

FRANCONIA TOWNSHIP

ORDINANCE #434-26

AN ORDINANCE AMENDING FRANCONIA TOWNSHIP CODE AS FOLLOWS: AMENDING CHAPTER 145 [ZONING], ARTICLE II [DEFINITIONS], SECTION 145-5, [DEFINITIONS AND WORD USAGE], TO ADD DEFINITIONS FOR “DATA CENTER”, “DATA CENTER ACCESSORY USE”, “DATA CENTER CAMPUS”, “ENERGY GENERATION SYSTEM”, AND “SENSITIVE RECEPTOR”; AMENDING CHAPTER 145 [ZONING], ARTICLE XV [INDUSTRIAL DISTRICT], SECTION 145-84 [CONDITIONAL USES] TO ADD DATA CENTER OR DATA CENTER CAMPUS AS CONDITIONAL USES WITHIN THE I-INDUSTRIAL DISTRICT; AND AMENDING CHAPTER 145 [ZONING], ARTICLE XV [INDUSTRIAL DISTRICT], TO ADD A NEW SECTION 145-84.3 WHICH PROVIDES SPECIFIC REGULATIONS FOR DATA CENTER CONDITIONAL USES.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Franconia Township Board of Supervisors as follows:

SECTION 1. The Code of Franconia Township, Chapter 145, “Zoning,” Article II, “Definitions,” Section 145-5, “Definitions and Word Usage,” shall be amended to add the definition of “Data Center”, “Data Center Accessory Use”, “Data Center Campus”, “Energy Generation System”, and “Sensitive Receptor” each of which shall read as follows:

§ 145-5. Definitions and Word Usage.

Data Center

A facility primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

Data Center Accessory Use

Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as

generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Campus

A data center campus includes all of the structures and real estate owned, controlled, leased or otherwise occupied primarily for the use and purpose as Data Center(s), including: Data Center(s); Data Center Accessory Uses; and all other systems, equipment, piping, conduit and other ancillary equipment, structures, and other appurtenances that are incidental to and/or needed for the construction, support, operation, repair, maintenance, and/or protection of the Data Center(s) and/or the data center campus.

Energy Generation System

Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems.

Sensitive Receptor

Buildings used for residences (including institutional uses with a residential component), schools, daycare centers, preschools, hospitals, community centers, and similar institutional uses.

SECTION 2. The Code of Franconia Township, Chapter 145, “Zoning,” Article XV, “Industrial District”, Section 145-84, “Conditional Uses,” shall be amended to add a new subpart 145-84.C., which shall read as follows:

§ 145-84. Conditional uses.

C. Data Center or Data Center Campus

SECTION 3. The Code of Franconia Township, Chapter 145, “Zoning,” Article XV, “Industrial District” shall be amended to add a new Section 145-84.3, “Additional Regulations for Data Center Conditional Uses,” which shall read as follows:

§ 145-84.3. Additional Regulations for Data Center or Data Center Campus Conditional Uses. In addition to the regulations and standards for all conditional uses contained in this Article, the following regulations shall also apply to any application for a Data Center use:

A. Access Standards

- (1) Data centers shall take access from an arterial street [primary street] or major collector street [secondary collector street] and shall have secondary access suitable for emergency response purposes.

B. Aesthetic Standards

- (1) Principal building facades shall require a horizontal offset of at least ten feet at intervals of no more than 150 linear feet (measured horizontally) of principal building facade.
- (2) No more than 80 percent of a principal building facade may consist of one building material.
- (3) No more than 80 percent of a principal building facade may consist of one color, texture, or pattern.
- (4) Principal building facades shall require fenestration, step-back(s), cantilever(s), projection(s), or architectural elements extending horizontally across at least 60 percent of the facade.
- (5) Each principal building shall include an articulated main entrance. This entrance shall be differentiated from the rest of the building with a change in building material, pattern, texture, color, or architectural accent. It shall also either project or be recessed from the adjoining building plane.
- (6) Elevations/renderings of all principal building facades visible from off-site shall be submitted with the conditional use application.
- (7) Roof-mounted equipment shall be set back from the parapet at least as far as the equipment’s height above the roof surface.

