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; and

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. Definitions.

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:

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 and/or Data Center Buildings and Structures are proposed. For purposes herein, two or more contiguous lots proposed to be developed, used, or operated as a single integrated development 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.

DECOMMISSIONING COST: The estimated cost to decommission the subject lot/parcels/ 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.

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.

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 a dedicated-use BESS building(s).

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

PUBLIC UTILITY COMMISSION: The entity within the Commonwealth of Pennsylvania responsible for overseeing entities providing public utility services (Also known as PUC).

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/place of assembly existing at the time of application.
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.
ZONING OVERLAY: Zoning districts applied to specific geographies based on unique, defined criteria, which are in addition to the standards outlined for the underlying base zoning district(s).

1.C. Revise the Definition of OO. Special Exception Uses in Section 1703:
SPECIAL EXCEPTION USES. It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the Township but which may require additional 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. Zoning Overlay.

2A. Article 4 ("Zoning Map and Zoning Districts"), Section 404 ("Classes of Zoning Districts"), shall be amended to add the following Overlay to the existing Zoning Districts listed:

ETO Energy and Technology Overlay District.

2B. Article 5 ("Zoning District Regulations"), Section 511 ("ETO Energy and Technology Overlay District") shall be added.

2C. Article 5 ("Zoning District Regulations"), Subsection 511.1 ("Purpose"), shall be added to include the following overview:

Purpose. The purpose of the Energy and Technology Overlay (ETO) District is provide for the development of Data Centers and other related and associated uses, which have the potential to place intense demands on utilities and infrastructure (e.g., electricity, water, storm and sanitary sewer, communications, and transportation networks) in the Township, and to establish standards for these uses to minimize impacts on residential neighborhoods and other non-industrial districts.

2D. Article 5 ("Zoning District Regulations"), Section 511.2 ("Applicability and General Requirements"), shall be added to include the following location permission:

Extent. The ETO is an overlay district whose geographic extent is shown on the map which is made as an attachment to this Zoning Ordinance and available on file at the Municipal Building for public viewing.

2E. Article 5 ("Zoning District Regulations"), Subsection 511.3 ("Uses"), shall be added to include the following uses:

A. Uses Permitted by Right
Data Center and Data Center Accessory Uses
Data Center Development

B. Uses Permitted by Special Exception; Zoning Hearing Board Approval Required
Battery Energy Storage System, Facility-Scale (as an accessory use)
Non-PUC Electrical Substations, Switchyards, and Transformer Facilities (as principal uses not serving a Data Center Development)
Small Structure-Mounted or Tower-Mounted Wind Energy Turbine (as an accessory use)

2F. 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 (See also Section 802.56)
Electric Generation (as an accessory use)

Part 3. Supplemental Regulations.

3A. 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 development principal and accessory uses:

802.54 DATA CENTER/DATA CENTER DEVELOPMENT

Data Center/Data Center Development as defined in Article 2 shall conform to the following regulations:

A. Data Center/Data Center Development.
   (1) Buildings and structures constructed as part of data center developments shall be limited to those uses associated with the terms "Data Center" and "Data Center Accessory Uses" as defined by this Ordinance.
   (2) Standards within this Section 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.
      (a) Each phase shall be reviewed by the Township Engineer to determine the presence of independently functioning roads, utilities, stormwater and fire protection.
      (b) 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.
      (c) 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.
      (d) All off-site and third-party improvements required to serve a phase of the Data Center Development shall be identified on the final land development plan for such phase. All outside third-party and governmental approvals necessary for such improvements shall be obtained prior to issuance of a building permit for a Data Center building within the phase. No certificate of occupancy shall be issued for a Data Center building unless the off-site and third-party improvements necessary to serve such building have been completed and are available for their intended use.

B. Locational and Dimensional Requirements. For any Data Center Development, lot lines between lots within the same Data Center Development, or between lots under common ownership or 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 standards of Section 802.56. 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) A Data Center Development shall only be located within the area authorized by this Ordinance.

(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 Section 802.56.E, the setback distance shall be one thousand two hundred fifty (1,250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor unless otherwise permitted below.

1. If the noise level (dBA) is five (5) dBA below the requirement of Section 802.56.E, the setback distance can be one thousand (1,000) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor.

2. If the noise level (dBA) is ten (10) dBA below the requirement Section 802.56.E, 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.

(b) 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.

(c) 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.

