

**BOROUGH OF ARCHBALD
LACKAWANNA COUNTY
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BOROUGH OF ARCHBALD ZONING ORDINANCE, ADOPTED MARCH 15, 2023, CREATING THE DATA CENTER, OR “DC”, OVERLAY ZONING DISTRICT; INCLUDING DEFINITIONS PERTAINING TO DATA CENTERS IN SECTION 1502 OF ARTICLE 15; AMENDING SECTION 301 OF ARTICLE 3 ALLOWING DATA CENTERS AS CONDITIONAL USES IN THE DATA CENTER OVERLAY ZONING DISTRICT; AMENDING SECTION 401 OF ARTICLE 4 ALLOWING DATA CENTERS AS CONDITIONAL USES IN THE DATA CENTER OVERLAY ZONING DISTRICT; LEAVING DATA CENTERS AS NOT PERMITTED IN THE C-1 ZONING DISTRICT AND AMENDING THE BOROUGH OF ARCHBALD ZONING MAP TO CREATE THE DATA CENTER OVERLAY (DC) ZONING DISTRICT

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Borough Code as Amended, authorizing Boroughs to enact such regulations as may be necessary for the health, safety, morals and general welfare of the Borough; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Pennsylvania Municipalities Code, 53 P.S. § 10101 et seq. as amended, which pursuant to 53 P.S. § 10601 (Entitled “General Powers”) and 53 P.S. § 10609 (Entitled “Enactment of Zoning Ordinance Amendments”) and P.S. § 10501 (Entitled “Grant of Power”) authorizes the Borough’s Council to enact and amend zoning ordinances and subdivision and land development ordinances;

WHEREAS, certain lots and tracts of real property within the Borough of Archbald are underutilized and have potential for development that would benefit the community;

WHEREAS, the Borough Council of the Borough of Archbald recognizes that data centers provide a unique opportunity to facilitate economic growth in the Borough and would be compatible within certain areas of the Borough;

THEREFORE, the Borough of Archbald desires to create flexible and appropriate regulations for the development of land used for data center and related uses; and

THEREFORE, the Borough Council of the Borough of Archbald does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. CREATION OF DATA CENTER OVERLAY ZONING DISTRICT, “DC ZONING DISTRICT”

Article 2 of the Borough’s Zoning Ordinance is hereby amended as to create Section 201.L. and 206, which sections shall read as follows:

201. L. Data Center Overlay Zoning District (the “DC District”):

To allow for the orderly and efficient development of data centers, data center campuses, data center accessory uses, data center equipment (DCE) and related technology uses, the Data Center Overlay Zoning District, or “DC” Zoning District is hereby created and is set forth on the Amendment to the Archbald Borough Zoning Map attached hereto and made a part hereof as Exhibit “A”. The Data Center overlay Zoning District shall be an overlay zoning district available for development subject to the standards set forth in Section 206.

206. Data Center Overlay Zoning District Qualifying Standards:

Data centers, data center campuses, data center accessory uses, data center equipment (DCE) and related technology uses, which may be a single or multi-tenant building or campus, may be permitted by conditional use as a development option if the following standards are met:

1. The Lot or tract must be comprised of at least 120 acres.
2. The Lot or tract must be located in close proximity to a high voltage power transmission line or facility with the capacity to transmit 230kv or greater.
3. A Data Center development must comply with all criteria set forth in §507, and §602. A. (62).
4. The tract shall have direct access to an arterial or collector street.