- (8) Fencing, when utilized, shall not include barbed or razor wire and shall be subject to Section 145-21 “Fences and Walls” of the Franconia Township Ordinance.

C. Dimensional Standards

(1) Minimum Lot Area:

- (a) Data centers shall have a minimum lot area of 50 acres.

(2) Maximum Height:

- (a) Data centers and freestanding accessory uses may not exceed 50 feet in height. For data center principal buildings, the maximum height shall be inclusive of rooftop appurtenances and rooftop accessory uses.

(3) Minimum Setbacks.

- (a) Data center principal buildings, accessory uses, and truck idling areas shall have a minimum setback from all property lines of 250 feet, with the exceptions of utility lines, fiber optic lines, and security stations.
- (b) Data centers shall be a minimum of 1,000 feet from residential uses, residential districts, and/or other sensitive receptors. This distance may be reduced to a range of 500 – 999 feet if the applicant can successfully demonstrate how it will exceed other environmental performance standards including noise levels that do not exceed ambient noise for that area, visual screening and/or aesthetic improvements that mask the data center use, and do not contribute to any thermal air changes that would affect the closest sensitive receptors.

(4) Maximum Building Coverage: 40%.

(5) Maximum Impervious Coverage: 50%

(6) Fifty-foot buffer yard shall be required and shall:

- (a) include a dense evergreen screen which will provide, within three years, a complete visual screen of at least 10 feet in height.
- (b) include deciduous shade trees meeting the following requirements:

[1] Shall meet provisions of the Township Code, Chapter 122, Subdivision and Land Development, concerning type and initial size of shade trees.

[2] Shall be placed abutting streets as required by

the Township Code, Chapter 122, Subdivision and Land Development, and along every 50 feet of lot perimeter that does not abut a public street (such trees are not required to be planted at regular intervals but may be clustered).

[3] Shall be of types selected to be resistant to diesel exhaust.

[4] Shall be planted on the exterior side of any required berm (or any wall that might be permitted in place of such berm), any wall used for screening, any fence and any evergreen screening.

[5] Shall not be planted on the top of any berm, in order to provide effective screening.

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

(d) If a data center structure or data center accessory structure are within 250 feet of the exterior lot lines, any such structure shall be separated from said lot lines by an earthen berm, which shall:

[1] Average a minimum of 10 feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

[2] Not have one completely continuous height, but instead shall vary in height by one foot or two feet in places.

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

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

D. Energy Use Standards

(1) Projects shall be designed and constructed to meet the current USGBC LEED BD+C: Data Centers rating system, or equivalent

design standard, as approved by the Township Engineer.

(2) The applicant for a data center shall provide an Energy Usage Plan with the conditional use application. The Energy Usage Plan shall provide or identify, at a minimum:

- (a) Annual electricity demand
- (b) Energy supply sources that will be utilized
- (c) Energy storage capacity (if applicable)
- (d) Proposed sources of back-up power
- (e) Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those to: Reduce the need for new electric generation by incorporating the best available energy efficiency into the design of data center servers, cooling units, and the building structure.

[1] Cover 50-80% of all unused roof space with solar arrays to offset a portion of the demand on the electric grid and reduce onsite emissions.

[2] Explore battery storage as a backup energy source for 50- 100% of total onsite back-up energy needs to reduce or eliminate the pollution associated with diesel backup generators.

[3] Support off-site renewable energy generation through a power purchase agreement or other arrangement that will result in new renewable energy generation within the PJM region.

[4] Monitor and report energy efficiency and emissions data to the Township on a regular basis.

(f) If interconnecting to the energy grid, documentation of the energy utility interconnection approval process with answers to the following:

[1] Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.

[2] Documentation that a transmission security agreement has been received by the applicant.

