Ordinance # 2026-_____

Ordinance Amending the Hazle Township Zoning Ordinance, Ordinance # 2003-1-6-1

Whereas, the Board of Supervisors of Hazle Township ("Township") is empowered pursuant to the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. Section 10101 et seq. ("MPC"), to enact, amend, and repeal zoning ordinances in order to promote the public health, safety, morals, and general welfare; and

Whereas, Hazle Township, through the municipal-oriented policies it prepares, amends, recommends, and adopts, deems it to be in the best interest and general welfare of the residents of Hazle Township to identify zoning provisions related to emerging technologies and infrastructure systems; and

Whereas, the Board of Supervisors of Hazle Township previously enacted Zoning Ordinance No. 2003-1-6-1, as subsequently amended, which remains in effect within the Township; and

Whereas, the Township has determined that emerging technologies and infrastructure systems have given rise to a variety of land uses that place previously unanticipated demands upon electricity and other forms of power, water, storm and sanitary sewer, communications, and transportation infrastructure; and

Whereas, the Township deems it to be in the best interest and general welfare of Township residents and businesses to update and amend land use-related provisions of Ordinance #2003-1-6-1; and

Whereas, the Township intends to consider the proposed amendments in accordance with the applicable requirements of the Pennsylvania Municipalities Planning Code, including referral to the appropriate planning agencies, public notice, and a public hearing prior to final enactment; and

Whereas, the Township does not intend to prohibit emerging technology and infrastructure uses but to ensure the use is carefully reviewed, appropriately sited, conditioned to avoid anticipated reasonable adverse impacts, takes steps to preempt negative impacts on the community, and safeguard infrastructure and natural resources.

Whereas, the Township seeks to show consistency with the direction of the Comprehensive Plan and ensure preservation, conservation and environmental protection of resources and infrastructure capacity,

Now, Therefore, be it ordained by the Board of Supervisors of Hazle Township, Luzerne County, pursuant to the authority granted to it under the laws of the Commonwealth of Pennsylvania, that Ordinance #2003-1-6-1 is amended as follows:

Part 1

1.A. Article 2 ("Definitions") Section 202 ("Definitions of Terms") introduction shall be amended as follows:

SECTION 202 DEFINITIONS OF TERMS

The following terms, phrases, and words shall have for the purposes of this ordinance the meanings given in this section. When terms, phrases, or words are not defined herein or are otherwise ambiguous in the reading of this ordinance, they shall have the meaning as defined in an applicable state or federal code or statute, or if not defined therein, they shall have their meanings as defined in the latest edition of the Merriam-Webster Collegiate Dictionary.

1.B. Article 2 ("Definitions") Section 202 ("Definitions of Terms") shall be amended to add the following terms and their associated definitions in the proper alphabetical order with respect to the existing terms and definitions listed in the section:

ALL OTHER NON-RESIDENTIAL USES: Any non-residential use not specifically listed within the Township Zoning Ordinance as a use that is permissible by right, or by special exception.

ANCILLARY POWER GENERATION SYSTEM: An accessory energy system used to generate energy by solar, wind, geothermal, fossil fuel, or other means to supply electrical or similar power for primarily on-site use or consumption, usually consisting of one or more ground-mounted or building-mounted energy modules, and necessary energy generation related equipment.

BATTERY(IES): A single cell or a group of cells connected electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.

BATTERY ENERGY STORAGE SYSTEM (BESS): One or more batteries, assembled together into a system rated at 20 kWh or higher and including any enclosures, cabinets, and containers, capable of storing electrical energy for later use. The term does not include stand-alone 12-volt car batteries, electric motor vehicles, small storebought batteries designed and used purely for household electronic items, residential backup battery systems designed and used for a single residential property, or uninterruptible power supply (UPS) batteries installed within, and serving only, a data center building or other building on the same lot or unified development tract.

BATTERY ENERGY STORAGE SYSTEM (BESS), FACILITY-SCALE: A Battery Energy Storage System (BESS) that is designed 1) to receive energy from the electric transmission or distribution grid or from another generation source and 2) to redistribute said energy specifically to the needs of a single adjacent land use.

a. Type 1 - Outdoor BESS Installation

b. Type 2 - Dedicated-Use BESS Building (Interior)

BATTERY ENERGY STORAGE SYSTEM (BESS), UTILITY-SCALE: A Battery Energy Storage System (BESS) that is designed to receive from, temporarily store, and redistribute energy into the electric transmission or distribution grid for wholesale distribution.

BATTERY MANAGEMENT SYSTEM: An electronic regulator that manages a battery energy storage system; monitors individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault, and DC surge; protects battery energy storage systems from operating outside their safe operating parameters; and disconnects electrical power to the battery energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

CLOSED LOOP COOLING SYSTEM: Designed to circulate water within a closed circuit, allowing it to absorb heat from equipment and then release that heat through a heat exchanger. This system minimizes water loss and reduces environmental impact by reusing the same water repeatedly.

DATA CENTER: A building used or intended to be used for the housing, operation, management, and/or co-location of computer systems, servers, networking and communications equipment, and storage infrastructure that provide access to computing resources, file storage, applications and/or "cloud" services over the internet. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center. Regardless of the facility use, Data Center shall include all computing category types, modular data centers, campus data centers, mobile data centers and prefabricated data centers.

DATA CENTER ACCESSORY USES: Include uses generally appurtenant to the Data Center buildings within Data Center Development including, without limitation, transformation, and/or distribution; electrical substations and switch stations; pump stations; sewer facilities, and detention facilities, water facilities; gas facilities; mechanical equipment; environmental controls (air conditioning or cooling towers, fire suppression, etc.); redundant/backup power supplies; emergency and standby generators; uninterruptible power supply (UPS) systems and associated batteries; redundant data communications connections; security facilities; other infrastructure to provide vehicular and pedestrian access, parking, and utility service; and ancillary buildings and structures for uses related to the operation of a Data Center Development (including security buildings, office buildings, storage buildings, etc.)

DATA CENTER ACCESSORY BUILDINGS AND STRUCTURES: Buildings and structures that are subordinate and customarily incidental to the principal Data Center building or other principal uses within a Data Center Development and that support the construction, operation, maintenance, security or servicing of the Data Center Development.

DATA CENTER DEVELOPMENT: A development tract, which may include an assemblage of individual contiguous lots or parcels under common ownership or legally enforceable unified development control, on which one or more Data Center Buildings and authorized Data Center Accessory Uses, Buildings, and Structures are proposed as a unified land development.

DECOMMISSIONING COST: The estimated cost to decommission the subject lot/parcels/unified tract inclusive of applicable site restoration.

DEDICATED-USE BESS BUILDING: A building that is built for the housing of battery energy storage systems and ancillary equipment.

DISASTER RECOVERY FACILITY: A building used to continue business operations of a data center during disasters, including digital backup and storage of files.

ELECTRICAL SUBSTATION: An assemblage of equipment, including switches, circuit breakers, capacitators, buses, and transformers, through which electric power is passed for the purpose of switching or modifying the electrical energy's characteristics to increase or decrease voltage or control frequency. Electrical substations are used for transferring electric power rather than for its generation or utilization.

MODULE: A group of batteries connected together as an individual unit.

MICROREACTOR: A nuclear microreactor is an advanced, very small class of nuclear fission reactor designed to generate up to 50 megawatts of electricity (MWe) or thermal energy. They are roughly 100 to 1,000 times smaller than traditional gigawatt-scale commercial nuclear power plants.

NFPA: National Fire Protection Association.

NON-WATER-BASED COOLING SYSTEM: A cooling system that rejects heat to the atmosphere without the evaporation of water during normal operation, including air-cooled chillers, dry coolers, and liquid cooling systems connected to dry coolers or air-cooled heat exchangers.

OUTDOOR BESS INSTALLATION: Battery energy storage systems that are not housed in dedicated-use BESS buildings.

PORTABLE GENERATOR: An engine-driven device used for temporary electric power and that is not permanently installed in one location.

RECLAIMED WATER: Treated wastewater effluent or other non-potable water supplied by a municipal authority, public utility, or on-site non-potable source and suitable for industrial or cooling use in accordance with PA Department of Environmental Protection requirements.

SENSITIVE RECEPTOR: A dwelling, school, hospital, nursing home, licensed day care facility, or place of worship existing at the time of application.

SMALL MODULAR REACTOR: An energy generating facility and class of small nuclear fission reactors, designed to be built in a factory, shipped to operational sites for installation and then used to power buildings or other commercial operations and whereas, an SMR must be of design fully licensed and permitted by the Nuclear Regulatory Commission (NRC). Nuclear reactors similar to Susquehanna Steam Electric Station, Three-Mile Island, and The Limerick Generating Station are expressly excluded from the definition of an SMR.

SWITCHYARD: A junction in an electric power system that serves as the point of interconnection where various circuits and transmission lines are connected and electric power is routed.

TRANSFORMER FACILITY: An area or group of equipment used to transform electric power from one voltage to another or from one circuit to another.

UNIFIED TRACT: Two or more contiguous or adjacent parcels of land within the Township under common ownership at the time of submission of an application for Data Center Development, which are proposed to be developed, used, or operated as a single integrated development. Such parcels shall be considered collectively as one tract for purposes of calculating lot area, building coverage, impervious surface coverage, open space, setbacks, density, and other applicable dimensional and development requirements of this Ordinance. The Unified Tract may consist of multiple tax parcels, provided that all parcels are included within the development application and remain under common ownership throughout the development and operation of the Data Center Development.

1.C. Relocate the Definition of OO. Special Exception Uses from Section 1703 to Section 202 and place in the proper alphabetical order with respect to the existing definitions listed in the subsection:

SPECIAL EXCEPTION USES. It Is hereby recognized that certain uses may be necessary to serve the needs and convenience of the Township, but which uses may be viewed as hostile to the public health, safety and general welfare by reason of their Inherent nature and/or operation, which may require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area, or which may not yet be defined by new and emerging technologies, such uses are hereby declared to be "Special Exception Uses" and may be permitted upon application to and approval by the Zoning Hearing Board provided said use is shown as a Special Exception Use in the Zoning district Schedule for the district in which the use is located.

