ORDINANCE NO. 2025-172

BUTLER TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, BY THE BUTLER TOWNSHIP BOARD OF SUPERVISORS, AND ARENDTSVILLE BOROUGH, ADAMS COUNTY, PENNSYLVANIA, BY THE ARENDTSVILLE BOROUGH COUNCIL, AMENDING THE ARENDTSVILLE BOROUGH-BUTLER TOWNSHIP ZONING ORDINANCE TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS. (ORDINANCE NO. 164 OF 2022, AS AMENDED)

WHEREAS, the Pennsylvania's Municipalities Planning Code, 53 P.S. § 10101, *et seq.* (the "MPC"), enables a municipality through its zoning ordinance to regulate the use of property by enacting, amending, and repealing zoning ordinances; and

WHEREAS, Section 609 of the MPC, 53 P.S. § 10609, sets forth the procedures for zoning ordinance amendments; and

WHEREAS, Arendtsville Borough and Butler Township seek to promote the general health, safety, and welfare of the community by adopting and implementing amendments to the Arendtsville Borough-Butler Township Joint Zoning Ordinance to permit Data Centers in the Industrial District.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Borough Council of Arendtsville Borough and the Board of Supervisors of the Township of Butler, Adams County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. Recitals. The above recitals are incorporated herein.

SECTION 2. Article 2, Section 201 of the Arendtsville Borough-Butler Township Joint Zoning Ordinance, entitled "Definitions," shall be amended by adding the following definition to those listed in Section 201, to be inserted in alphabetical order:

> **DATA CENTER:** A use involving a building or area within the property in which the majority of the use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred, and/or stored, primarily to/from offsite locations. This use does not include computers or telecommunications-related equipment that is considered customarily accessory to an otherwise permitted use on the property, i.e., servers associated with an office building, both located on the same property.

SECTION 3: Article 11, Section 1101 of the Arendtsville Borough-Butler Township Joint Zoning Ordinance, entitled "Use Regulations," under the Industrial District, shall be amended by adding No. 10 under Subsection C, "Special Exception Uses," as follows:

10. Data Centers

SECTION 4: Article 14, Section 1401 of the Arendtsville Borough-Butler Township Joint Zoning Ordinance, entitled "Performance Standards for Specific Uses," shall be amended by adding a new section (DDD) to read as follows:

DDD: Data Centers

The following standards shall be applied to any property being used for a Data Center.

I. A Data Center shall meet the following guidelines.

A. Principal building facades: Principal building facades shall include all building facades that face adjacent public roads. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment. Principal building facades associated with new construction shall meet the following standards:

1. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: change in building height; building step-backs or recesses; fenestration; change in building material, pattern, texture, color; or use of accent materials.

2. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.

B. Screening of mechanical and electrical equipment: In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical and electrical equipment shall be screened. This screening may be provided by a principal building or existing vegetation that will remain on the property or is within a landscaping/buffer easement on an adjacent property. Mechanical and electrical equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

C. Buffer yard requirement:

1. A buffer yard is required in order to screen the Data Center from adjacent residentially zoned or planned properties. The required buffer yard from residential properties, residentially zoned properties, or properties where a residential development has been approved by the Township shall be not less than an additional width of one hundred (100) feet beyond the required setback width from the property line. This buffer yard shall consist of a dense screen of evergreen and deciduous trees and must be approved by the

Township Zoning Officer. In lieu of this buffer yard requirement, any side/rear yard abutting property that is not developed with commercial or industrial uses shall include a buffer yard required plantings installed on an earthen berm that has a minimum height of six (6) feet and a slope not steeper than 2:1.

2. Landscape screening shall be provided along all road right-of-way and shall visually screen the data center from the roadway.

3. Landscaping shall be installed between the data center fencing and road right-of-way and shall consist of one evergreen tree and one deciduous tree for every 20 feet of road frontage adjacent to the data center.

4. The required screening shall be planted in a staggered manner, shall be native species, and shall have a mixture of varieties.