[3] Documentation that the transmission security agreement has been signed by all necessary parties.

[4] The date that the electric utility provider provided for the proposed energization of the data center.

- (g) The Energy Usage Plan will be prepared and certified by a professional engineer. The plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any zoning approval.
- (3) A proposed Data Center whose Energy Usage Plan shows power demand of over 50 megawatts (MW) and that proposes to connect to the power grid shall be required to procure a minimum of 10% of its power from renewable generation sources generated within the PJM region, which include solar, wind, hydroelectric power, geothermal, and waste heat from data center cooling processes. Electricity supply shall be procured through a power purchase agreement or similar mechanism as opposed to purchasing renewable energy credits (RECs) only.
- (4) The applicant shall demonstrate that the proposed data center will not otherwise adversely impact the current or future availability of electrical service for general public use by the residents, businesses and property owners of the Township.

E. Power Generation Standards

- (1) Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems, shall not be considered part of the Data Center use but shall be subject to existing Township or utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with Township zoning regulations applicable to such use. The applicant shall select, design, and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible. Data center principal buildings shall be located between energy generation systems and residential districts, or any other sensitive receptors.
- (2) Electric Utility Substations on the same property as the Data Center they serve shall be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- (3) Data Center electric utility substations visible from an arterial roadway shall include a combination of year-round opaque landscaping and screening walls to minimize visual impact.

- (4) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below shall be buried.
- (5) Proposed substations on a parcel that abuts a zoning district boundary other than industrial, and/or a boundary with a property with a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting both another industrial-zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.

F. Backup Power Generation Standards

- (1) Diesel generators shall meet Tier 4 emission standards of the U.S. Environmental Protection Agency.
- (2) Diesel generators shall undergo annual testing, and reports shall be provided to the Township to ensure that data center equipment is performing as designed and that emissions from the data center do not exceed permitted limits.
- (3) Emergency energy generation that uses diesel, gasoline, or another fossil fuel shall be used only at the following times:
 - (a) When the primary source of energy is not available due to an emergency outage.
 - (b) During routine maintenance, or readiness testing for a short duration of time and capped at 100 hours per year.
 - (c) Routine maintenance testing of back-up fossil fuel-powered generators is restricted to the hours of 9 am through 3 pm Monday through Friday.
- (4) Use for peak shaving or supplying power to the grid is prohibited. The applicant shall design and locate emergency energy generation systems to limit noise and visual impacts as much as possible.

G. Water Usage Standards

- (1) No principal use on a data center site shall use private groundwater wells or direct withdrawals from surface watercourses as its primary source of water for cooling purposes if a public water source is available.
- (2) Data centers shall be designed to include a closed-loop water circulation system to cool data center processing equipment. An applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed-loop systems to the satisfaction of the Township Engineer.
- (3) All data centers must be connected to the public water system and obtain all water service to the site from a public utility water service provider. No data center shall adversely impact the

availability of water service, the rate of flow, or the water pressure from public water systems to residences, farms, and businesses within a two-mile radius of the use's site. A will serve letter from the public water provider shall be provided to the Township with the Conditional Use application demonstrating compliance with these requirements.

- (4) No approvals shall be granted until all required state and regional permits have been obtained (i.e., PADEP, SRBS, DRBC).
- (5) The applicant shall provide a drought response plan to demonstrate compliance with state, water supplier, and local drought declaration requirements.
- (6) All data centers must be connected to a public sanitary sewer system. No data center shall adversely impact the availability of sanitary sewer service, the rate of flow, or the ability to discharge to public systems for residences, farms, and businesses within a two-mile radius of the use's site. A will serve letter from the public sewer provider shall be provided to the Township with the Conditional Use application demonstrating compliance with these requirements.
 - (a) The applicant shall submit an analysis of wastewater disposal needs to a public sewer system indicating the quantity of wastewater generation expected. Wastewater shall include sewage and water discharged as part of the data center's HVAC system.
 - (b) Any untreated wastewater generated is prohibited to be discharged to stormwater systems or surface waters.
- (7) The applicant shall demonstrate that the proposed data center will not otherwise adversely impact the current or future availability of water service or sewer service for general public use by the residents, businesses and property owners of the Township.