SECTION II. USES PERMITTED IN THE DATA CENTER OVERLAY (DC) ZONING DISTRICT

A. Article 3 of the Borough of Archbald’s Zoning Ordinance is hereby amended as to create Section 303 which shall read as follows:

303. Conditional Uses in the Data Center Overlay Zoning District:

1. Data Centers
2. Data Center Campus
3. Data Center Accessory Uses
4. Data Center Equipment (“DCE”).

5. Full-time electrical generators, subject to the requirements of §1417 and the following standards:
 - a. Nuclear, coal and oil powered generation is prohibited for full-time electrical generators. For avoidance of doubt, emergency generators and similar emergency and back-up facilities and equipment may operate on diesel fuel.
 - b. All generators must operate and comply with applicable state and federal guidelines and permitting standards.
6. Accessory Uses in the Data Center Overlay Zoning District
 - a. Office space related to Data Center or Data Center Campus use.
 - b. Support and logistics buildings related to Data Center or Data Center Campus use.
 - c. Security buildings and related facilities related to Data Center or Data Center Campus use.
 - d. Utility infrastructure facilities such as electrical switch yards, substations, water storage and treatment pump stations related to Data Center or Data Center Campus use.
 - e. Emergency power generators, including diesel fuel power generators.

B. Article 4 of the Borough of Archbald's Zoning Ordinance is hereby amended as to create Section 402 which shall read as follows:

402. Conditional Uses in the Data Center Overlay Zoning District

1. Data Centers
2. Data Center Campus
3. Data Center Accessory Uses
4. Data Center Equipment ("DCE").
5. Full-time electrical generators, subject to the requirements of §1417 and the following standards:
 - a. Nuclear, coal and oil powered generation is prohibited for full-time electrical generators. For avoidance of doubt, emergency generators and similar emergency and back-up facilities and equipment may operate on diesel fuel.
 - b. All generators must operate and comply with applicable state and federal guidelines and permitting standards.
6. Accessory Uses in the Data Center Overlay Zoning District

- a. Office space related to Data Center or Data Center Campus use.
- b. Support and logistics buildings related to Data Center or Data Center Campus use.
- c. Security buildings and related facilities related to Data Center or Data Center Campus use.
- d. Utility infrastructure facilities such as electrical switch yards, substations, water storage and treatment pump stations related to Data Center or Data Center Campus use.
- e. Emergency power generators, including diesel fuel power generators.

SECTION III. DIMENSIONAL REQUIREMENTS FOR DATA CENTERS

Article 5 of the Borough's Zoning Ordinance is hereby amended as to create Sections 502.D. and 507 which shall read as follows:

502.D. Data Center buildings in excess of 90 feet may be permitted as a conditional use subject to the requirements of §1417 and subject to the following standards:

1. Data Center Accessory Uses such as water and cooling towers may be higher than 90 feet upon proof that such additional height is required for required water pressure and fire suppression systems.
2. The Data Center operator must provide an emergency management plan demonstrating to the Borough's satisfaction that the building or accessory structure can be adequately served by fire, police and emergency services.
3. Data Center Buildings in excess of 90 feet in height must comply with the additional setback requirements of 507.4.

507. Dimensional Standards for Data Centers

1. Minimum Lot Area: 120 acres.
2. Minimum Lot Width Measured at the Minimum Building Setback Line: 300 feet.
3. Maximum Building Height:
 - a. Data Center Building: 90 feet maximum, unless a greater height is permitted under Section 502 D.
 - b. Data Center Accessory building: 50 feet maximum.
 - c. Building Height shall not include parapets, chimneys, spires, towers, mechanical equipment and penthouses, elevator

structures, tanks and similar projections. Appropriate screening of such elements is required.

4. Minimum Building Setbacks:

- a. Data Center Buildings - Front, Side and Rear Yard Setbacks shall be two (200) hundred feet or the height of the building whichever is greater; In addition, the minimum required setback shall be increased to a minimum of three (300) hundred feet from any property boundary of a lot in an R-1, R-2 or R-3 zoning district except such lots that are: (i) contained within the Data Center Overlay, or (ii) owned in common with the Data Center operator.
- b. Data Center Accessory Structures- Front, Side and Rear Yard Setbacks shall be 50 feet or the height of the building, whichever is greater, except that one-story security sheds or similar structures may be setback 25 feet.