5. Landscaping shall also blend in with existing tree lines and existing vegetation, wherever possible.

6. All coniferous trees shall be a minimum of six feet in height at time of planting, and all deciduous trees shall not be less than two-inch caliper at time of planting.

7. Additionally, Data Center owners must still comply with the minimum standards for Landscaping of non-residential development under Article 13, "General Standards for Nonresidential Uses," Section 1313 "Landscaping" of the Zoning Ordinance.

D. Fencing: Fencing of the property is permitted, provided that fencing along public or private streets is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. Chain-link fencing or barbed wire fencing are prohibited along public or private street frontages. This fencing allowance does not relieve a property owner from complying with all fire and access code requirements. The Township and Borough may allow for alternative compliance with this requirement, provided the applicant demonstrates that the fencing visibility is reduced, through the use of landscaping and other methods to reduce visibility.

E. Utility Substations: Electronic Substations or other utility substations necessary to serve the Data Center use shall be considered part of the Data Center and shall be screened from adjacent major roads or residentially zoned/planned properties the same as the Data Centers.

F. Exterior lighting:

1. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

2. A photometric plan shall be provided that demonstrates that light levels at the property line do not exceed 0.1 footcandles.

3. No direct beams or rays of light from exterior light fixtures, signs, or vehicles maneuvering on the development site, shall be permitted to shine into the private living areas and associated open spaces of adjacent properties.

G. Hazardous materials:

1. The Data Center shall not have any tank for the storage of flammable or otherwise hazardous material closer than fifty (50') feet from any property line, nor closer to any property than one hundred (100') feet.

2. Any storage of hazardous materials must demonstrate compliance with all applicable PA DEP standards and shall implement all necessary spill containment systems and environmental protection measures to prevent groundwater or soil contamination.

3. Evidence must be provided that the Township and first-due fire department has been made aware of the potential for hazardous materials on site and any concerns addressed as part of the Plan.

H. Decommissioning:

1. It is the facility owner's responsibility that at the end of the project life or active use of the facility as a Data Center, the site must be restored to a condition that existed prior to the project or the facility altered in a manner that will allow for a beneficial reuse of the property. This would involve the removal of all equipment, structures, containment ponds, etc. that are no longer in use or cannot be reasonably reused. A decommissioning agreement will be required to be executed between the Township or Borough and the facility owner to ensure the requirements within this section are met within twelve (12) months of the date at which the facility ceases to operate as a Data Center.
2. At the time of signing the decommissioning agreement, the Data Center owner shall post a bond. The bond shall be calculated by taking the estimated cost of the decommissioning activities and adding an

administrative and inflation factor of twenty-five percent (25%) for the cost of obtaining permits to complete said activities. The estimate may include an estimate salvage resale value, discounted by a factor of twenty percent (20%), so that the Data Center developer or owner shall receive credit for eighty percent (80%) of the value. The Decommissioning Cost Estimate Formula shall be:

Gross Cost of Decommissioning Activities + Administrative Factor of 25% - Salvage and Resale Credit of 80% = Estimated Cost of Decommissioning

The bond may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.

I. Power Supply: Evidence must be provided from the public utility serving the facility that an application for service is approved.

J. Traffic Impact: Applicants must submit a traffic impact study, addressing both daily operational traffic and emergency response access, to demonstrate that the facility will not adversely affect local road capacity. Shared access drives with other facilities are encouraged.

K. Emergency Management and Response:

1. Owners of Data Centers shall submit an Emergency Response Plan (ERP) that must:

    a. Be prepared by a qualified professional.

    b. Be reviewed and reviewed and accepted by the local fire department and emergency management services as part of the Land Development Plan process.

    c. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.

    d. The ERP must 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.

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. All Data Center applications must ensure coordination with the Emergency Management Coordinator, considering potential conflicts with any adjacent and nearby helicopter flight paths, and public and private airports.