H. Thermal and Cooling Standards

- (1) A Thermal Impact Mitigation Plan shall be submitted with the conditional use application, including, at a minimum:
 - (a) Identification of primary sources of waste heat (air and water based)
 - (b) Evaluation of potential off-site thermal impacts (including plume/ heat discharge and localized heat islands) under representative seasonal conditions.
 - (c) Description of design measures to minimize heat impacts

- (e.g., equipment siting, shielding, landscaping, cool roofs/paving where applicable).
- (d) Evaluation of feasible opportunities for waste heat reuse. Where re-use is not feasible, the reason(s) why should be given, in which case alternative mitigation shall be identified (e.g., vegetative or green roof and/or site design modifications).
 - (e) Inclusion of a monitoring/verification approach if required by conditions of approval based on proximity to sensitive receptors or site constraints.
 - (f) The Plan shall be prepared and certified by a professional engineer.
 - (g) The Thermal Impact Mitigation Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any zoning approval.

I. Noise and Vibration Standards

(1) Noise Studies.

- (a) Pre-construction Noise and Vibration Study. The applicant shall submit with the conditional use application a pre-construction noise and vibration study prepared and sealed by an acoustical engineer establishing baseline ambient noise and vibration levels and shall include different times of day. The noise and vibration study shall include a narrative describing anticipated operational impacts to sound levels and it shall include an octave band analysis. The noise study shall account for any proposed electrical substations, onsite power generation facilities, and other data center accessory uses that may generate noise.
- (b) Post-Construction Noise and Vibration Study. The applicant shall submit an as-built post-construction noise and vibration study of existing operations within 180 days, but no sooner than 30 days, following issuance of a use and occupancy certificate and commencement of operations at the Data Center . The study shall be conducted by an acoustical engineer using applicable ANSI standards and generally accepted criteria.
- (c) Sound shall be measured at all property lines during normal operations, peak cooling load, and during operation of emergency generators under load. The studies shall use full spectrum modeling to address low-frequency noise

impacts.

- (d) Vibration Standards to be used in the study. Vibration shall be evaluated using two distinct criteria: (a) Building Damage: Ground vibration shall not exceed 0.2 to 0.5 inches per second peak particle velocity (PPV), measured in accordance with USBM RI 8507 or successor standard; and (b) Human Perception: Vibration levels shall not exceed 65 VdB, measured in accordance with ISO 2631-1 or successor standard.
- (e) The timing of the post-construction noise and vibration study shall not preclude enforcement by the Township at any time upon identification of a violation. The applicant shall provide reasonable access to monitoring data, equipment specifications, and operating conditions to the Township Engineer, designee or other consultant acting on behalf of the Township.
- (f) If the post-construction study demonstrates non-compliance with any applicable noise or vibration standard, the applicant shall, within 30 days of written notice from the Township, submit a corrective action plan prepared by an acoustical engineer. All violations shall be fully remediated within a timeframe approved by the Township, but in no event later than 90 days following Township notice of non-compliance, unless extended by the Township for good cause shown.
- (g) If the pre-construction Noise Study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Chapter, the Post-Construction Study shall demonstrate that operations of the proposed use do not materially increase the baseline ambient noise level as measured at the property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.
- (h) Noise mitigation measures may be required by the zoning officer when noise studies show that the use is generating noise approaching established limits.
- (i) The Township may require additional noise and vibration testing upon receipt of substantiated complaints or following material modification, replacement, or addition of mechanical equipment, cooling systems, generators, or other vibration-generating equipment.

(2) Sound level.