Part 2

2.A. Article 5 ("Zoning District Regulations"), Section 505 ("I-1 Industrial District"), Subsection 505.1 ("Permitted Uses"), shall be amended to add the following uses in the proper alphabetical order with respect to the existing terms listed:

Data Center (See Also 802.54)

Data Center Development (See Also 802.54)

Data Center Accessory Uses (including Electrical Substations, Switchyards, and Transformer Facilities serving a Data Center Development)

2**.A.1. Article 5 ("Zoning District Regulations"), Section 505 ("I-1 Industrial District"), Subsection 505.2 ("Uses Permitted by Special Exception; Zoning Hearing Board Approval Required"), shall be amended to add the following uses in the proper alphabetical order with respect to the existing terms listed:**

Ancillary Power Generation System

Battery Energy Storage System, Facility-Scale (as an accessory use)

Electrical Substations, Switchyards, and Transformer Facilities (as principal uses not serving a Data Center Development)

Small Modular Reactor (as an accessory use)

Small Structure-Mounted or Tower-Mounted Wind Energy Turbine (as an accessory use)

2.B. Article 5 ("Zoning District Regulations"), Section 506 ("I-2 Industrial District"), Subsection 506.2 ("Uses Permitted by Special Exception; Zoning Hearing Board Approval Required"), shall be amended to add the following uses in the proper alphabetical order with respect to the existing terms:

Battery Energy Storage System, Utility-Scale

Electric Generation

Electric Generation (as an accessory use)

All other Non-Residential Uses (by Special Exception only)

Part 3

3.A. Article 8 ("Supplemental Regulations"), Section 802 ("Use Regulations"), shall be amended to add the following new Subsection 802.54 with use regulations for data center developments and included principal and accessory uses:

802.54 DATA CENTER DEVELOPMENT

Data center development as defined in Article 2 shall conform to the following regulations:

A. Data Center Development.

(1) Buildings and structures constructed as part of data center developments shall be limited to those associated with the terms "Data Center" and "Data Center Accessory Uses" as defined in Section 202 of this ordinance.

(2) Data center development-specific standards within Section 802.54 govern data center development notwithstanding otherwise applicable, less restrictive dimensional provisions of this Ordinance.

(3) Construction phasing. Data Center Development Applicants proposing phased development shall submit a Construction Phasing Plan identifying each phase, timing, and supporting utility and stormwater infrastructure. Each phase shall be reviewed by the Township Engineer; each approved phase shall independently comply with all applicable utility capacity, emergency management, stormwater management, traffic, noise, water supply, wastewater, and operational requirements of this Ordinance. The Township may require updated studies, reports, certifications, or agency approvals for each phase where conditions, infrastructure demands, or applicable regulations have materially changed since the approval of a prior phase. Required off site and third party improvements by full build out shall not be considered in a phased approach and shall be completed before Phase 1 final approval.

B. Locational and Dimensional Requirements. The following regulations for data center developments shall supersede those provided in Sections 505.3 for the I-1 Industrial District unless otherwise noted. Where Data Center Development consists of two or more contiguous lots or parcels under common ownership and legally enforceable unified development control, such lots or parcels shall be treated as a unified development tract for purposes of determining compliance with the applicable dimensional requirements of this Section. Lot line between lots within the same Data Center Development, or between lots under common ownership and legally enforceable unified development control, shall not be treated as property lines or lot lines for purposes of separation requirements of Subsection B(2) or the performance standards of Subsection J. Legal consolidation of the individual lots or parcels into a single lot shall not be required solely for purposes of such calculations, provided that the Applicant demonstrates unified development control and records such agreements, easements, or restrictive covenants as may be reasonably necessary to ensure continuing compliance with the approved development plan and applicable ordinance requirements. For purposes of calculating required setbacks, lot coverage, building coverage, and open space, the unified development tract shall be treated as a single development site, with applicable setbacks measured from its exterior boundaries, unless otherwise expressly required by this Ordinance.

(1) Any lot or unified tract proposed for Data Center Development shall be located within the approved area defined by this ordinance and have within or abutting a 230 KV or greater powerline, electrical substation, or switchyard that is existing, under construction, or approved by the applicable electric utility at the time of application.

(2) No Data Center building, generator yard, or outdoor mechanical equipment area associated with a Data Center Development shall be located within the following setbacks:

(a) If the noise level (dBA) is in accordance with Subsection J (5) (b), the setback distance shall be One thousand two hundred fifty (1250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,

(b) If the noise level (dBA) is 5 dBA below the requirement of Subsection J (5) (b), the setback distance can be One thousand (1000) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,

(c) If the noise level (dBA) is 10 dBA below the requirement section Subsection J (5) (b), the setback distance can be Five hundred (500) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,

(d) The setback distance shall be measured from the nearest exterior wall of a Data Center building, or the nearest edge of a generator yard or outdoor mechanical equipment area serving it, to the lot line.

(e) Electrical substations, switchyards, transformer facilities, pump stations, water and sewer facilities, stormwater management facilities, ancillary buildings, office/administration buildings, or other similar non-data center site improvements shall maintain the setback distance of Five hundred (500) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor.

(f) Typical setback distances of the I-1 Zone shall apply to all Utility line easements, roads, driveways, fences, landscaping or similar improvements

(g) One hundred (100) feet of an existing stream, waterbody or other resource regulated by the PA Department of Environmental Protection or the Luzerne Conservation District unless the applicant demonstrates through competent professional studies that the proposed location and design will not result in significant adverse impacts to the identified environmental resource and that adequate avoidance, mitigation, and protective measures have been incorporated into the project design and the Applicant has obtained all applicable permits or approvals from the Pennsylvania Department of Environmental Protection, Luzerne Conservation District, or other outside governmental agency having jurisdiction over such resource.

(3) All other setbacks not specifically identified shall be in accordance with I-1 Zoning District requirements.

(4) Minimum Width for Data Center Development at the Right-of-Way: fifty (50) feet.

(5) Maximum Lot (Impervious Surface) Coverage: Fifty (50) percent.

(6) Maximum Building Coverage: Forty-five (45) percent. However, Data Center Accessory Buildings and Structures shall consist of no more than thirty (30%) of the total land area of the data center development.

(7) Maximum Building Height: Sixty (60) feet, except as provided for in Section 802.23, measured from average finished grade to the top of the parapet, except for chimneys, flagpoles, stacks, water tanks, towers, and other mechanical and building appurtenances, but not exceed one hundred twenty-five feet (125'), except as provided for in Section 802.23 Of this Ordinance. The foregoing height limitation shall not apply to electrical transmission or distribution lines, poles, towers, breakers, masts, or other equipment necessary for interconnection with or service from the electrical grid.

(8) The entire lot or unified tract proposed for Data Center Development shall be located to the East of the existing 230 KV powerline right of way (as of the date of this ordinance), to the West of the existing I-81 right of way, and to the North of the existing SR-924 right of way.

C. Application and Permit Requirements:

(1) Land development applications for proposed data center developments shall follow the standards for non-residential subdivisions and land developments outlined in Section 816 of the Hazle Township Subdivision and Land Development Ordinance (SALDO) and all other applicable requirements of the SALDO, including the preliminary and final plan requirements for major land developments found in Articles 4 and 5 of the SALDO, respectively.

(2) The continual validity of a zoning permit obtained for a data center development that has been approved as a use requires that construction of a data center building be commenced within one (1) year after the date of issuance of final Township Approval. For purposes herein, commencement shall mean commencement of work authorized for infrastructure improvements or other approved site work. Upon written request filed before expiration, the Zoning Officer may renew the permit for successive one (1) year periods, not to exceed three (3) years from the date of original issuance, where the applicant demonstrates diligent and continuous site progress. For a Data Center Development approved with a Construction Phasing Plan under Subsection A(3), this requirement shall apply independently to each phase; subsequent phases shall remain valid in accordance with the approved phasing schedule and Section 508 of the MPC. The commencement period herein shall be tolled during any appeals affecting the Data Center Development.

(3) Construction Hours. Unless otherwise regulated by the Township Noise Ordinance, as amended, construction activities associated with proposed uses shall be permitted only during the following hours:

(a) Monday through Saturday: 7:00 a.m. to 7:00 p.m.

(b) Sunday: 9:00 a.m. to 4:00 p.m. Construction activities outside these hours shall be prohibited except as provided in Subsections (c) and (d) below or where necessary to address an emergency involving an immediate threat to public health, safety, property, or essential infrastructure.

(c) The following activities may be conducted outside the hours above upon not less than forty-eight (48) hours' written notice to the Township, subject to the Township Noise Ordinance: interior work within fully enclosed buildings; concrete placement and other activities that must be performed continuously once begun; critical crane lifts; utility outages, tie-ins, and energization; and equipment testing and commissioning.

(d) Other construction activities may be conducted outside the permitted hours upon written request for, and approval by, the Township Engineer and Zoning Officer or other

official designated by the Board of Supervisors. Approval shall not be unreasonably withheld.

(e) If the development is adjacent to residential zone or Sensitive Receptor no construction shall occur on Sundays within three thousand (3,000) feet of property boundary.

(4) Applications for a Data Center Development shall provide the following documentation:

(a) Preliminary Site Plan – shall indicate all items required by SALDO, complete overall site development including but not limited to the general location of all Data Center Development on the property or the location and footprints of proposed Data Center Development Buildings, plus all proposed roads, fences, and required setbacks, and other items as required by Township Engineer and Planning Department. Said Plan shall be prepared and sealed by a licensed design professional and the boundary line locations are to be sealed by a professional land surveyor licensed in the Commonwealth of Pennsylvania.

(b) Natural resource and environmentally sensitive site analysis,

(c) PNDI and National Diversity Resource Summary

(d) Preliminary Wetland Evaluation

(e) Notification to all Utilities

(e) Sound Study - See requirements in J.5; shall demonstrate compliance with the noise level limits and requirements of this Section. Said Study shall be prepared and sealed by a professional licensed acoustic expert/engineer proficient in acoustic studies/Data Center Development systems.

(f) Visual Impact Study – See requirements in 802.55 O.2.

(g) Photographs of existing conditions – shall include photography of the Subject Lot existing conditions.

(h) Emergency Management Coordination – See requirements of this Section and Section 802.55 M.1.f

(i) Written Acknowledgement of required forthcoming

1. Entering into a Developer’s Agreement under the Township Subdivision and Land Development Ordinance,
2. Landscape Plan and Tree Survey, as well as any associated requirements specified by Township Board,
3. Mining Mapping,
4. Wellfield Quality Study,
5. Emergency Management Plan in accordance with Township Fire Chief review, comment, and approval,
6. A Decommissioning Plan to be prepared as part of the Township’s Subdivision and Land Development Ordinance process and
7. Establishing monitoring points and automatic non-compliance alert notifications.

(5) Said written Acknowledgement shall be submitted as a “Statement of Understanding of the Use” as a requirement of this condition. Within said Acknowledgement, the Applicant shall

identify that he/she knowingly and willfully agrees that all required additional studies, reports, and documentation shall be completed and submitted as part of any and all land development applications.

(6) After approval, an Applicant shall apply for land Development approval pursuant to the Township's Subdivision and Land Development Ordinance at which time the Applicant shall submit the following additional items:

(a) Site Plan – shall indicate the location of the Data Center Development on the property or the location and footprints the Data Center Development, plus all proposed roads, fences, and required setbacks.

(b) Landscape Plan – shall show location of existing and proposed vegetation on the property and all required buffer yards. Said Plan shall be prepared and sealed by a landscape architect licensed in the Commonwealth of Pennsylvania.

(c) Layout Diagram – shall show the proposed layout for the Data Center Development

(d) Elevations including those for all buildings, walls, and installation support structures such as concrete pads and structural anchors.

(e) Manufacturer's Product Specifications – shall include ratings, listings, certifications, and hourly fire-resistance ratings of assemblies and associated equipment.