3. A note shall be added to the Land Development Plan that states "The Township and Borough shall not assume liability for the adequacy of the ERP and reserve the right to require additional documentation or certifications to confirm compliance with national standards."

L. A water supply feasibility study shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use if the use involves the use of any water resources. In the event that the use of a private well is proposed, in addition and in conjunction with completion of a feasibility study, the following requirements shall apply:

1. A professional geologist licensed in the Commonwealth of Pennsylvania and qualified to conduct groundwater investigations shall prepare a water resources impact study. The purpose of the study will be to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the additional water withdrawals on existing nearby wells within at least one-quarter (1/4) mile, underlying aquifers and/or nearby surface water features (i.e., streams, wetlands, etc.). The Township and/or Borough Engineer shall review the impact study work plan, including proposed test well locations and pumping test procedures. Approval of the work plan by the Township or Borough Engineer shall be required prior to implementation.

2. The adequacy of water supply shall be determined based upon the guidelines established in the Adams County Wellhead Protection Plan (ACWHPP) and shall be based upon the peak demand calculations for the proposed use, including domestic usage and any cooling usage, and used as a conservative estimate by which to perform a groundwater budget analysis. A water system, which does not provide the minimum rate of supply of water for the proposed use, does not meet drinking water quality standards (if applicable), and/or adversely impacts nearby wells, ponds, and streams, shall not be approved by the Township or Borough.

3. Water Resources Impact Studies: The water resources impact study shall contain at a minimum the following information:

    a. Calculations of project water demands, including a determination of required fire flows.

    b. Literature review and reference of published geologic and hydrogeologic reports.

    c. A geologic map of the area within a one-mile radius of the proposed property boundaries and site.

    d. The location of all faults, lineaments and fracture traces on-site and within 1/2 mile of the proposed property boundaries.

    e. The locations of all existing and proposed wells within 1/4 mile of the site and all large withdrawal wells (100,000 gpd+) within 0.5 mile of the site.

    f. The locations of all test wells (both pumped and observation), along with the proposed lot boundaries, should be located on an accurate site plot plan or base map at a minimum scale of one inch to 500 feet.

    g. Define/map the boundary of the surface watershed in which the proposed development is located (use relevant USGS 7.5-minute topographic map as a base map). The approximate property boundary for the development shall be delineated on this surface watershed map.

    h. Define known sources of groundwater contamination within this mapped surface watershed boundary and evaluate the potential impact(s), if any of this contamination on the proposed ground water use.

    i. The location of all existing and proposed on-lot septic systems within 1/4 mile of the site.

    j. The location of all streams, perennial and intermittent, within 1/4 mile of the site.

    k. Define existing municipal, community, industrial and/or agricultural demands on groundwater resources located within 0.5 mile of the proposed development boundaries.

l. A water-table or potentiometric surface map showing groundwater elevation contours and the direction of groundwater flow.

m. Calculate a water budget for the subject site from available information contained in published literature and government sources for the geologic formation(s) occupying the site. The budget calculations should document long-term average precipitation (inches per year, in/yr), total surface runoff (in/yr), evapotranspiration (in/yr), and groundwater recharge rates (in/yr and gallons per day per acre). The long-term average groundwater recharge rate should be reduced by 40% to estimate the annual amount of groundwater recharge expected during years of drought conditions.

n. Confirm that there are no nearby groundwater users whose withdrawal would inhibit the development from meeting its proposed groundwater usage rate.

o. Compare the total annual groundwater recharge calculated for drought conditions for the proposed development with the peak water demand for the proposed use to determine whether the proposed development can be adequately supplied by the groundwater resource underlying the subject development site.