(d) Setback distances of the I-1 Zone shall apply to all utility line easements, roads, driveways, fences, landscaping or similar improvements.

(e) Setbacks from an existing stream, waterbody or other resource regulated by the PA Department of Environmental Protection, the Luzerne Conservation District, or other governmental agency having jurisdiction over such resource shall be in accordance with permitting agency requirements.

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

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

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

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

(6) Maximum Building Height: Sixty (60) feet 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

(125) feet. The foregoing height limitations 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. Section 802.23 shall not apply to this land use.

(7) Minimum Open Space. A minimum of thirty (30) percent of the total development tract area shall be maintained as open space. Required landscape buffers, preserved natural areas, woodlands, wildlife habitat areas, and re-vegetated areas may be included in the required open space calculation. Buildings, structures, parking areas, driveways, and other impervious surfaces shall not count toward the required open space.

(8) For any Data Center Development involving the clearing or removal of existing trees, the Applicant shall permanently conserve existing forested land at a minimum ratio of one (1) acre of conserved forest land for every one (1) acre of forested land proposed to be cleared or removed.

(9) Priority shall be given to the conservation of existing forested land within the development tract or on properties immediately adjacent to or in close proximity to the development site. All forested land designated for permanent conservation shall be protected through a recorded conservation easement or other legally enforceable permanent conservation mechanism acceptable to the Township. Forested land permanently conserved within the development tract pursuant to this requirement may be counted toward the minimum thirty (30) percent open space requirement.

C. Requirements Specific to Data Center Development.

(1) Public or Central Water and Sanitary Sewer Systems Required.

(a) 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.

(b) Cooling systems for Data Center Developments shall consist of one or more of the following: (1) closed-loop cooling systems; (2) non-water-based cooling systems; or (3) 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 (3) 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.

(c) Quarterly public reporting shall be developed and posted. Reporting shall include potable water used and reclaimed water used with comparison to baseline projections.

(d) If annual water consumption exceeds approved projections by ten (10) percent or greater, a revised water management plan must be submitted to the Township.

(2) 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.

(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.

    1. Except for emergency operation and routine maintenance and testing conducted within the limits of these conditions, the emergency generators shall not be operated. For purposes of this condition, “emergency operation” of the emergency generators means operation during an actual loss or interruption of utility electric service to the campus, or during a curtailment or interruption of service directed by PPL Electric Utilities or PJM Interconnection under an applicable emergency procedure or tariff, in each case initiated by an event not directly under the control of the property owner or facility operator. Emergency operation shall not include participation in any demand response, economic dispatch, load management, or similar program that compensates the owner or operator for reducing utility load and shall not include any operation undertaken to reduce electric costs.
    2. Duration and Notice. Emergency operation may continue only for the duration of the triggering event and for the period reasonably necessary to transfer the facility load back to utility service. Any emergency operation of one or more generators exceeding four consecutive hours, and any emergency operation occurring between 10:00 p.m. and 7:00 a.m., shall be reported to the Township Zoning Officer on the same day or, if the event occurs outside business hours, by noon of the next business day, stating the cause, the number of generators operated, and the start and end times. The Township Zoning Officer shall, at the Officer’s reasonable discretion, have access to any logs Applicant is required to maintain for compliance with its DEP permit for operation of the generators.
    3. Emergency generator maintenance and testing may occur outside of the identified hours of operation upon written notice to the Township with valid reasoning for such request.

(d) Non-emergency generator testing shall comply with the following requirements:

    1. Testing shall only take place between 8:00 a.m. and 6:00 p.m., Monday through Friday, or as required by Federal or State air regulations or the facility’s air permit. Testing shall not occur on Federal holidays, Township-recognized community event days, or school graduation days.

2. No more than ten (10) percent of the generators will be tested at one time, rounded down to the nearest whole number, except that at least one (1) generator may be tested at a time.
3. The testing time per unit shall be restricted to 30 minutes or less each month or if a longer duration as required by NFPA 110 or the manufacturer, excluding annual and triennial testing required by NFPA 110. Any testing exceeding thirty (30) minutes per generator shall be documented and justified by the applicable manufacturer requirements or NFPA 110 testing standards and included in the generator testing records required under Subsection (k).
4. The equipment shall be containerized and physically obscured from any off-site view during the testing.
5. All test timing shall be posted on a publicly available website for a minimum of seventy-two (72) hours in advance. The posted schedule shall identify the anticipated date, starting time, duration, and number of generators to be tested.
6. Generator testing shall be scheduled and conducted in a manner that minimizes cumulative sound impacts from simultaneous generator operation and other operating equipment. The combined sound generated by all generators operating during testing, together with other sound-producing equipment within the Data Center Development, shall comply with the applicable sound limits established in Section 802.56(E).
7. The owner or operator shall maintain a record of all scheduled generator testing activities, including the date, start and end times, number and identification of generators tested, duration of operation for each generator, and any deviations from the approved testing schedule. Such records shall be made available to the Township upon request.