(f) Project Inventory

(g) Detailed information on:

1. The Data Center System to be used, including information on system operation, alerts, and automatic shut-off capabilities.

2. Fire prevention and heat mitigation, including details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided.

3. Containment systems proposed to intercept chemicals, fire suppressant agents, or similar hazards, including PFAS, from reaching the soil, surface water, and groundwater.

(h) Construction and Major Maintenance Transportation Study – See requirements in Section 802.55.O.3.

(i) Hazardous Materials and Electronic Waste Plan – See requirements in Section 802.55.O.4.

(j) Heat Mitigation Plan – See requirements in Section 802.55.O.5.

(k) Lighting Plan – See requirements in Section J.12.

(l) Operations and Maintenance Manual – See requirements in Section 802.55.O.7.

(m) Mapping illustrating deep mining locations with approximate distances from the ground surface to the mine (known as overburden distance). Locations shall be based upon information available through the US Bureau of Mines.

(n) Tree Survey – A Tree Survey shall be conducted within a 100-foot depth of the entire perimeter of the property to identify any and all native trees of a six (6) inch caliper (diameter at breast height, or dbh) in each 100 linear feet of the perimeter length and to identify the number of trees.

(o) Wellfield Quality Study – An inventory of all water wells, public or private, located within 1,250 feet of the lot lines of the property shall be compiled. Testing of all inventoried wells shall then be completed to establish the baseline water quality of the wells prior to the establishment of the Data Center Development, subject to consent of the lot owner. Where a property owner refuses to grant access for baseline testing, the Applicant shall document such refusal in writing and shall be deemed to have satisfied the baseline testing requirement for that well. Upon receipt of a complaint by the Township that appears to be reasonably related to the development, the Township may request and the Applicant shall offer and undertake, if permitted by the lot owner, well water testing. In any event, a Data Center Development owner or operator shall not be required to undertake well water testing more than once in any 12-month period. If a property owner refuses access for testing, the Applicant shall have no obligation to conduct testing of that well pursuant to the foregoing.

(p) Any other required documentation.

(q) Any other requirements specified in the ordinance not otherwise identified above.

(r) Any other applicable bond as per the Township's requirement.

(s) Written Acknowledgement of required forthcoming additional items to be prepared as part of the Township Subdivision and Land Development Ordinance process including but not limited to: 1) Entering into a Developer's Agreement 2) Landscape Plan and Tree Survey as well as any associated requirements specified by the Township, 3) Wellfield Quality Study, if applicable, 4) Emergency Management Plan and Township Fire Chief review, comment, and approval, 5) a Decommissioning Plan and establishing monitoring points and automatic non-compliance alert notifications.

Said written Acknowledgement shall be submitted as a "Statement of Understanding of the Use" as a requirement of this condition. Within said Acknowledgement, the Applicant shall identify that he/she knowingly and willfully agrees that the required additional studies, reports, and documentation shall be completed and submitted as part of any and all land development applications.

D. Access Requirements:

(1) Access to and from a Data Center Development shall be via an arterial street or collector street as designated by the Township, unless the Data Center Development is to be located within an existing industrial or business park or industrial subdivision served by an existing local street. Applicant must obtain PennDOT Highway Occupancy Permit or Township driveway permit including completion of all required Traffic Impact Studies, as applicable.

(2) At least two (2) accessways or driveways, each in width required by Township construction standards, shall be provided from said street. One accessway/driveway shall be designated as the main entrance to the Data Center Development and the other accessway/driveway, at a minimum, shall function as an emergency ingress/egress point with limited secured access for public safety purposes. Emergency access plan shall be submitted for the review and approval of Hazle Township Fire Chief.

(3) Internal circulation must accommodate emergency and maintenance vehicles.

(4) Minimum parking requirements shall be sized to accommodate parking for emergency events and additional apparatus staging.

(5) An Emergency Shut-Down Control (E-Stop) as part of any emergency management plan may be required in a visible and accessible location at least ten (10) feet from the installation, labeled with clear operational instructions and secured by a Township-approved Knox box entry system. Dedicated shutdown may be required outside each building.

E. Public or Central Water and Sanitary Sewer Systems Required:

(1) Data Center Developments and their uses, buildings, and structures shall be served by a public or central water system and a public or central sanitary sewer system, either by direct connection to such systems or by connection to water and/or sanitary sewer systems serving an existing business park, industrial park, industrial subdivision, or campus development

(2) Cooling systems for Data Center Developments shall consist of one or more of the following: (a) closed-loop cooling systems; (b) non-water-based cooling systems; or (c) evaporative, adiabatic, or hybrid cooling systems supplied by reclaimed water or another non-potable water source. Reclaimed water from a municipal authority is not a public water supply. On-site storage of cooling water is permitted. All cooling systems shall be designed to minimize water consumption and wastewater discharge. Systems under (c) shall obtain all applicable approvals from the PA Department of Environmental Protection, the Susquehanna River Basin Commission, and the water and sewer authorities serving the site. The owner or operator shall report annual cooling water use to the Township, identifying all potable water used for cooling.

F. Buffer Area Requirements: A buffer area shall be required as set forth herein and shall be accompanied by visual screen comprised of fencing, mounds and dense vegetative plantings. (See Section 202 of this Zoning Ordinance for the definition of “buffer area” and Section 203 of the SALDO for the definition of “screen.”) The following provisions apply:

(1) Location: Buffer areas shall be located within required minimum yard setback areas along R-1, R-2, and PRD.

(2) Buffer Area Minimum Width: Half the width of the applicable required minimum yard setback of the zoning district or fifty (50) feet, whichever is greater. Buffer area native vegetation shall be protected and remain or be enhanced with additional native species trees and plants to improve adjacent use privacy. Should clearing within buffer area occur prior to final approval, buffer area planting shall be replaced to approval of Township Engineer.

(3) In addition to the required buffer of item (2) above, an additional thirty (30) foot wide mounded planted buffer shall be provided. This additional planted buffer at the minimum may include evergreen trees a minimum of 8 feet in height at installation equally spaced along and across the entire planted buffer. Massed evergreen trees distributed in a minimum of four (4) staggered rows shall be located between fence and buffer as noted in item (2). Installation shall achieve 80% or more opacity from the adjacent property line within 2 years.

(4) Landscaping and Maintenance Requirements:

(a) Not less than the width of the buffer required in item (2) above, excluding the required planted buffer of item (3) shall be planted and maintained with a mix of grass or ground cover, massed evergreens, and deciduous trees and shrubs, of which massed evergreens shall consist of the predominant plant matter for screening purposes. Buffer area plantings shall primarily serve as a screen to obscure the buildings and structures in a data center development from adjacent properties and rights-of-way.

(b) Vegetation planted within the buffer area shall not include species listed on the Pennsylvania Department of Conservation and Natural Resources' (PA DCNR's) Invasive Plant List.

(c) Portions of the buffer area closest to required fences shall be planted with massed evergreen trees distributed in three (3) additional staggered rows on the side of the fence closest to the property line or right-of-way line. All required trees not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

(d) Stormwater management facilities may be located within required setbacks but may not make up more than half the width of the setback unless planted with the vegetation screen required within the buffer area.

(e) Buffer areas shall have no impervious cover except for vehicular and pedestrian ingress and egress points, sidewalks and walking trails, required fences, signs, and permanently ground-mounted utility equipment under two hundred (200) cubic feet in volume (such as a small transformer box). No portion of the buffer area shall be used for parking, loading, unloading, refuse areas, or storage purposes.

(f) Plantings shall be maintained permanently and any plant material, which does not live, shall be replaced within twelve (12) months or one growing season.

(g) The buffer area shall be maintained and kept clean of debris, rubbish, weeds, dead or dying plants, and other unsightly features. Grass shall be regularly cut to conform to the Township Property Maintenance Code.

(h) A clear sight triangle shall be maintained at all street and driveway intersections.

(5) Fencing Requirements:

(a) Buildings and structures within Data Center Developments shall be completely enclosed by a fence not less than eight (8) feet high and not more than twelve (12') feet high and that includes an emergency services-accessible locking gate (i.e., a Knox Box).

(b) Primary exterior fences shall not include barbed, razor, or concertina wire for fencing visible along public rights-of-way or from property lines. Secondary containment fences may be excluded from this requirement.

(c) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers, generators, and other equipment and on the fence informing individuals of potential voltage hazards.

(d) Fencing shall include clearly visible hazard and voltage warning signs, in compliance with NFPA 704, identification of Hazards of Materials for Emergency Response.

(e) Fence shall be located between all buffers and proposed buildings. Fence type, material and design shall be submitted and approved by the Township.

(6) Planting Size Requirements:

(a) Required massed evergreen trees on the exterior face of all fencing shall be at least eight (8) feet in height when planted and produce a complete visual screen year-round.

(b) Required mounding in the vegetative buffer required by Subsection F (3) shall be constructed of no less than three (3) feet and no greater than fifteen (15) feet in height,

on which the massed evergreen trees shall be planted or as required to achieve visible separation.

(7) Existing vegetation and site topography can be a part of screening and buffering requirements if deemed acceptable and approved by the Township Engineer.

(8) The preservation of as much existing vegetation as physically feasible is preferred for the use of screening, including the preservation of mature trees of six (6) inches in caliper or greater. For each preserved mature tree, the planting requirements, as listed in Section 802.54.F.11 may be reduced by either two evergreen trees or one deciduous canopy tree subject to review and approval of Township Engineer. The Tree Survey shall be used to determine whether the existing vegetation meets the density to serve as a visual screen.

(9) Based on the results of the Tree Survey, the Township Board may, upon recommendation by the Township Engineer and Planning Commission, determine that existing topography and/or vegetation constitutes all or part of the required landscape buffer yard.

(10) For existing vegetation that is adequate to meet the requirements of this Section, such vegetation shall be clearly specified and shown on the Landscape Plan.

(11) Planting Standards: Landscape buffer yard plantings shall consist of native, non-invasive species planted as follows:

(a) One (1) large evergreen tree per 25 linear feet of buffer yard. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

(b) One (1) deciduous canopy (shade) tree per 75 linear feet of buffer yard. The size of canopy (shade) trees shall be a minimum of three (3) inches in caliper at the time of planting.

(c) One (1) ornamental/flowering tree per 50 linear feet of buffer yard. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or three (3) inches in caliper at the time of planting for single-stemmed varieties.

(d) Five (5) shrubs per 25 linear feet of buffer yard. The size of shrubs shall be measured as fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

(12) Rooftop equipment located on Data Center Buildings shall be appropriately screened by a parapet wall so that such equipment is not visible from the ground level. Any required parapet walls shall be included as part of the maximum height of the building.

G. Sign Requirements: Signs located in a Data Center Development shall be in accordance with the sign requirements for the applicable zoning district (I-1 Industrial) as found in Article 10 of this Zoning Ordinance.

H. Parking Requirements: Off-street parking facilities shall be designed in accordance with Article 11 of this Zoning Ordinance.

I. Loading Requirements: Loading areas, unloading areas, and commercial vehicle storage space shall be provided in accordance with Section 1119 of this Zoning Ordinance.