4. Site Specific Report Requirements: The following site-specific investigations shall be carried out in preparation of the water resources impact study:

    a. The installation and testing of new water supply wells for data center developments shall follow the frequency given below:

        i. For a data center user proposing to withdraw 25,000 gpd or less, one new test well shall be installed and tested. At least one observation well is required to be monitored during both the pumping/recovery phase of the well test.

        ii. For a data center user proposing to withdraw more than 25,000 gpd but less than 100,000 gpd, two new test wells shall be installed and tested.

iii. Prior to the construction of any test wells, the Township or Borough must approve the location of any test wells in accordance with the Township's well ordinance procedures.

iv. In the event that the proposed well(s) for the Data Center use will fall under the jurisdiction of the Pennsylvania Department of Environmental Protection, the Township or Borough shall not grant final plan approval until all necessary permits are obtained from all applicable regulatory agencies.

b. Any well installed for nonresidential use or testing purposes requires a permit from the Township or Borough and shall be constructed and sampled in accordance with the well ordinance. During the drilling and construction of the well, proper techniques of well development shall be utilized so as to obtain the best practical yield and quality, which is representative of the aquifer.

c. Each test well shall have an accurate geologic log prepared under the direction of a professional geologist licensed by the Commonwealth by a geologist during the drilling of the well, giving a detailed description of the type and thickness of soils and bedrock formations encountered. Additionally, the log should contain information on the depth and thickness of all water bearing zones encountered and the yield from each zone.

d. Pumping Tests and Recovery Tests. Each new test well shall be pumped at a constant discharge rate for a minimum period of eight continuous hours. The discharge rate shall be appropriate to the blown yield of the well to adequately stress the aquifer but not dewater the well. Recovery levels shall be measured at regular intervals immediately following the pumping period until 90% recovery of the pre-test water level is achieved.

e. During the performance of each pumping recovery test, time-drawdown measurements (within accuracy of 1/10 foot) shall be taken from the pumped well and at least one nearby observation well. The time-drawdown measurements must be taken in both the pumped well and the observation well at the following minimum frequencies:

i. One reading every minute for the first 10 minutes of the test.

ii. One reading every two minutes for the 10 to 100 minute test interval.

iii. One reading every 10 minutes for the 100 to 300 minute test interval.

iv. One reading every 20 minutes from 300 minutes to the end of the pumping period.

v. Repeat frequency for recovery phase of test.

f. All observation wells should be located within 200 feet horizontal distance from the pumping well, or be close enough to incur measurable drawdown during the pumping phase of the test. The observation well can be either a) an existing domestic well, but only if the domestic well is not actively pumped for the entire duration of testing (pumping and recovery phases) and its construction details (total depth and cased depth) penetrate the same hydro-geologic unit as the new well, or b) a new supply well on an adjacent lot if that adjacent well penetrates the same hydro-geologic unit as and its construction details (total depth and cased depth) are compatible with the new well being tested, or c) a new well specifically installed as an observation well for test purposes and scheduled for permanent abandonment following relevant Township and/or Borough requirements after the testing has been completed.

g. The time-drawdown data collected from each pumping test should be used to define the local aquifer characteristics, including hydraulic conductivity, transmissivity, coefficient of storage, and the expected long-term yield of the well(s) being tested. Distance drawdown relationships and impact on surrounding water users from the proposed groundwater withdrawal should be included in the assessment. A groundwater availability analysis should be included in the impact study to demonstrate that there are sufficient groundwater resources within the drainage basin to support both existing users and the proposed withdrawal. Raw time-drawdown data and field testing notes should be included in the report as an appendix.

h. Water samples for chemical analyses should be collected from the pumped wells within one hour of the scheduled end of the

pumping phase of each test. Samples shall be analyzed at a DEP-certified laboratory for pH, total dissolved solids, iron, manganese, nitrate-nitrogen and coliform bacteria. A copy of the laboratory analytical report for each sample shall be included and summarized in the report.

i. All water supply wells to be used for domestic purposes shall have a minimum yield of 1 gpm. In the case of low yielding wells, i.e., less than 5 gpm, the proposed water system shall be designed to be able to provide sufficient storage via oversize tanks and/or storage in the well bore to meet expected peak demand (i.e., 300 gpd).