5. Maximum Building Coverage: 50%

6. Maximum Impervious Coverage: 75%

7. Architectural Design Guidelines:

- a. With the exception of materials related to rooftop solar or a vegetated green roof, all rooftop equipment shall be screened from view or setback adequately from the building edge so as to not be visible from adjoining properties
- b. Blank facades or walls exceeding 100 feet in length shall not be permitted. To mitigate the appearance and perception of a large monolithic building, developers may consider but are not limited to the following: decorative patterns on exterior finishes, masonry, fenestration, horizontal banding, vertical or horizontal offsets of 1 foot or more, and vegetated “green” walls or a combination thereof.
- c. Minimum five-foot-wide sidewalks shall be provided adjacent to buildings for safe access by employees.
- d. Building articulation and fenestration shall also be provided for data center facilities with an accessory office component, specifically in the areas of the facility related to employee entrances and office spaces. Such areas shall maximize natural lighting and incorporate the following:
 - 1) No blank facades or walls are permitted.
 - 2) Minimum area of window opening on facades of office spaces and employee entrances: 40%
 - 3) Spandrel glass may be utilized in the design.

- e. Fronts of buildings (i.e., yards) must be fully appointed with landscaping of trees, shrubs, ornamental grasses or ground cover, see additional requirements below and Section 1304.
 - f. Outdoor storage shall be fully enclosed and comply with requirements in Section 603 outdoor storage.
 - g. Lighting shall comply with the requirements in article 10 Section 1007 and the latest IESNA guidelines.
8. Buffer Requirements: Each edge of the site is unique and requires different setback and buffering requirements tailored to that edge's characteristics and its neighboring land use. All buffer types must be continuously effective all year round and are to be a combination of berms, deciduous and evergreen planted material, sound wall and horizontal green space and shall be employed to the satisfaction of the Borough to achieve sufficient screening of sight and sounds from adjacent properties.
- a. A buffer of at least fifty (50) feet in depth shall be maintained adjacent to all exterior property boundaries of the Data Center development.
 - b. No activity, material storage, or parking of vehicles shall be permitted within a buffer or screen area except for freestanding signage.
9. Berm Requirements:
- a. Where existing topography does not provide adequate screening, as determined by the Borough of Archbald Code Enforcement Office, earthen berms shall be required to be constructed within the buffer area in the following locations:
 - 1) Adjacent to R-1, R-2 and R-3 zoning districts, with a minimum of 6-foot height.
 - 2) Along arterial or collector roadways where Data Center buildings exceed 50 feet in height
 - 3) Where Data Center Equipment will be visible from public rights-of-way.
 - b. Berms shall have a minimum height of 4 feet and maximum height of 8 feet
 - c. Berms shall maintain a maximum slope ratio of 3:1 for stability and maintenance access
 - d. Berms shall have a minimum base width of 12 feet to support required vegetation
 - e. Berms shall be designed with proper drainage to prevent water pooling and erosion

f. Vegetation on Berms:

- 1) Berms shall be planted with a combination of evergreen and deciduous trees, shrubs, and ground cover
- 2) Trees shall be planted at maximum 20-foot centers along berm crests and slopes
- 3) Minimum 60% evergreen tree coverage for year-round screening
- 4) Shrubs shall be planted at 12-foot centers to provide dense screening between trees
- 5) All slopes shall be stabilized with appropriate ground cover or low shrubs within 30 days of construction
- 6) Plant materials shall be native or adaptive species suitable for local climate conditions

g. Maintenance Requirements:

- 1) Property owner shall maintain all berms and associated vegetation in perpetuity
- 2) An annual inspection and maintenance plan shall be submitted to Borough
- 3) Dead or diseased vegetation shall be replaced within one growing season
- 4) Erosion control measures shall be maintained and repaired as needed

h. Landscape Bond:

- 1) The developer or landowner shall deposit with the Borough a sum of money equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of eighteen (18) months.
- 2) Any tree or shrub on the berm which, within eighteen (18) months of planting or replanting is deemed, in the opinion of the Borough, not to have survived or to have grown in a manner uncharacteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Borough.