J. Performance Standards and Required Studies: As part of the preliminary land development application for a data center development, the following materials shall be submitted, including, where applicable, information demonstrating compliance with the performance standards cited herein.

(1) SALDO Requirements: Materials and information to be submitted with a land development application for a data center development shall be those specified in Sections 406 and 407 of the SALDO for preliminary land development plans. Plans shall adhere to the standards in Section 404 of the SALDO, and the land development application process shall follow relevant provisions of the SALDO and the Pennsylvania Municipalities Planning Code as amended.

(2) Floodplain Management and Alterations to Watercourses: All data center developments shall be designed and applications prepared in accordance with Article 11 of the SALDO.

(3) Stormwater Management Standards:

(a) All drainage and stormwater management serving the data center development must meet the guidelines of the Hazle Township Stormwater Management Ordinance, as amended, and applicable sections of the SALDO, including but not limited to Section 808 (Design Standards for Storm Water Management and Drainage Control), Section 1005 (Required Improvements for Storm Water Management Control), and Article 12 (Stormwater Management and Water Discharge Requirements).

(b) Stormwater Management Plan Required: A stormwater management plan must be provided for any data center development plan in accordance with the requirements of Article 12 of the SALDO and the Hazle Township Stormwater Management Ordinance.

(4) Traffic Impact Study Required: All preliminary land development applications for data center developments shall be accompanied by a traffic impact study prepared and submitted in accordance with Section 817 of the SALDO.

(5) Sound Study: All data center development applicants shall furnish pre- and post-construction sound studies conducted by a professional acoustical expert paid for by the applicant. The sound studies shall meet the following requirements:

(a) The studies shall examine all exterior utility functions of the building(s) (rooftop and ground-mounted) that produce sound. A post-construction sound study shall be submitted prior to an occupancy permit being issued for the building(s).

(b) The studies shall demonstrate that the installation of one or more sound reducing materials or systems, or by distance of a noise source to a lot line, will effectively reduce the sound generated by the data center during normal operations, including scheduled generator testing, to the outdoor day-night average sound level (DNL) of fifty-five (55) dBA when measured at the property line of any lot containing a Sensitive Receptor or at the boundary of any residential zoning district, whichever is closer to the sound source, using ANSI standard meters. Such sound study or studies shall be conducted using sound level meters described in ANSI S1.4-2014.

(c) Exterior sound-producing equipment shall be enclosed, shielded, or otherwise attenuated, including by acoustically rated louvers, silencers, barriers, or enclosures, as necessary to comply with this Subsection.

(d) A preliminary study shall be conducted which shall evaluate sound levels estimated by the applicant's professional acoustic expert using generally accepted criteria. An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the data center and buildings and equipment depicted on the building plans.

(e) The noise reducing materials and/or systems recommended by the interim sound study shall be incorporated into the construction plans for the data center.

(f) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any data center building or buildings and prior to the final escrow release for any data center land development phase evaluating normal operations and scheduled generator testing.

(g) Following occupancy, the owner or operator of a Development shall conduct ongoing sound monitoring to verify continued compliance with the applicable sound standards of this Ordinance. Monitoring shall evaluate sound generated by the Development, including sound migration from mechanical equipment, cooling systems, electrical equipment, generators, and other exterior or building-mounted equipment. Ongoing sound monitoring shall occur yearly.

(h) Additional sound monitoring shall be required following any substantial change in equipment, operations, building occupancy, or site configuration that may reasonably increase or alter sound levels or sound migration from the site.

(i) Sound monitoring results shall be maintained by the owner or operator and made available to the Township upon request. Where monitoring identifies noncompliance with the applicable sound standards, the owner or operator shall implement appropriate sound mitigation measures.

(j) Reasonable monitoring points and durations for the measurement and reporting of applicable sound levels shall be established during the land development review process and memorialized in the Developer's Agreement in accordance with the Township Subdivision and Land Development Ordinance. The Developer's Agreement shall also establish the requirements for reporting, ongoing monitoring, and automatic notification to the Township of instances of noncompliance with the applicable sound standards.

(k) Sound generated during an emergency, as defined in the Township Noise Ordinance, including the operation of standby generators during an interruption or failure of the primary electrical power supply, shall be exempt from the sound limits of this Subsection, consistent with Section 7 of the Township Noise Ordinance.

(6) Environmental Standards.

(a) Rooftop or building-mounted energy storage systems shall comply with the Building Code and NFPA 855.

(b) Installations shall not obstruct emergency vehicle access routes, stormwater conveyance systems, or required buffer areas.

(c) Stormwater management shall comply with the Hazle Township Stormwater Management Ordinance and applicable sections of the SALDO, including but not limited to Section 808 (Design Standards for Storm Water Management and Drainage

Control), Section 1005 (Required Improvements for Storm Water Management Control), and Article 12 (Stormwater Management and Water Discharge Requirements).

(d) No system component shall discharge pollutants, vapors, or waste materials inconsistent with PA DEP and U.S. EPA regulations.

(e) The site shall remain free of combustible waste, debris, or vegetation accumulation at all times.

(7) Soil Erosion and Sedimentation Control Plan Required: All preliminary land development applications for data center developments shall be accompanied by a soil erosion and sedimentation control plan prepared and submitted in accordance with the requirements of the Luzerne Conservation District, the Pennsylvania Department of Environmental Protection (PA DEP), and Section 807 of the SALDO.

(8) Sewage Facilities Planning Module Required: All data center development applicants shall complete the PA DEP sewage facilities planning module unless approved for an exemption. A copy of the sewage facilities planning module and all accompanying data required by the PA DEP shall be submitted as part of the data center development application.

(9) Utility Capacity/Will-Serve Letter(s): Prior to issuance of a building permit for the first data center building, applicants for all Data Center Development, Applicant must provide the Township documentation demonstrating that the project has secured an electrical interconnection which may include a will-serve letter, power purchase agreement, and/or authorized Federal Agency Letter of Interconnection, PJM interconnection service agreement, or other documentation acceptable to the Township demonstrating approval of an interconnection with the electrical grid.

(10) Security Plan Required: A plan for the security of the data center site shall be provided. The plan shall address the security needs to protect the health and safety of the occupants of the proposed data center, identify the forms of security that will normally be required, and detail the specific measures to be taken in the construction, development, and operation of the data center so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for a barrier by means of a combination of fencing and signs meeting the Security requirements. The security plan shall be reviewed by Hazle Township emergency services representatives.

(11) Emergency Preparedness, Prevention, and Control Plan Required: Data center development applicants shall develop an Emergency Preparedness, Prevention, and Control Plan in accordance with state and federal requirements and generally accepted practice and submit the plan for review and comment by the Township Fire Chief and Emergency Management Coordinator.

(12) Lighting Plan Required: Lighting plans shall be submitted with all development applications demonstrating consistency with the reduction requirements listed in the International Dark Sky Association Model Lighting Ordinance and/or use best available technologies and practices to comply with Dark Sky Lighting Principles. All data centers and their accessory uses shall comply with the requirements for outdoor lighting in Section 818 of the SALDO.

(a) Illumination of a Data Center Development is limited to the minimum light necessary for safe operation. Any lighting must not extend beyond the perimeter of the Data

Center property. The Data Center Development must not produce any glare that is visible to neighboring properties or to persons traveling on public or private roads.

(b) Lighting shall be shielded to the greatest extent feasible and cast down so as not to shine on abutting properties.

(c) The Data Center Development shall strive to use the best available technologies and practices to comply with Dark Sky Lighting Principles.

(13) Utility Standards: Data center development applicants shall comply with all applicable requirements of SALDO Sections 810 and 1006 governing water systems, Sections 811 and 1007 governing sanitary sewage conveyance and disposal systems, and Sections 812 and 1008 governing utility easements and installation.

(14) Fire Prevention and Safety Plan Required: All data centers shall adhere to all fire-related ordinances of Hazle Township, including the most recent adopted International Fire Code, Property Maintenance Code, Fire Safety Requirements chapter, and related references to the National Fire Protection Association's (NFPA) standards in NFPA 75, "Standard for the Fire Protection of Information Technology Equipment," as amended. In addition, the following shall be required:

(a) A fire safety plan meeting the standards of NFPA 75 Fire Protection requirements for Information Technology (IT) Equipment and Data Processing areas, NFPA 70, NFPA 72, NFPA 76 Fire Protection of Telecommunications Facilities, NFPA 110 Standard for Emergency and Standby Power Systems, NFPA 111 Stored Electrical Energy Emergency and Standby Power Systems and NFPA 2001 Clean Agent Fire Extinguishing Systems shall be submitted with all data center applications.

(b) Owners and/or operators of data centers shall be required to participate in annual emergency management and fire mitigation training, including facility tour, with the Hazle Township Fire and Rescue Company and their fire service partners.

(c) Data center development applicants shall furnish evidence of an on-site water supply adequate for and exclusively used for firefighting purposes in accordance with NFPA 22, 20, 24 and maintained to NFPA related codes. The supply must include ample water to mitigate a fire in anticipation of a twenty (20) minute response time for fire service arrival and shall be approved by the Hazle Township Fire Chief on an annual basis at the time of the annual Fire Prevention Inspection.

(d) Data center owners and/or operators must notify the Hazle Township Fire Chief when any fire protection/detection system is in impairment. A fire watch must be initiated immediately and continue for the duration of the impairment. For any impairment lasting longer than forty-eight (48) hours, a plan must be set up for corrective action.

(e) Any proposed on-site electric generation, transformation, or distribution facilities serving a data center development shall meet the applicable standards of NFPA 850, "Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations," as amended.

(f) All applicable energy storage systems shall comply with NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) and applicable Underwriters Laboratories Standards (UL 1741, 1973, 9540, and 9540A).

(g) Each applicable energy storage enclosure shall provide:

i. An approved fire detection and suppression system (NFPA 15- ES compliant).

ii. Gas detection capable of activating alarms and ventilation when levels exceed twenty-five (25%) percent of the Lower Flammability Limit (LFL).

iii. Explosion mitigation through deflagration venting in accordance with NFPA 68 or other approved test data.

iv. Fire-resistant structural supports rated at a minimum of one (1) hour for small and medium systems and two (2) hours for large systems.

v. Systems located more than two hundred fifty (250) feet from a public hydrant shall provide an on-site hydrant or other approved firefighting water supply in accordance with Township Hydrant Resolution. All new fire hydrants shall incorporate Storz hose couplings.

vi. An approved smoke/gas purge system shall be provided, manually operable by fire personnel.

(15) Backup Power Requirements: If a data center development installs and maintains an uninterruptible power supply (UPS) providing adequate automated backup electrical power for continual operation in the event of a disruption of the main power supply, the backup power supply shall adhere to the following performance standards:

(a) Diesel generators, whether portable or permanent, shall be used sparingly and shall be deployed primarily for backup power purposes. There shall be a minimum separation between individual diesel generators of five (5) feet. Generators shall not be located within required setbacks or required buffer areas.