5. Water Resources Impact Study Determination:

a. When a water resources impact study is required, the Board of Supervisors or Borough Council will approve the use of on-lot nonresidential use wells when:

i. This report indicates that justification of the project necessitates consideration of this type of water supply.

ii. The anticipated water supply yield is adequate for the type of development proposed.

iii. The installation of such systems will not endanger or adversely decrease the groundwater supplies to adjacent properties.

b. When deemed appropriate and necessary by the Township or Borough Engineer, the analysis of the potential hydrologic impact using a groundwater model (i.e., MODFLOW) may be required in addition to the above fieldwork to adequately characterize and predict the overall impact the proposed project will have on availability groundwater resources.

M. Noise Control:

1. For Data Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the sound generated by the Data Center and associated equipment during operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators running) to a daytime (7:00 AM to 8:00 PM

Monday-Friday) and a nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level shall not exceed pre-development ambient noise levels by greater than 10 dB(A), with a maximum decibel level of 55 dB(A) during daytime hours and 45 dB(A) during nighttime hours, as measured from the property line of the Data Center use.

2. In the event these levels cannot be met unmitigated, or if the proposed site is adjacent to an existing residential use, the installation of one or more sound reducing materials or systems must be utilized to reduce the sound generated to the decibel levels discussed above and shall be approved by the Township or Borough professional acoustical expert.

3. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria.

4. Maximum decibel level specified herein is exempt during a time of power outage conditioned that the sound study shall also evaluate and report anticipated decibel levels when all data center equipment is running. A sound study shall be conducted at the following phases:

    a. A preliminary sound study for the Data Center and associated equipment shall be conducted prior to preliminary approval for the development of the Data Center. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits. Additionally, the study shall include a frequency analysis and evaluate vibration impacts as part of the noise impact assessment.

        i. The frequency analysis shall include measurements across octave or 1/3 octave bands, consistent with ANSI S1.11 or an equivalent standard.

        ii. The frequency analysis shall demonstrate compliance with property line sound limits across all relevant frequency bands under typical operating conditions.

        iii. An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center and associated equipment depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center.

DULY ENACTED AND ORDAINED this 10th day of November, 2025 by the Board of Supervisors of Butler Township, Adams County, Pennsylvania.

ATTEST:

Township Secretary

BUTLER TOWNSHIP

Edward Wilkinson, Chairman

DULY ENACTED AND ORDAINED this 12th day of November, 2025 by the Borough Council of Arendtsville Borough, Adams County, Pennsylvania.

ATTEST:

Borough Secretary

BOROUGH OF ARENDTSVILLE

Jay Johnson, Council President

David Laughman, Mayor

iv. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy for any Data Center and associated equipment prior to the final escrow release for any Data Center or land development phase. An as-built sound study may also be required thereafter by the Township upon request.

v. 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.

vi. The as-built sound study shall confirm compliance with the sound limits and frequency analysis requirements established in the preliminary sound study, including measurements across octave or 1/3 octave bands consistent with ANSI S1.11 or an equivalent standard.

N. Vibration Study: A Vibration Study shall be provided that demonstrates that vibration resulting from sources material to the Data Center (fans, pumps, chillers, generators, and other mechanical equipment) does not extend past the property line. This study shall be prepared by a qualified professional.

O. Wastewater Management: The applicant shall demonstrate to the Township and Borough that adequate means of wastewater disposal have been provided for and approved by the Sewage Enforcement Officer and/or PA DEP. This would include wastewater management from any domestic wastewater as well as any wastewater used for cooling or industrial purposes.

SECTION 5. Repealer. All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent they are inconsistent with this Ordinance. Except as expressly amended, nothing herein shall be deemed to affect or alter any other provision of the Arendtsville Borough-Butler Township Joint Zoning Ordinance.

SECTION 6. Savings Clause. In all other respects, the Arendtsville Borough-Butler Township Joint Zoning Ordinance shall remain as previously enacted and ordained.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance and Chapter, which shall remain in full force and effect.

SECTION 8. Effective Date. This Ordinance shall be effective immediately.