- i. Alternative Compliance:
 - 1) Where berms are not feasible due to utilities, topography, or other constraints, alternative screening methods may be approved including:
 - i. Decorative walls with integrated landscaping (minimum 6-foot height)
 - ii. Dense evergreen hedge plantings (minimum 8-foot mature height)
 - iii. Combination of existing vegetation preservation and supplemental planting

SECTION IV. ADDITIONAL STANDARDS FOR DATA CENTERS

Article 6 of the Borough of Archbald's Zoning Ordinance is hereby amended as to create Section 602.A.(62), which shall read as follows:

(62) Additional Standards for Data Centers:

- 1. As a part of any applicant's Land Development Application, all Data Center applications shall include a sound study conducted by a professional acoustical expert, paid for by the applicant and approved by the Borough of Archbald's professional acoustical expert. Should the study results demonstrate that the installation of sound reducing materials or systems is/are needed to comply with the standards found in Section 1005 and Section 602.A.(62) (a) of the Borough of Archbald's Zoning Ordinance, such items shall be installed at the applicant's expense and approved by the Borough's professional acoustical expert. A sound study shall be conducted in the following phases:
 - a. A preliminary sound study for the Data Center and associated DCE shall be conducted as part of the applicant's application for a zoning permit. The preliminary sound study shall recommend, if needed, the sound reducing materials or systems to meet the Borough's Environmental Protection Requirements in Article 10 as well as the requirements of Section 602.A.(62) herein.
 - b. An as-built sound study shall be conducted nine (9) months after issuance of the certificate of occupancy and at full occupancy for any Data Center and associated DCE prior to the final escrow release for any Data Center land development phase and shall be paid for by the applicant. An as-built sound study may also be required thereafter by the Borough upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound

limits, then the owner or occupant of the Data Center shall promptly remediate the violation into compliance with the aforesaid sound limits.

- c. Study Requirements: All sound studies shall be conducted by a professional acoustical expert using applicable ANSI standards and generally accepted criteria.
- d. Violation Remediation: If violations are found, the owner/occupant shall promptly remediate to compliance. In addition to all other remedies and penalties available to the Borough of Archbald for a violation of the Borough of Archbald Zoning Ordinance, any failure to remediate may result in permit revocation.

2. Data Centers, Data Center Campuses, Data Center Accessory Uses, and DCEs shall comply with the Borough's Noise Regulations set forth in Section 1005, except that:

- a. Maximum dBA limitations shall not apply during a power outage or similar emergency and for a period of two hours after power is restored.
- b. Maximum dBA limitations shall not apply during routine testing and maintenance of back-up generators, such testing shall not occur before 7 am or after 8 pm.
- c. Future sound levels attributable to Project Operation ("Project Sound") shall not exceed the measured pre-construction ambient sound level by more than 5 dBA, as assessed at any lot line of the property where residential uses exist within 2,500 feet, or at the site of any other residential uses within 2,500 feet.
- d. The pre-construction ambient sound level shall be quantified through a continuous, long-term sound measurement survey paid for by the applicant. The measurement survey shall be performed, to the extent practicable, per the methodology described in ANSI S12.9-1992, Part 2, "American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound, Part 2, Measurement of Long-Term, Wide-Area Sound". Specific measurement locations and survey durations shall be established on a per-Project basis within a sound survey protocol drafted in consultation with an acoustical consultant approved by the Borough of Archbald Code Enforcement Office and paid for by the applicant.