(b) To reduce sound and exhaust, any grouping of two (2) or more diesel generators shall be surrounded by a fence or wall with a fire-department-accessible gate as well as tree plantings of a type that will grow to not less than the heights of the fence or wall, unless an alternative screening method is approved by the Township Engineer.

(c) All diesel-fueled emergency generators installed as part of a Data Center Development shall meet or exceed United States Environmental Protection Agency (U.S. EPA) Tier 4 emission standards, as applicable to the generator's engine classification. Tier 2 and Tier 3 diesel generators shall not be permitted for new installations. All generators shall comply with applicable federal and Pennsylvania Department of Environmental Protection air quality and emissions regulations.

(d) Generator testing shall comply with the following requirements unless emergency conditions require otherwise.

1. Testing shall only take place between 10:00 a.m. and 4:00 p.m., Monday through Friday,

2. No more than 25% of the generators will be tested at one time.

3. The testing time per unit shall be restricted to 30 minutes or less each month, or such longer duration as required by NFPA 110 or the manufacturer, excluding annual and triennial testing required by NFPA 110.

4. The equipment shall be containerized and physically obscured from any off-site view during the testing.

(e) Diesel generators shall meet the requirements of all applicable emissions standards from PA DEP; the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended; and National Emissions Standards for Hazardous Air Pollutants administered by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.

(f) Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than twenty (20%) percent for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than sixty (60%) percent at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.

(g) No person shall cause, suffer or permit the emission of fugitive particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of the person where the source is being generated in accordance with applicable PA DEP regulations for which permits are issued.

(h) No person shall cause, suffer or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the data center in accordance with accordance with applicable PA DEP regulations for which permits are issued. Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.

(i) Diesel generators shall include a muffler or enclosure to limit noise. Generator sound shall comply with the standards of Subsection (5).

(j) Backup generators shall be subject to the sound study requirements in Subsection (5) above.

(k) Emergency generators shall be limited to a maximum of one hundred (100) hours of operation per calendar year per generator for routine testing, maintenance, and other non-emergency operations. Operation during an actual emergency involving interruption or failure of the primary electrical power supply shall be exempt from this limitation. The owner or operator shall maintain records of generator operating hours, including the date, duration, and purpose of each operation, and shall provide such records to the Township upon request.

(16) Decommissioning.

(a) Abandonment. A Data Center Development that ceases operation for twelve (12) consecutive months shall be deemed abandoned and shall be subject to decommissioning in accordance with this Section, unless the owner and/or operator demonstrates to the Township that the facility is being maintained in compliance with the requirements of this Ordinance. A building that has not yet been placed into data center operation, or that is being upgraded, refitted, or marketed for re-tenanting by a use permitted in the zoning district, shall not be deemed abandoned.

(b) Decommissioning Plan. As part of any land development application for a Data Center Development, the Applicant shall submit a Decommissioning Plan to the Township. Such plan shall include the following items:

1. A cost estimate for decommissioning and removal activities, including:

a. Removal of data center–specific equipment, including generators, fuel storage systems, battery systems, electrical equipment, switchyards, cooling equipment, and associated hazardous materials. Buildings, foundations, utilities, roads, and stormwater facilities suitable for reuse by a use permitted in the zoning district may remain, provided they are maintained in compliance with the Township Property Maintenance Code.

b. Proper disposal of all electrical equipment, battery components, fuel storage systems, hazardous materials, and electronic waste, as applicable, in compliance with Pennsylvania Department of Environmental Protection (PA DEP) and United States Environmental Protection Agency (U.S. EPA) regulations.

c. Disconnection and discontinuation of public utilities serving the equipment removed.

d. Site restoration, with planting or seeding of native vegetation and soil stabilization, of areas from which equipment is removed.

2. Financial security shall be provided in a form acceptable to the Township Solicitor to guarantee proper decommissioning, such as a posted bond. The requirements of financial security shall be as follows:

a. The Applicant shall post financial security in the amount of one hundred ten percent (110%) of the decommissioning cost, as approved by the Township Engineer, securing the decommissioning obligations of the Data Center Development and naming the Township as beneficiary. The original financial security shall be delivered to the Township. The form of financial security shall be subject to the review and approval of the Township Solicitor. The decommissioning cost may be calculated net of the reasonably anticipated salvage value of equipment, as approved by the Township Engineer. A guarantee from the owner, operator, or its parent company with an investment-grade credit rating, in a form acceptable to the Township Solicitor, may be provided in lieu of a bond or letter of credit.

b. Every five (5) years, the owner shall provide an updated decommissioning cost estimate to be approved by the Township Engineer. If the required financial security amount increases, the owner and/or operator shall remit the increased financial security to the Township within thirty (30) days of approval of the updated estimate. If the required financial security amount decreases by greater than ten percent (10%), the Township shall release any amounts held in excess of one hundred ten percent (110%) of the updated decommissioning cost estimate.

c. After the Data Center Development is fully decommissioned and written certification is issued by the Township Engineer to the Township Board of

Supervisors that the project parcel(s) have been decommissioned in accordance with the approved Decommissioning Plan, the Township shall release the decommissioning financial security.

d. If the owner and/or operator fails to remove the equipment and materials required by the approved Decommissioning Plan, the Township shall have the authority, subject to applicable law, to execute upon the decommissioning financial security, enter the property, remove such equipment and materials, and restore the affected areas. The owner and/or operator shall be liable for all costs incurred by the Township associated with decommissioning, including attorneys' fees, engineering fees, and costs associated with drawing upon the financial security.

(c) The owner and/or operator is encouraged to resell or salvage materials to the fullest extent possible. Materials that cannot be resold or salvaged shall be disposed of at a facility authorized to receive such materials in accordance with federal or state law.

(d) Soil Stabilization. Any soil exposed during removal shall be stabilized in accordance with applicable standards.

(e) Access Drives. Any paved access drives from public roads shall remain for future use unless directed otherwise by the landowner.

(f) Notification. The owner and/or operator shall notify the Township immediately upon permanent cessation or abandonment of the Data Center Development.

(g) Removal Period. The owner and/or operator shall have eighteen (18) months to remove the equipment and materials required by the approved Decommissioning Plan, in accordance with industry practice.

(h) Transfer of Ownership. If the current owner and/or operator temporarily ceases operations while transferring ownership or management of the facility, the current owner and/or operator shall notify the Township. Decommissioning financial security shall remain in effect during the transfer.

(i) All necessary permits shall be obtained prior to decommissioning activities.

(j) The approved Decommissioning Plan, decommissioning cost estimate, financial security requirements, and obligations for removal and site restoration shall be incorporated into the Developer's Agreement entered into with Hazle Township pursuant to the Township Subdivision and Land Development Ordinance.

3.B. Article 8 (“Supplemental Regulations”), Section 802 (“Use Regulations”), shall be amended to add the following new Subsection 802.55 with use regulations for Battery Energy Storage Systems:

802.55 BATTERY ENERGY STORAGE SYSTEMS

A. This Section:

(1) Intends to regulate the siting, design, installation, and operation of Battery Energy Storage Systems (BESS) in Hazle Township. These standards permit the efficient and effective operation of BESS within the Township while mitigating their potential negative impacts and

ensuring their compatibility with adjacent land uses in order to protect public health, safety, and welfare.

(2) Sets forth requirements for BESS.

(3) Sets forth requirements for ancillary power infrastructure uses, including Electrical Substations, Switchyards, and Transformer Facilities.

B. Battery Energy Storage Systems.

(1) BESS-specific standards within Section 802.55 govern battery energy storage systems notwithstanding otherwise applicable, less restrictive dimensional provisions of this Ordinance.

(2) Construction phasing. BESS Applicants proposing phased development shall submit a Construction Phasing Plan identifying each phase, timing, and supporting utility and stormwater infrastructure. For purposes herein, commencement shall mean commencement of work authorized for infrastructure improvements or other approved site work. Upon written request filed before expiration, the Zoning Officer shall renew the permit for successive one (1) year periods, not to exceed three (3) years from the date of original issuance, where the applicant demonstrates diligent pursuit of required permits and approvals. For a BESS Development approved with a Construction Phasing Plan under Subsection A(3), this requirement shall apply to the first phase only; subsequent phases shall remain valid in accordance with the approved phasing schedule and Section 508 of the MPC. The commencement period herein shall be tolled during any appeals affecting the BESS Development.

C. Modifications to, retrofits, or replacements of an existing BESS shall be subject to this Article and the requirements herein under the circumstances listed in this Section.

D. In the event of any inconsistency between the provisions of this Article and any other provision of the Hazle Township Zoning Ordinance, the provisions of this Article shall control.

E. Permitted Locations.

(1) Facility-Scale BESS, Types 1 and 2 and Utility-Scale BESS are both principal uses permitted by Special Exception in the Industrial 1 (I-2) District as shown on the Hazle Township Zoning Map.

(2) Electrical Substations, Switchyards, and Transformer Facilities are permitted by Special Exception in the Industrial 1 (I-1) District:

(a) As a principal use of a lot of record; or

(b) As an accessory use to a Facility-Scale BESS permitted by Special Exception on a lot of record.

F. Dimensional Requirements

(1) A lot or unified tract proposed for a Battery Energy Storage System shall be located within a 0.5-mile buffer of an existing 230 KV or greater powerline at the time of ordinance adoption.

(2) Facility-Scale BESS shall meet the following dimensional requirements:

(a) Facility-Scale BESS –Outdoor BESS Installation (Type 1):

1. Minimum lot area: Ten (10) acres.

2. Maximum lot area: 200 acres.
3. No Facility-Scale BESS building, or outdoor equipment area associated with a shall be located within the following setbacks:
    a. If the noise level (dBA) is in accordance with K (4), the setback distance shall be One thousand two hundred fifty (1250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,
    b. If the noise level (dBA) is 5 dBA below the requirement of section K (4), the setback distance can be One thousand (1000) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,
    c. If the noise level (dBA) is 10 dBA below the requirement section K (4), the setback distance can be Five hundred (500) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,
    d. The setback distance shall be measured from the nearest exterior wall of a BESS building, or the nearest edge of a outdoor mechanical equipment area serving it, to the lot line.
    e. This separation shall not apply to electrical substations, switchyards, transformer facilities, utility lines and easements, pump stations, water and sewer facilities, stormwater management facilities, roads, driveways, fences, landscaping, or similar site improvements.
    f. One hundred (100) feet of an existing stream, waterbody or other resource regulated by the PA Department of Environmental Protection or the Luzerne Conservation District unless the applicant demonstrates through competent professional studies that the proposed location and design will not result in significant adverse impacts to the identified environmental resource and that adequate avoidance, mitigation, and protective measures have been incorporated into the project design or if the Applicant has obtained all applicable permits or approvals from the Pennsylvania Department of Environmental Protection, Luzerne Conservation District, or other outside governmental agency having jurisdiction over such resource.
    g. Access drives, transmission and/or distribution breakers, masts, towers and other similar equipment facilitating interconnection of the Facility-Scale BESS to the electrical grid shall be set back one foot for each one foot of height
    h. BESS Equipment (battery units, inverters, and containers) shall be setback 250 feet from any other lot line associated with any other use permitted within the Industrial I District.
4. Maximum BESS height: For the purposes of this Ordinance, any battery storage unit, or either housed interior or exterior, shall be considered a principal structure and shall not exceed 35’. Non-PUC-regulated transmission and/or distribution lines, breakers, masts, towers nor any other similar equipment facilitating interconnection of the Facility-Scale BESS to the electrical grid shall not exceed

100’ in height. PUC-regulated improvements shall be exempt from said maximum height and setback requirements.