(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 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 Section 802.56(E), including the cumulative sound generated by simultaneous operation of multiple generators and other mechanical or electrical equipment.

(j) Backup generators shall be subject to the sound study requirements in Section 802.56(E). The sound study shall evaluate cumulative sound impacts under the maximum number of generators permitted to operate simultaneously during scheduled testing, together with other sound-producing equipment operating under representative normal conditions.

(k) Emergency generators shall be limited to 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. The owner or operator shall submit an annual generator operations report to the Township by January 31 of each year documenting the total operating hours for each generator during the preceding calendar year, distinguishing emergency and non-emergency operation, and identifying any exceedances of the permitted operating limits. If annual runtime exceeds the authorized number of hours, the Township may require investigation of utility reliability impacts and mitigation measures. Emergency operating hours shall be separately documented and shall not count toward the annual non-emergency operating limit.

(l) Generator Operating Limitations. Emergency and standby generators shall be operated only during interruptions or failures of the primary electrical power supply, emergency conditions, and necessary inspection, maintenance, testing, and commissioning activities.

1. Non-emergency operation for routine electricity generation, peak shaving, or participation in demand-response programs shall be prohibited unless expressly authorized by applicable permits and this Ordinance.
2. Non-emergency generator operation shall not exceed one hundred (100) hours per generator per calendar year, inclusive of maintenance, testing, and commissioning, except to the extent additional operation is required by applicable law, binding safety standards, or regulatory authorities.
3. The owner/operator shall maintain individual generator operating-hour logs identifying the date, duration, and purpose of each operation. Such records shall be provided to the Township upon request.

3B. 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 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.
a. For a BESS Development approved with a Construction Phasing Plan under Subsection B(2), 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. Dimensional Requirements:
(1) A Battery Energy Storage System shall only be located within the area authorized by this Ordinance.
(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: Two hundred (200) acres.
3. No Facility-Scale BESS building or outdoor equipment area associated with such use shall be located within the following setbacks:
a. If the noise level (dBA) is in accordance with Section 802.56.E, the setback distance shall be one thousand two hundred fifty (1,250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor.
1. If the noise level (dBA) is five (5) dBA below the requirement of Section 802.56.E, 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.

2. If the noise level (dBA) is ten (10) dBA below the requirement Section 802.56.E, 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.

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

c. 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.

d. 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.

e. 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.

f. BESS Equipment (battery units, inverters, and containers) shall be setback two hundred fifty (250) feet from any other lot line associated with any other use permitted within the zoning district.

4. Maximum BESS height:

a. 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 thirty-five (35) feet. Section 802.23 shall not apply to this land use.

b. 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 one hundred (100) feet 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: Twenty (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: Sixty thousand (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 (1) foot for each one (1) foot of height.
    b. BESS Equipment (battery units, inverters, and containers) shall be setback one hundred (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 thirty-five (35) feet. 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 one hundred (100) feet 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: Two hundred (200) acres.
3. No Utility-Scale BESS building or outdoor equipment area associated with such use shall be located within the following setbacks:
    a. If the noise level (dBA) is in accordance with Section 802.56.E, the setback distance shall be one thousand two hundred fifty (1,250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor.
        1. If the noise level (dBA) is five (5) dBA below the requirement of Section 802.56.E, 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.
        2. If the noise level (dBA) is ten (10) dBA below the requirement Section 802.56.E, 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.
    b. The setback distance shall be measured from the nearest exterior wall of a BESS building, or the nearest edge of an outdoor mechanical equipment area serving it, to the lot line.
    c. 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.
    d. 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.

e. 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 (1) foot for each one (1) foot of height.