- (a) Sound levels at the property line shall not exceed 40 dB(A) and 50 dB(C) from 7:00pm to 7:00 am, nor shall they exceed 45 dB(A) and 60 dB(C) from 7:00am to 7:00pm.
- (b) Where baseline ambient noise measured for the pre-construction noise study exceeds that of the maximum sound level above, sound levels at the property line shall not exceed the baseline ambient noise level (for dB(A) and dB(C))

J. Emergency Management Standards

- (1) An Emergency Response Plan (ERP) shall be required as part of the conditional use application and shall be prepared by a qualified professional. The ERP shall:
 - (a) Evaluate the impacts, both positive and negative, of the proposed data center upon emergency services and fire protection.
 - (b) Be reviewed by and acceptable to the local fire department and emergency management services as part of the conditional use process.
 - (c) Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - (d) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
 - (e) Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.
 - (f) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.
- (2) Each Data Center shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.
- (3) The applicant shall coordinate with the Township emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the Township public safety radio communications system exterior to on-site

buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.

- (4) Data Centers and any Data Center Accessory use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and shall include fire suppression systems designed specifically for battery storage.
- (5) No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

K. Electronic Waste Standards

- (1) An Electronic Waste Plan shall be submitted with the conditional use application outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all state and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned. The Report shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended reports based upon comments by the Township prior to any zoning approval.

L. Parking Standards

- (1) One off-street parking space shall be required for each employee, based upon the number of employees projected to work during the largest shift, plus 5 spaces for visitors.
- (2) The Township may ask for an additional 25 percent of required parking spaces to be held in reserve.

M. Decommissioning Standards

- (1) A Decommissioning Plan prepared by a qualified professional shall be submitted with the conditional use application. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration. The Township may require financial security (with related agreements) to be posted to cover the full cost of decommissioning and site restoration if not done in a timely fashion by the operator/owner of the Data Center.
- (2) The owner shall submit a notification of closure if operations are permanently ceased.

- (3) Decommissioning shall begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. An extension of 1 year may be granted by the Township if the property owner can demonstrate that they are actively marketing the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the Township for good cause.
- (4) Standards for Decommissioning:
- (a) All above-ground structures, equipment, and accessory facilities shall be removed.
 - (b) Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.
 - (c) Disturbed soils shall be stabilized and re-vegetated.
 - (d) Any utility connections shall be safely disconnected and capped.
 - (e) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

N. Public Engagement Requirements

- (1) The applicant shall hold a public meeting prior to the first planning commission meeting when the proposed land development or conditional use proposal is discussed. The purpose of the meeting shall be to inform the public about the nature of the proposed development, including the location, scale, and general characteristics. A representative(s) of the applicant with knowledge of the project and the ability to answer general questions from the public about the project's general location, scale, and parameters shall participate in the meeting. The public meeting shall be advertised consistent with "public notice" as defined by the Pennsylvania Municipalities Planning Code (PA Act 247).
- (2) The applicant shall create and maintain a project website for viewing by the general public. The site shall explain the project parameters, including maps and elevations/renderings, beginning at least two weeks prior to the meeting discussed above, and until the time of final land development approval. The site shall provide a description of the proposed use, construction timelines and phasing plans, dates of public meetings with Township bodies, and status of permits.

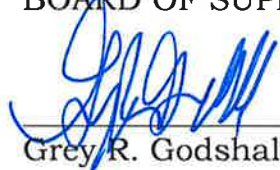
SECTION 4. Repeal and Ratification. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 5. Severability. Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon enactment.

DULY ENACTED AND ORDAINED this 20th day of July, 2026, by the Board of Supervisors of Franconia Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

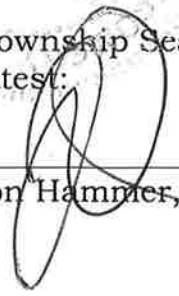
FRANCONIA TOWNSHIP
BOARD OF SUPERVISORS



Grey R. Godshall, Chairman



(Township Seal)
Attest:



Jon Hammer, Secretary