5. Maximum height of supporting equipment serving the BESS, including ventilation towers and cooling equipment: 20 feet.

(b) Facility-Scale BESS – Dedicated-Use BESS Building (Type 2):

1. Minimum lot area: Five (5) acres.
2. Maximum lot area: Ten (10) acres.
3. Maximum footprint per building: 60,000 square feet of building footprint.
4. Maximum number of Dedicated-Use BESS Buildings per lot: One (1) building for every five (5) acres of lot area.
5. Minimum front/side/rear setbacks.
    a. Access drives, transmission and/or distribution breakers, masts, towers and other similar equipment facilitating interconnection of the Facility-Scale BESS to the electrical grid shall be setback one foot for each one foot of height.
    b. BESS Equipment (battery units, inverters, and containers) shall be setback 100 feet from the lot line of any lot.
6. Maximum building height: For the purposes of this Ordinance, any battery storage unit, or either housed interior or exterior, shall be considered a principal structure and shall not exceed 35’. Non-PUC-regulated transmission and/or distribution lines, breakers, masts, towers nor any other similar equipment facilitating interconnection of the Facility-Scale BESS to the electrical grid shall not exceed 100’ in height. PUC-regulated improvements shall be exempt from said maximum height and from above setback requirements.

(3) Utility-Scale BESS shall meet the following dimensional requirements:

(a) Utility-Scale BESS – Outdoor BESS Installation:

1. Minimum lot area: Fifty (50) acres.
2. Maximum lot area: 200 acres.
3. No Utility-Scale BESS building, or outdoor equipment area associated with a shall be located within the following setbacks:
    a. If the noise level (dBA) is in accordance with K (4), the setback distance shall be One thousand two hundred fifty (1250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,
    b. If the noise level (dBA) is 5 dBA below the requirement of section K (4), the setback distance can be One thousand (1000) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,
    c. If the noise level (dBA) is 10 dBA below the requirement section K (4), the setback distance can be Five hundred (500) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,

d. The setback distance shall be measured from the nearest exterior wall of a BESS building, or the nearest edge of a outdoor mechanical equipment area serving it, to the lot line.

e. This separation shall not apply to electrical substations, switchyards, transformer facilities, utility lines and easements, pump stations, water and sewer facilities, stormwater management facilities, roads, driveways, fences, landscaping, or similar site improvements.

f. One hundred (100) feet of an existing stream, waterbody or other resource regulated by the PA Department of Environmental Protection or the Luzerne Conservation District unless the applicant demonstrates through competent professional studies that the proposed location and design will not result in significant adverse impacts to the identified environmental resource and that adequate avoidance, mitigation, and protective measures have been incorporated into the project design or if the Applicant has obtained all applicable permits or approvals from the Pennsylvania Department of Environmental Protection, Luzerne Conservation District, or other outside governmental agency having jurisdiction over such resource.

g. Access drives, transmission and/or distribution breakers, masts, towers and other similar equipment facilitating interconnection of the Facility-Scale BESS to the electrical grid shall be set back one foot for each one foot of height

h. BESS Equipment (battery units, inverters, and containers) shall be setback 300 feet from the lot line of any lot except that BESS Equipment (battery units, inverters, and containers) shall be setback 100 feet from any other lot line associated with any other use permitted within the Industrial 1 (I-1) District.

4. Maximum BESS height: For the purposes of this Ordinance, any battery storage unit, or either housed interior or exterior, shall be considered a principal structure and shall not exceed 35’. Non-PUC-regulated transmission and/or distribution lines, breakers, masts, towers nor any other similar equipment facilitating interconnection of the Utility-Scale BESS to the electrical grid shall not exceed 100’ in height. PUC-regulated improvements shall be exempt from said maximum height and from above setback requirements.

(b) Utility-Scale BESS – Dedicated-Use BESS Building:

1. Minimum lot area: Ten (10) acres.
2. Maximum lot area: 20 acres.
3. Maximum footprint per building: 60,000 square feet of building footprint.
4. Maximum number of Dedicated-Use BESS Buildings per lot: One (1) building for every three (3) acres of lot area.
5. No Utility-Scale BESS Dedicated-Use BESS Building shall be located within the following setbacks:

a. If the noise level (dBA) is in accordance with Subsection K (4), the setback distance shall be One thousand two hundred fifty (1250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,

b. If the noise level (dBA) is 5 dBA below the requirement of Subsection K (4), the setback distance can be One thousand (1000) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,

c. If the noise level (dBA) is 10 dBA below the requirement section Subsection K (4), the setback distance can be Five hundred (500) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor,

d. The setback distance shall be measured from the nearest exterior wall of a BESS building, or the nearest edge of a outdoor mechanical equipment area serving it, to the lot line.

e. This separation shall not apply to electrical substations, switchyards, transformer facilities, utility lines and easements, pump stations, water and sewer facilities, stormwater management facilities, roads, driveways, fences, landscaping, or similar site improvements.

f. One hundred (100) feet of an existing stream, waterbody or other resource regulated by the PA Department of Environmental Protection or the Luzerne Conservation District unless the applicant demonstrates through competent professional studies that the proposed location and design will not result in significant adverse impacts to the identified environmental resource and that adequate avoidance, mitigation, and protective measures have been incorporated into the project design or if the Applicant has obtained all applicable permits or approvals from the Pennsylvania Department of Environmental Protection, Luzerne Conservation District, or other outside governmental agency having jurisdiction over such resource.

g. Access drives, transmission and/or distribution breakers, masts, towers and other similar equipment facilitating interconnection of the Facility-Scale BESS to the electrical grid shall be set back one foot for each one foot of height

h. BESS Equipment (battery units, inverters, and containers) shall be setback 300 feet from the lot line of any lot except that BESS Equipment (battery units, inverters, and containers) shall be setback 100 feet from any other lot line associated with any other use permitted within the Industrial 1 (I-1) District.

6. Maximum building height: For the purposes of this Ordinance, any battery storage unit, or either housed interior or exterior, shall be considered a principal structure and shall not exceed 35’. Non-PUC-regulated transmission and/or distribution lines, breakers, masts, towers nor any other similar equipment facilitating interconnection of the Utility-Scale BESS to the electrical grid shall not exceed 100’ in height. PUC-regulated improvements shall be exempt from said maximum height and setback requirements.

G. Certification and Regulatory Compliance

(1) BESS and associated equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

(a) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications).

(b) UL 1642 (Standard for Lithium Batteries).

(c) UL 1741 or UL 62109 (Inverters and Power Converters).

(d) Certification under the applicable electrical, building, and fire prevention codes as required.

(2) All BESS shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations (including applicable environmental standards), and all applicable standards in the Hazle Township Zoning Ordinance and Subdivision and Land Development Ordinance.

(3) BESS, and the installation and use thereof, shall comply with the Building Code, Fire Code, and other applicable Township, County, and State codes. Installation of a BESS shall not commence until all necessary permits have been obtained.

(4) All plans, manuals, and procedures required of the BESS owner and/or operator shall be compliant with the standards of NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems).

H. Application Requirements

(1) When land use approval is required:

(a) When a new BESS is proposed, whether Facility-Scale or Utility-Scale.

(b) When an Electrical Substation, Switchyard, or Transformer Facility is proposed, either in association with a Facility-Scale BESS or as a standalone principal land use.

(c) When a modification, retrofit, or replacement of a BESS will result in the total increase in designed discharge, duration or power rating of the BESS; and

(d) When an existing BESS intends to connect directly to the electric grid (i.e., when a Facility-Scale BESS proposes to become a Utility-Scale BESS).

(2) Applications for a BESS shall provide the following documentation:

(a) Preliminary Site Plan – shall indicate the general location of an Outdoor BESS Installation on the property or the location and footprints of proposed Dedicated-Use BESS Buildings, plus all proposed roads, fences, and required setbacks. Said Plan shall be prepared and sealed by a licensed design professional and the boundary line locations are to be sealed by a professional land surveyor licensed in the Commonwealth of Pennsylvania.

(b) Natural resource and environmentally sensitive site analysis,

(c) PNDI and National Diversity Resource Summary

(d) Preliminary Wetland Evaluation

(e) Notification to all Utilities

(f) Sound Study – See requirements in O.1; shall demonstrate compliance with the noise level limits and requirements of Section K.4. Said Study shall be prepared and sealed by a professional licensed acoustic expert/engineer proficient in acoustic studies/BESS systems.

(g) Visual Impact Study – See requirements in O.2.

(h) Photographs of existing conditions – shall include photography of the Subject Lot existing conditions.

(i) Emergency Management Coordination – See requirements of Section M.1.

(j) Written Acknowledgement of required forthcoming

1. Entering into a Developer's Agreement under the Township Subdivision and Land Development Ordinance,
2. Landscape Plan and Tree Survey, as well as any associated requirements specified by Township Board,
3. Mining Mapping,
4. Wellfield Quality Study,
5. Emergency Management Plan in accordance with Section M.1 and Township Fire Chief review, comment, and approval,
6. A Decommissioning Plan to be prepared as part of the Township's Subdivision and Land Development Ordinance process and
7. Establishing monitoring points and automatic non-compliance alert notifications.

(k) Said written Acknowledgement shall be submitted as a "Statement of Understanding of the Use" as a requirement of this condition. Within said Acknowledgement, the Applicant shall identify that he/she knowingly and willfully agrees that the required additional studies, reports, and documentation shall be completed and submitted as part of any and all land development applications.

I. After approval, an Applicant shall apply for land Development approval pursuant to the Township's Subdivision and Land Development Ordinance as well as documentation specified as part of H.2.f, at which time the Applicant shall submit the following:

(1) Site Plan – shall indicate the location of an Outdoor BESS Installation on the property or the location and footprints of proposed Dedicated-Use BESS Buildings, plus all proposed roads, fences, and required setbacks.

(2) Landscape Plan – shall show location of existing and proposed vegetation on the property and all required buffer yards. Said Plan shall be prepared and sealed by a landscape architect licensed in the Commonwealth of Pennsylvania.

(3) Layout Diagram – shall show the proposed layout for the Outdoor BESS Installation or Dedicated-Use BESS Building

(4) Elevations including those for all buildings, walls, and installation support structures such as concrete pads and structural anchors.

(5) Manufacturer's Product Specifications – shall include ratings, listings, certifications, and hourly fire-resistance ratings of assemblies enclosing the BESS and associated equipment.

(6) Project Inventory – shall indicate the number and types of BESS containers to be installed.

