | R |
| Truck Sales | G-17 | | | | | | | R | R | |
| Recovery of Subsurface Oil and Gas Deposits[1] | G-19 | | | | | | | C | | C |
| Oil or Natural Gas Compressor Station | G-20 | | | | | | | C | | C |
| Oil or Natural Gas Processing Facility | G-21 | | | | | | | C | | C |
| Nonregulated Pipeline | G-22 | | | | | | C | C | | C |
| Medical Marijuana Growing/Processing Facility | G-23 | | | | | | | P | P | |

| Uses | | Zoning Districts | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | OSM | RP | RA | R | VC | C | I | LI | Q |
| Data Center | G-24 | | | | | | | C | | |
| **ACCESSORY USES** | | | | | | | | | | |
| Accessory Home Occupation | H-1 | | R | R | R | R | R | | R | |
| Professional Offices | H-1a | | R | R | R | R | R | | R | |
| Personal Services | H-1b | | R | R | R | R | R | | R | |
| Instructional Services | H-1c | | R | R | R | R | R | | R | |
| Home Crafts | H-1d | | R | R | R | R | R | | R | |
| Family Day Care | H-1e | | R | R | R | R | R | | R | |
| Trades/Businesses | H-1f | | R | R | R | R | R | | R | |
| Repair Services and Other Home Occupations | H-1g | | R | R | R | R | R | | R | |
| Other Home Occupations | H-1h | | R | R | R | R | R | | R | |
| No-Impact Home-Based Business | H-1i | | R | R | R | R | R | C | | |
| Residential Accessory Structures | H-2 | | R | R | R | R | R | | R | |
| Outside Storage | H-3 | | | | | | C | R | R | R |
| Temporary Structures and Vehicles | H-4 | | C | C | C | C | C | C | C | C |
| Swimming Pool | H-5 | | R | R | R | R | R | | R | |
| Recreational Vehicles | H-6 | | R | R | R | R | R | | R | |
| Spa/Hot Tub | H-7 | | R | R | R | R | R | | R | |
| Residential Accessory Dwelling | H-8 | | R | R | R | R | | | | |
| Temporary Community Event | H-9 | R | R | R | R | R | R | R | R | R |
| Regulated Storage Tank | H-10 | | | | | C | C | C | C | |
| Wind Energy System | H-11 | R | R | R | R | R | R | R | R | R |
| Solar Energy System | H-12 | R | R | R | R | R | R | R | R | R |
| Ground Source Heat Pump System | H-13 | R | R | R | R | R | R | R | R | R |
| Outdoor Solid-Fuel-Burning Appliance | H-14 | R | R | R | R | R | R | R | R | R |
| Wellhead Compressor | H-15 | | | | | | | C | | C |

**NOTES:**

[1] Ordinance No. 137, adopted 5-20-2009, provided that: In the event that any court of competent jurisdiction declares Ord. No. 126 and/or Ord. No. 129 to be invalid or unconstitutional, and refuses to sever any of the provisions of such ordinances, the Table of Use Regulations, found as Attachment A to the Zoning Ordinance, shall be amended to add a line for Use G-19, Recovery of Subsurface Oil and Gas Deposits; and to designate it as being permitted by the letter "C" in only the I, Industrial and Q, Quarry, zoning districts.