- e. Project Sound determined to be five (5) decibels above the determined ambient noise level shall be a violation of the Borough of Archbald Zoning Ordinance, subjecting the applicant to all penalties and remedial provisions of the Borough of Archbald Zoning Ordinance, and shall be attenuated and mitigated to comply with the terms of the Borough of Archbald Zoning Ordinance as soon as possible.
- 3. A Lot may include lots, tracts parcels or assemblages owned in common or otherwise developed in common and considered contiguous for the purpose of all bulk, area and land mass calculations. Lots, tracts, parcels or assemblages shall be deemed contiguous even if separated by rights of way so long as they are owned or developed in common.
- 4. Public water and sewer facilities shall be provided. If existing public water and sewer facilities are insufficient, compliance with §402(e) and §402(f) of the Borough of Archbald's Subdivision and Land Development Ordinance (SALDO) shall be demonstrated.
 - a. If the Data Center is to rely upon non-public sources of water, a water feasibility study shall be provided including:
 - 1) Calculations of projected water needs
 - 2) Geologic map of the area with a radius of at least one mile from the site
 - 3) Location of all existing and proposed wells within 1,000 feet
 - 4) Location of all streams within 1,000 feet and known pollution sources
 - 5) Long-term safe yield determination
 - 6) Effects on nearby wells, streams, and groundwater table
 - 7) Water recycling and release plans
 - b. Depending on location, proof of review and approval from the appropriate local, state and/or federal regulatory agencies for projects with water withdrawals of 100,000 gpd or more, or consumptive use of 20,000 gpd or more.
- 5. The applicant shall provide a fully executed Letter of Authorization from the applicable electric service provider indicating the necessary capacity is available.

6. Secondary means of ingress and egress shall be provided to the satisfaction of the Borough's fire and emergency management officials.
7. Data Centers shall have a campus security plan prepared in consultation with the Borough's police and emergency management officials.
8. All disturbance of wetlands, riparian buffers, streams and similar water resources shall comply with standards and requirements of the Pennsylvania Department of Environmental Protection.
9. Data Center developments shall be exempt from the Steep Slope provisions of §1003, provided that all proposed grading is in accordance with an Erosion and Sedimentation Control Plan approved by the Lackawanna County Conservation District and/or the Pennsylvania Department of Environmental Protection (PADEP). Such approval shall be evidenced by the issuance of the applicable Erosion and Sedimentation Control Permit, including, where applicable, an NPDES permit.
10. Development within a floodplain shall comply with standards and requirements of the PADEP and Section related to Floodplains.
11. Ground mounted Noise Generating Data Center Equipment shall not be located in any front yard between the Data Center buildings and arterial or collector roads and shall be separated from all adjacent residential uses by principal buildings.
12. Data Centers, Data Center Campuses, Data Center Accessory Uses, and Data Center Equipment (DCE) shall comply with the general regulations in Article 13 of the Borough of Archbald's Zoning Ordinance.
13. The minimum parking requirement shall be one (1) space per eight thousand (8,000) square feet of floor area of the portions of a Data Center building designed and intended to be accessible regularly by employees, or one (1) space for every one (1) employee, based upon the maximum number of employees onsite during the largest shift, whichever is lesser.
14. The minimum loading space requirement shall be one (1) space per Data Center building.

**SECTION V. AMENDMENT OF SECTION 1502 OF ARTICLE 15
(DEFINITIONS) TO INCLUDE DEFINITIONS PERTAINING TO
DATA CENTERS**

- A. Section 1502 of the Article 15 "Definitions", it is hereby amended to include the following definitions, which shall be incorporated in alphabetical sequence:

1. **Data Center** – a building, structure or facility, or a dedicated space within a building, structure or facility, or a group or campus of such buildings, structures, or facilities used primarily for, or intended to be used primarily for, the housing, operation and/or co-location of computer and/or communications equipment and/or for the handling, storage and backing up of the data or other information necessary for the operation of a business or organizational entity, such as, by way of illustration and not by means of limitation, telecommunications systems, storage systems, internet systems and/or artificial intelligence, telecommunications and storage systems and digital currency mining systems. The term “Data Center” may also include Data Center Equipment, or DCE, and/or Data Center Accessory Uses, when located on a same tract or assemblage of adjacent parcels developed as a unified development or campus.
2. **Data Center Accessory Uses** – Data Center Accessory Uses generally include but are not limited to utilities, utility lines, electrical substations, transformers, emergency and back-up generators, including but not limited to diesel and natural gas powered emergency and back-up generators, switchgears, electrical fields, mechanical fields, pump stations, water towers, heating and cooling equipment, mechanical equipment and environmental controls (air conditioning, chillers, cooling towers, fire suppression, etc.), battery and power storage facilities and equipment, redundant/backup power supplies, storage facilities for water, natural gas and propane, including pumps, compressors and related facilities and equipment, operations which directly support Data Center uses, water and wastewater treatment and processing facilities, redundant data communications connections, guard houses and security facilities, parking, support offices, storage and logistic buildings when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center. Data Center Accessory Uses shall comply with all applicable provisions of the Archbald Borough Zoning Ordinance.
3. **Data Center Equipment (DCE)** – Data Center Equipment, or DCE, includes by way of illustration and not by means of limitation, any data center accessory uses which in an un-muffled state generate noise in an excess of any applicable provisions of the Borough of Archbald Zoning Ordinance or other Ordinance. Data Center Equipment, or DCE, shall be accessory to the Data Center and shall be located on the same tract or assemblage of adjacent parcels developed as a unified development or campus for a Data Center and shall comply with all applicable provisions of the Borough of Archbald Zoning Ordinance.
4. **Data Center Campus.** An integrated group or campus of Data Center Buildings, Data Center Accessory Uses and DCE’s located on the same Lot or tract of assemblage of adjacent lots and parcels and developed as a unified development. A Data Center Campus may include land bisected

by private or public roadways and right of ways so long as they are developed as a unified development.

SECTION VI. AMENDMENT OF SECTION 301 OF ARTICLE 3 ALLOWING DATA CENTERS AS CONDITIONAL USES IN THE DATA CENTER OVERLAY ZONING DISTRICT, AMENDMENT OF SECTION 401 OF ARTICLE 4 ALLOWING DATA CENTERS AS CONDITIONAL USES IN THE DATA CENTER OVERLAY ZONING DISTRICT AND LEAVING DATA CENTERS AS NOT PERMITTED IN THE C-1 ZONING DISTRICT

- A. Section 301 of Article 3, pertaining to Residential uses in primarily residential zoning districts, is hereby amended to allow Data Centers, Data Center Accessory Uses, Data Center Equipment (DCE) and Data Center Campuses as Conditional Uses only in the Data Center Overlay Zoning District (DC District) as shown on the Borough of Archbald's Amended Zoning Map attached to this Ordinance as Exhibit "A".
- B. Section 401 of Article 4, pertaining to Non-Residential uses in primarily non-residential zoning districts, is hereby amended to allow Data Centers, Data Center Accessory Uses, Data Center Equipment (DCE) and Data Center Campuses as Conditional Uses only in the Data Center Overlay Zoning District (DC District) as shown on the Borough of Archbald's Amended Zoning Map attached to this Ordinance as Exhibit "A".

Data Centers are not permitted in the C-1 Zoning District.

SECTION VII. AMENDMENT OF THE BOROUGH OF ARCHBALD'S ZONING MAP TO CREATE AND ILLUSTRATE THE DATA CENTER OVERLAY (DC) ZONING DISTRICT

The Borough of Archbald's Zoning Map is hereby amended to create and illustrate the Data Center Overlay Zoning District, the DC District, in accordance with the Zoning Map attached hereto and made a part hereof as Exhibit "A".

SECTION VIII. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all Ordinances of the Borough of Archbald, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby

SECTION IX. SEVERABILITY

If any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, term, phrases, or part of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Archbald that this Ordinance would have been adopted had such an unconstitutional, illegal or invalid provision, sentence, clause, section, term, phrase or part there of not been included herein.

SECTION X. EFFECTIVE DATE

This amendment shall become effective five (5) days after date of enactment.

ORDAINED AND ENACTED THIS ____ day of _____, of 2025.

ATTEST:

BOROUGH OF ARCHBALD

By: _____
DAVID MORAN, PRESIDENT
ARCHBALD BOROUGH COUNCIL

ATTEST:

By: _____
MARY LOFF, SECRETARY,
BOROUGH OF ARCHBALD

EXAMINED AND APPROVED this _____ day of _____ of 2025.

SHIRLEY BARRETT, MAYOR
BOROUGH OF ARCHBALD