(7) Detailed information on:

(a) The Battery Management System to be used, including information on system operation, alerts, and automatic shut-off capabilities.

(b) Fire prevention and heat mitigation, including details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided.

(c) Containment systems proposed to intercept chemicals, fire suppressant agents, or similar hazards, including PFAS, from reaching the soil, surface water, and groundwater.

(8) Construction and Major Maintenance Transportation Study – See requirements in Section O.3.

(9) Hazardous Materials and Electronic Waste Plan – See requirements in Section O.4.

(10) Heat Mitigation Plan – See requirements in Section O.5.

(11) Lighting Plan – See requirements in Section O.6.

(12) Operations and Maintenance Manual – See requirements in Section O.7.

(13) Mapping illustrating deep mining locations with approximate distances from the ground surface to the mine (known as overburden distance). Locations shall be based upon information available through the US Bureau of Mines.

(14) Tree Survey – A Tree Survey shall be conducted within a 100-foot depth of the entire perimeter of the property to identify any and all native trees of a six (6) inch caliper (diameter at breast height, or dbh) in each 100 linear feet of the perimeter length and to identify the number of trees qualifying for permissible credit per Section L.4. For each four (4) 6" trees located within each 10,000 sf perimeter area, the Applicant shall be permitted to reduce buffer yard requirements by twenty percent (20%).

(15) Wellfield Quality Study – An inventory of all water wells, public or private, located within 1,250 feet of the lot lines of the BESS property shall be compiled. Testing of all inventoried wells shall then be completed to establish the baseline water quality of the wells prior to the establishment of the BESS, subject to consent of the lot owner. Where a property owner refuses to grant access for baseline testing, the Applicant shall document such refusal in writing and shall be deemed to have satisfied the baseline testing requirement for that well. Upon receipt of a complaint by the Township that appears to be reasonably related to the BESS project, the Township may request and the Applicant shall offer and undertake, if permitted by the lot owner, well water testing. In any event, a BESS owner or operator shall not be required to undertake well water testing more than once in any 12-month period. If a property owner refuses access for testing, the Applicant shall have no obligation to conduct testing of that well pursuant to the foregoing.

(16) Any other required documentation specified as part of H.2.f.

(17) Any other requirements specified in the ordinance not otherwise identified above.

J. Determination of application completeness: No Application for a BESS is deemed complete until all of the required documents listed in Subsection H and I are provided in full, without any omissions.

K. General Requirements and Standards

(1) Access Management:

(a) The access road to the BESS shall be directly accessible from a public roadway, capable of supporting fire and emergency vehicles, and maintained year-round.

(b) The BESS shall be designed to provide for adequate fire and emergency vehicle access.

(2) Parking and Loading: Parking and loading areas shall be required for BESS uses and shall include a minimum of five spaces on site for the purposes of employees and maintenance.

(3) Lighting:

(a) Illumination of a BESS is limited to the minimum light necessary for safe operation. Any lighting must not extend beyond the perimeter of the BESS property. The BESS must not produce any glare that is visible to neighboring properties or to persons traveling on public or private roads.

(b) Lighting shall be shielded to the greatest extent feasible and cast down so as not to shine on abutting properties.

(c) The BESS shall strive to use the best available technologies and practices to comply with Dark Sky Lighting Principles.

(4) Noise. The noise generated by a BESS must not exceed the following maximum noise levels:

(a) 60 dBA for outdoor noise exposure levels at the property line of any Sensitive Receptor.

(b) 70 dBC for outdoor noise exposure levels at the property line of any Sensitive Receptor.

(c) 75 dbZ for outdoor noise exposure levels at the property line of any Sensitive Receptor.

(d) Reasonable monitoring points and durations for the measurement and reporting of dBA, dBC and dBZ by the Applicant shall be established during the Land Development review process and memorialized in the Developer's Agreement as per the Township Subdivision and Land Development Ordinance.

(e) Alert systems that automatically notify the Township's Administrative Office within 10 minutes of an instance where the monitoring point records a noise level in excess of the maximum permission levels as defined.

(f) Monitoring point and automatic alert notifications shall be required for each development phase.

(5) Water Pollution and Containment: BESS shall include containment systems to prevent chemicals, fire suppressant agents, or similar hazards, including PFAS-classified chemical compounds, from contaminating soil, surface water, groundwater and public or private wells, and to minimize the risk of human exposure.

(6) Other environmental standards: BESS shall meet all of the performance standards defined in the Township Ordinance for electrical disturbances, erosion, fire protection, glare, information services, noise, odors, smoke and air pollution, vibrations, and water pollution, except where this Article specifically prescribes stricter requirements.

L. Screening and Buffering

(1) Landscape buffer yards are required between a BESS and any adjoining public roadways and rights-of-way and outside of the Industrial (I) District, any existing residential uses, and uses meeting the definition of a Sensitive Receptor.

(2) The landscape buffer yard shall be at least a width of 50 feet and may be part of the minimum required setback distance.

(3) Utilities and equipment shall not be located in the landscape buffer yard. If a utility must cross the landscape buffer yard, it shall be the minimum traversal distance and then only if every precaution is taken to make up for the lost visual screen.

(4) The preservation of as much existing vegetation as physically feasible is preferred for the use of screening, including the preservation of mature trees of six (6) inches in caliper or greater. For each preserved mature tree, the planting requirements, as listed in Section L.7 shall be reduced by either two evergreen trees or one deciduous canopy tree. The Tree Survey required under Section I.14 shall be used to determine whether the existing vegetation meets the density to serve as a visual screen.

(5) Based on the results of the Tree Survey, the Township Board may, upon recommendation by the Township Engineer and Planning Commission, determine that existing topography and/or vegetation constitutes all or part of the required landscape buffer yard.

(6) For existing vegetation that is adequate to meet the requirements of this Section, such vegetation shall be clearly specified and shown on the Landscape Plan.

(7) Planting Standards: Landscape buffer yard plantings shall consist of native, non-invasive species planted as follows:

(a) One (1) large evergreen tree per 25 linear feet of buffer yard. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.

(b) One (1) deciduous canopy (shade) tree per 75 linear feet of buffer yard. The size of canopy (shade) trees shall be a minimum of three (3) inches in caliper at the time of planting.

(c) One (1) ornamental/flowering tree per 50 linear feet of buffer yard. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or three (3) inches in caliper at the time of planting for single-stemmed varieties.

(d) Five (5) shrubs per 25 linear feet of buffer yard. The size of shrubs shall be measured as fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

(8) Rooftop equipment located on Dedicated-Use BESS Buildings shall be appropriately screened by a parapet wall so that such equipment is not visible from the ground level. Any required parapet walls shall be included as part of the maximum height of the building.

(9) Fencing:

(a) BESS, including all mechanical equipment, shall be enclosed by a perimeter security fence with a self-locking gate to prevent unauthorized access.

(b) Security fencing shall be equipped with a Knox Gate Key Switch, for emergency services access.

(c) Fencing requirements of this Zoning Ordinance that are applicable to a use within the Industrial District shall apply.

M. Emergency Management

(1) Emergency Management Plan:

(a) The Applicant shall prepare an Emergency Management Plan and ensure that emergency service professionals can safely, effectively, and reasonably respond to an emergency involving a BESS.

(b) The Emergency Response Plan shall document and verify that the BESS and its associated controls and safety systems are in compliance with the Fire Code and related NFPA codes as addressed in this ordinance and property and Property maintenance Code Fire Safety Section.

(c) The Applicant shall collaborate with all emergency service professionals servicing the location of the BESS.

(d) The Township Fire Chief and Township Emergency Management Coordinator shall approve the Emergency Management Plan as a component of any Land Development approval.

(e) A permanent copy of the Emergency Management Plan shall be kept in an approved location on-site to be accessible to facility personnel, fire officials, and emergency responders. A digital copy provided t the Township, Fire Company, Emergency Management Coordinator and related emergency responders including Luzerne county 911 and Emergency Management Administration.

(f) The Emergency Management Plan shall include site orientation, location and review of Safety Data Sheet (SDS) documentation, review of emergency vehicle access, location of significant structures including emergency shut-off devices (ESD) and what is rendered safe by activating these devices, and other matters as deemed necessary by the Township, including but not limited to:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

2. Procedures for inspection and testing of associated alarms, interlocks, and controls.

3. Procedures to be followed in response to notifications from the Battery Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the Township

Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

5. Response considerations similar to a Safety Data Sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
6. Procedures for dealing with equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility.
7. Other procedures as determined necessary by Hazle Township to provide for the safety of occupants, neighboring properties, and emergency responders.
8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the Emergency Response Plan and appropriate response procedures.

(2) Emergency Equipment and Training. The BESS Owner and/or Operator must provide training to emergency service professionals regarding implementation of the Emergency Management Plan. All costs associated with specialized training and any necessary specialized equipment required to implement the Emergency Response Plan shall be paid for by the BESS owner and/or operator.

(3) Battery Management System: The use of Battery Management System computer software or similar electronic monitoring solution shall be required for all BESS operations. Such system shall alert of potentially dangerous conditions, shut down equipment when necessary, and be able to automatically summon services and repair personnel. To ensure public safety and to address on-site safety instances/issues, the Township shall be alerted when emergency management assistance needs deployed/is required.

(4) Security and Safety:

(a) The entry gate to the BESS shall be accessible 24 hours a day by emergency personnel and vehicles via the Knox Box system.

(b) To ensure pre-incident response is possible, alert system technology for Luzerne County Management System access shall be provided on-site.

(5) Signage:

(a) A small sign at the BESS vehicular entrance gate is required to state the owner of the BESS, emergency contact information including address information and a current operating phone number that is answered 24 hours per day, seven (7) days per week.

(b) During construction, the name and emergency contact information for the general contractor shall also be posted at the entrance gate.

(c) A clearly visible warning sign shall be posted on-site informing individuals of potential hazards.

(d) No portion of the BESS shall contain or be used to display advertising.

(6) A change of a facility container constitutes an alteration of a structure and requires a building permit. Based upon the nature of said use, the Applicant shall disclose the nature of battery change and identify any appliable new training/equipment that shall be required. When a new chemistry is introduced, the Township and the Township Fire Chief shall require the

Applicant to provide new training and new/supplemental equipment for public health and safety.

(7) Container units shall be permanently anchored to the ground.

(8) When there is alteration to the battery Schedule, all battery storage shall be itemized, per unit, to include unit number, unit chemistry, GPS coordinates, and total energy capacity.

(9) In addition to the criteria listed in the section, the facility shall also comply with the regulations established within the PA Act 165 of 1990, Hazardous Material Emergency Planning and Response Act. In case of a contention of criteria as listed in this ordinance and the PA Act, the criteria listed in the PA Act 165 shall take precedence.

N. Electric Utility Will-Serve Letter

(1) Prior to issuance of a building permit, applicants for all BESS, Electrical Substations, Switchyards, and Transformer Facilities must provide the Township documentation demonstrating that the project has secured an electrical interconnection which may include a will-serve letter, power purchase agreement, and/or authorized Federal Agency Letter of Interconnection, PJM interconnection service agreement, or other documentation acceptable to the Township demonstrating approval of an interconnection with the electrical grid.