f. BESS Equipment (battery units, inverters, and containers) shall be setback three hundred (300) feet from the lot line of any lot except that BESS Equipment (battery units, inverters, and containers) shall be setback one hundred (100) feet from any other lot line associated with any other use permitted within the zoning 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 thirty-five (35) feet. 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 one hundred (100) feet 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: Twenty (20) acres.
3. Maximum footprint per building: Sixty thousand (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 Section 802.56.E, the setback distance shall be One thousand two hundred fifty (1,250) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor.
   b. If the noise level (dBA) is five (5) dBA below the requirement of Section 802.56.E, the setback distance can be one thousand (1,000) feet of any lot located in a residential zoning district (R1, R2, and PRD) or sensitive receptor.
   c. If the noise level (dBA) is ten (10) dBA below the requirement Section 802.56.E, 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 an 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 three hundred (300) feet from the lot line of any lot except that BESS Equipment (battery units, inverters, and containers) shall be setback one hundred (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 thirty-five (35) feet. 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 one hundred (100) feet in height. PUC-regulated improvements shall be exempt from said maximum height and setback requirements.

(4) Minimum Open Space. A minimum of thirty (30) percent of the total development tract area shall be maintained as open space. Required landscape buffers, preserved natural areas, woodlands, wildlife habitat areas, and re-vegetated areas may be included in the required open space calculation. Buildings, structures, parking areas, driveways, and other impervious surfaces shall not count toward the required open space.

(5) For any BESS Development involving the clearing or removal of existing trees, the Applicant shall permanently conserve existing forested land at a minimum ratio of one (1) acre of conserved forest land for every one (1) acre of forested land proposed to be cleared or removed.

(6) Priority shall be given to the conservation of existing forested land within the development tract or on properties immediately adjacent to or in close proximity to the development site. All forested land designated for permanent conservation shall be

protected through a recorded conservation easement or other legally enforceable permanent conservation mechanism acceptable to the Township. Forested land permanently conserved within the development tract pursuant to this requirement may be counted toward the minimum thirty (30) percent open space requirement.

F. Regulations specific to BESS.

(1) Additional Land Development Application Requirements

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

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

(2) Lithium-Based Battery Fire Protection. Battery Energy Storage Systems utilizing lithium-based battery technologies shall incorporate appropriate measures to address thermal runaway, fire propagation, hazardous gas generation, and associated emergency response hazards.

(a) The applicant shall submit documentation demonstrating compliance with applicable fire and electrical codes, including NFPA 855, UL 9540, and UL 9540A testing documentation, as applicable.

(b) The Emergency Management Plan shall address fire detection, thermal runaway identification, hazardous gas monitoring, ventilation, fire suppression or other approved fire protection strategies, emergency shutdown procedures, emergency access, and coordination with responding fire and emergency services.

(c) The Township Fire Chief shall review the emergency response provisions as part of the applicable development approval process. Any subsequent material changes in battery chemistry, configuration, or fire protection systems shall require updated documentation and emergency response coordination.

(d) A change of a facility container constitutes an alteration of the 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 applicable 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.

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

(f) 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.

(g) 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.

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

(3) Certification and Regulatory Compliance

(a) 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:

1. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications).
2. UL 1642 (Standard for Lithium Batteries).
3. UL 1741 or UL 62109 (Inverters and Power Converters).
4. Certification under the applicable electrical, building, and fire prevention codes as required.

(b) 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.

(c) 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.

(d) 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).

3C. Article 8 ("Supplemental Regulations"), Section 802 ("Use Regulations"), shall be amended to add the following new Subsection 802.56 with ETO Overlay use regulations:

802.56 ENERGY AND TECHNOLOGY OVERLAY USE REGULATIONS:

Unless otherwise, regulated by the Commonwealth of Pennsylvania or one of its assigns, the following regulations shall apply.

A. Approval Requirements:
Following receipt of zoning approval, any application for any proposed land development shall be subject to:
(1) The Hazle Township Subdivision and Land Development Ordinance (SALDO) including, but not limited to, the preliminary and final plan requirements for major land developments found in Articles 4 and 5 of the SALDO.
(2) The Uniform Construction Code.
(3) The requirements of all other applicable reviewing agencies/departments/bodies.
(4) Preliminary Application Requirements. Applications shall provide the following documentation:
(a) Natural resource and environmentally sensitive site analysis;
(b) PNDI and National Diversity Resource Summary;
(c) Preliminary Wetland Evaluation;
(d) Notification to all Utilities; and
(e) Photographs of existing conditions shall include photography of the Subject Lot existing conditions.
(5) Written Acknowledgement of required forthcoming:
(a) Developer's Agreement;
(b) Landscape Plan and Tree Survey, as well as any associated requirements specified by Township Board;
(c) Mining Mapping;
(d) Wellfield Quality Study;
(e) Emergency Management Plan in accordance with Township Fire Chief review, comment, and approval;
(f) A Decommissioning Plan to be prepared as part of the Township's Subdivision and Land Development Ordinance process; and
(g) 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 all required additional studies, reports, and documentation shall be completed and submitted as part of any and all land development applications.
(6) Land Development Application Requirements.
An Applicant shall apply for land Development approval pursuant to the Township's Subdivision and Land Development Ordinance at final approval, the Applicant shall submit the following additional items:
(a) Landscape Plan shall show location of existing and proposed vegetation on the property, required minimum open space and all required buffer yards. Said Plan