O. Impact Studies and Operational Plans

(1) Sound Study: The Applicant shall identify in a Sound Study all building and power systems which make noise that can be heard outdoors and shall further identify all sound-dissipative devices or enclosures that are to be used to prevent such systems from exceeding the maximum permitted sound levels specified in Section K.4. The Sound Study shall be amended whenever additional noise-generating equipment is to be deployed or at the direction of the Township.

(2) Visual Impact Study: The Applicant shall submit a viewshed analysis prepared by a Pennsylvania-registered architect or landscape architect illustrating the areas from which any use installations will be visible.

(3) Construction and Major Maintenance Transportation Study. The Applicant or any Owner and/or Operator, thereafter, shall provide the Township with a transportation plan for construction, including any applicable agreements with the Pennsylvania Department of Transportation, which is subject to Township review and approval. Such transportation plan shall also be required when major maintenance activities are to take place on-site that involve significant truck traffic.

(4) Hazardous Materials and Electronic Waste Plan: The Applicant shall provide the Township with a plan for managing any hazardous waste, including procedures for the lawful disposal of electronic waste and battery components.

(5) Heat Mitigation Plan: A Heat Mitigation Plan shall be submitted and include, at a minimum, strategies for waste heat reuse or dissipation and vegetative or green roof and/or site design to offset urban heat island effects. The plan shall be prepared and certified by a professional engineer and 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 emerging from the review prior to Approval.

(6) Lighting Plan: Such plan shall be submitted demonstrating consistency with the provisions of Section K.3 and the reduction requirements listed in the International Dark Sky Association Model Lighting Ordinance.

(7) Operations and Maintenance Manual: Such plan shall describe continuing commissioning and maintenance, as well as property upkeep, design, construction, installation, and testing information, and shall meet all requirements set forth in the Fire Code, Electric Code, and Building Code.

P. Decommissioning

(1) BESS that ceases operation for twelve (12) consecutive months shall be deemed abandoned and immediately decommissioned accordingly unless the owner/operator maintains the BESS in compliance with the requirements of this ordinance.

(2) Decommissioning Plan: As part of the Application, the Applicant shall submit a Decommissioning Plan to the Township. Such plan shall include the following items:

(a) Cost estimate for decommissioning and removal activities, including:

1. Removal of all structures, pads, and equipment to a minimum depth of three (3) feet below grade.
2. Proper disposal of all battery components and hazardous materials in compliance with DEP and U.S. EPA regulations.
3. Disconnection and discontinuation of public utilities.
4. Site restoration with planting or seeding of native vegetation and soil stabilization.

(b) Financial security shall be provided in a form acceptable to the Township Solicitor to guarantee proper decommissioning, such as a posted bond. The requirements of the financial security shall be as follows:

1. The BESS Applicant shall post financial security in the amount of 110 percent of the decommissioning cost, as approved by the Township Engineer, securing the decommissioning obligations of the BESS and naming the Township as beneficiary, the original of which security shall be delivered to the Township. The form of the financial security shall be subject to the review and approval of the Township Solicitor.
2. Every five (5) years, the BESS Owner shall provide an updated decommission cost estimate to be approved by the Township Engineer. If the decommissioning financial security amount increases, the BESS Owner and/or Operator shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning financial security estimate by the Township. If the decommissioning financial security amount decreases by greater than 10 percent, the Township shall release any amounts held in excess of 110 percent of the updated decommission cost estimate.
3. After the BESS is fully decommissioned and written certification is issued by the Township Engineer to the Township Board that the project parcel(s) have been restored to an environmentally stable condition substantially similar to the condition they were in prior to construction of the BESS, the Township shall release the decommissioning financial security.

4. The decommissioning financial security shall be in a form to be approved by the Township Solicitor. If the BESS Owner and/or Operator fails to remove the BESS in accordance with the requirements of this Section, the Township, shall have the authority to execute upon the decommissioning financial security, enter the property, physically remove the BESS, and restore the property to its original, preconstruction condition. The BESS owner and/or operator shall be liable for all costs incurred by the Township associated with the decommissioning, including attorneys' fees and engineering fees and any costs or fees associated with drawing on the financial security.

(3) The BESS Owner and/or Operator is encouraged to resell or salvage materials to the fullest extent possible. However, materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials in accordance with federal or state law.

(4) Any soil exposed during the removal shall be stabilized in accordance with applicable standards.

(5) Any paved access drives from public roads shall remain for future use unless directed otherwise by the landowner.

(6) The BESS Owner and/or Operator is required to notify the Township immediately upon permanent cessation or abandonment of the BESS.

(7) The BESS Owner and/or Operator shall have eighteen (18) months in which to dismantle and remove the BESS, including all related equipment or appurtenances related thereto, in accordance with industry practice.

(8) In the event that the present BESS Owner and/or Operator has temporarily ceased its operation but is in the process of transferring ownership and BESS management/operation, the present Owner/Operator has the responsibility of notifying the Township. The decommissioning financial security also must be maintained during this time.

(9) Any necessary permits shall be obtained prior to decommissioning activities.

Q. Ancillary Power Infrastructure, Electric Generation and Small Modular Reactors

(1) Ancillary power generation systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC) Act of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority. The use shall meet Nuclear Regulatory Commission (NRC) and other regulatory requirements including the requirements of NFPA 805, 804, 806, 801.

(2) All wiring must comply with applicable electrical codes and specifications.

(3) The system must be constructed to comply with any applicable fire safety codes.

(4) The system shall not be placed in the established front yards and shall be subject to the same side and rear yard setbacks as other accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of a ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of equipment of parts.

(5) Notwithstanding the height limitations of the Industrial (I) zoning district:

(a) Any height limitations shall comply with all existing building codes for the structures that may be required after compliance with existing zoning and land development ordinances or laws. All soil analysis that may be required shall be part of any required stormwater plan or other permits that are engineering based.

(b) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

(c) For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.

(d) Ground-mounted systems may not exceed ten (10) feet in height, measured from the tallest part of the structure when installed.

(6) The footprint of the ground-mounted energy generation system shall not exceed the square footage of permitted buildings on the property where the energy is to be used but shall never exceed 25% of the lot area where it is to be placed.

(7) Screening and visibility.

(a) Building-mounted systems mounted on a sloped roof shall not be required to be screened.

(b) Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a 50-foot radius of the property, at a level of five feet from the ground, in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the system is not visible from the public right-of-way within a 50-foot radius at a level of five feet from the ground.

(c) If a building-mounted system is to be installed on any building or structure that is nonconforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system shall not extend above the peak or highest point of the roof to which it is mounted.

(8) Vacation, abandonment, and/or decommissioning. The owner shall remove all ancillary power generation systems, components, and support structures, buildings, cabling, electrical component, roads, and any other associated equipment within 90 days of cessation of abandonment of the use.

(9) Such power generation facility shall be considered a separate principal use and shall be approved according to all other special exception use requirements and applicable state and federal regulations.

(10) Any power generation facility designed or used to supply power directly to another principal use during normal operations, including solar, wind, non-coal fossil fuel, fuel cells, or nuclear energy generating systems, shall not be considered part of that principal use but shall be subject to existing Township and utility regulations.

(11) The applicant shall select, Design, and locate the power generation facility to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible.

R. Administration and Enforcement

(1) Applicant must apply for approval under the Township Subdivision and Land Development Ordinance within one (1) year after zoning approval is granted. The Township Board may extend this timeline at the request of the Applicant without requiring a new application.

(2) Approved BESS shall remain in compliance at all times with the standards of the Permit and all documentation submitted with and affirmations made in the application. No changes may be made to the Permit by the BESS Owner and/or Operator without the written agreement of the Township.

(3) Minor changes to an approved BESS may be reviewed and approved by the Zoning Officer or their designee. The Zoning Officer may, at their discretion, determine that a proposed change to the BESS constitutes a major change that requires a new approval. The following changes shall be considered minor:

(a) Technical changes to the following application documents:

1. Construction documents.

2. The Emergency Management Plan.

3. The Operations and Maintenance Manual.

(b) Modifications to, retrofits, or replacements of an existing BESS that do not substantially increase the total designed discharge duration or power rating, or that do not substantially increase the lot coverage of the BESS.

(4) Pre- and post-development water well testing shall be used to assist in determining the cause of any water well degradation. If that degradation is determined to be caused by the BESS, the Owner and/or Operator shall be responsible for restoring the water quality to that of the baseline study required in Section I.15.

(5) Any violation of this Article shall be subject to the enforcement requirements set forth in this Ordinance.

3.C. Article 8 (“Supplemental Regulations”), Section 802 (“Use Regulations”), shall be amended to add the following new Subsection 802.56 with use regulations for All Other Non-Residential Uses Not Otherwise Listed:

802.56 ALL OTHER NON-RESIDENTIAL USES NOT OTHERWISE LISTED

Any non-residential use not specifically listed within the Township Zoning Ordinance as a use permitted by right, or by special exception may be permitted by special exception in the I-2 Industrial District, subject to the following criteria, at a minimum:

A. The proposed use shall:

1. Be consistent with the Comprehensive Plan of the Township.
2. Be consistent with the adjoining and surrounding zoning districts and uses.
3. Be consistent with the scale and density of neighboring uses and structures.
4. Comply with all applicable yard, setback, dimensional, and signage regulations of the I-2 Industrial District.
5. Comply with parking and loading/unloading standards for related uses specified in this Ordinance.

12. Adequately protect all residential and sensitive receptor uses

B. The proposed use shall not:

1. Substantially increase traffic congestion, create traffic safety hazards, or endanger the safety of persons or property through improper location or design of facilities for ingress or egress.
2. Change the basic functional characteristics of the streets and lands on which it is located, as identified by the Township Comprehensive Plan and/or applicable street-related ordinances.
3. Increase any danger of fire or otherwise involve activities or processes that would tend to endanger public health or safety.
4. Overcrowd the land or create an undue concentration of population or structures.
5. Impair an adequate supply of light and air to adjacent properties.
6. Create stormwater hazards or drainage problems.
7. Create vibrations, glare, heat, electrical disturbances, smoke, odors, or noise that would jeopardize the integrity of pre-existing uses in the immediate vicinity.
8. Unduly burden water, sewer, school, park, or other public facilities.
9. Be detrimental to or adversely affect the reasonable use of adjacent properties.
10. Otherwise adversely affect public health, safety, morals, or general welfare.
11. Unreasonably interfere with pre-existing or planned residential, historic, or economic development.

C. The proposed use shall comply with all applicable requirements of this Zoning Ordinance, the Hazle Township Subdivision and Land Development Ordinance, and other applicable Township ordinances.

Part 4.

This Ordinance shall become effective upon the date of its enactment.

This Ordinance has been enacted, ordained, adopted, and approved by the Hazle Township Supervisors

on this _____ day of _____ 2026.

HAZLE TOWNSHIP

ATTESTED:

Secretary Chairman: _____

Vice Chairman: _____

Secretary: _____