shall be prepared and sealed by a landscape architect licensed in the Commonwealth of Pennsylvania.

(b) Construction and Major Maintenance Transportation Study. See requirements of Section 802.56.L.3.

(c) Hazardous Materials and Electronic Waste Plan. See requirements of Section 802.56.L.4.

(d) 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.

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

(f) SALDO Application Requirements: All uses shall comply with the applicable submission, design, and approval requirements of the Township Subdivision and Land Development Ordinance (SALDO), the Township Stormwater Management Ordinance, and applicable state and federal regulations, including requirements related to floodplain management, stormwater management, erosion and sedimentation control, and sewage facilities planning. Compliance documentation and applicable permits or approvals shall be submitted at the stages required by the governing regulations.

(7) As part of any building permit application, the applicant shall provide the following:

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

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

(c) Project Inventory.

(d) Detailed information on:

1. Fire prevention and heat mitigation, including details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided.
2. Containment systems proposed to intercept chemicals, fire suppressant agents, or similar hazards, including PFAS, from reaching the soil, surface water, and groundwater.

(e) Heat Mitigation Plan. See requirements of Section 802.56.L.5.

(f) Operations and Maintenance Manual. See requirements in Section 802.56.L.6.

(8) Zoning Permit Validity. Continual validity of a zoning permit requires construction of the use be commenced within one (1) year after the date of final Township land development 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 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 and continuous site progress. For a proposed use approved with a Construction Phasing Plan under Section 802.54.A(3) and Section 802.55.B(2), this requirement shall apply independently to each phase; subsequent phases shall remain valid in accordance with Section 508 of the MPC.

(9) Additional Preliminary Application Requirements.

(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 development on the property or the location and footprints of proposed Use 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) Wildlife and Habitat Conservation Assessment. The applicant shall submit an assessment of existing natural habitats, wildlife resources, and environmentally sensitive areas within the proposed development site.

1. The assessment shall identify existing woodlands, wetlands, streams, wildlife habitat areas, significant vegetation, and known threatened or endangered species, based upon available resource inventories, applicable agency consultation, and field evaluation where warranted.
2. The assessment shall identify potential impacts associated with site clearing, grading, construction, lighting, noise, and ongoing operations, and recommend appropriate avoidance, minimization, restoration, or mitigation measures.
3. The assessment shall be prepared by a qualified environmental professional and submitted with the preliminary land development application for review by the Township Engineer and other appropriate reviewing agencies.

(c) Sound Study - See requirements of Section 802.56.E; 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.

(d) Visual Impact Study. See requirements in 802.56.L.2.

(e) Emergency Management Coordination. See requirements of Section 802.56.G.

(10) Additional Land Development Application Requirements.

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

(b) Layout Diagram shall show the proposed layout for the use.

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

(d) Lighting Plan. See requirements of Section 802.56.F.

(e) Tree Survey. A Tree Survey shall be conducted within a 100-foot depth to the interior 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.

(f) Wellfield Quality Study. An inventory of all water wells, public or private, located within one thousand five hundred (1,500) 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 proposed 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, an owner or operator shall not be required to undertake well water testing more than once in any twelve (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. For all participating private wells within one thousand five hundred (1,500) feet of project boundaries the following shall be reported in the landowner/developer's report: pH, Conductivity, Metals, PFAS, Chlorides, and VOCs.

(g) Traffic and Construction Delivery Studies. As part of any preliminary land development application, a construction delivery study shall be developed in conjunction with any required traffic impact study (See Section 817 of the SALDO).

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

(11) If the development is adjacent to residential zone or Sensitive Receptor:

(a) A Truck Route Plan shall be developed and approved as part of any zoning application.

(b) No construction shall occur on Sundays within three thousand (3,000) feet of property boundary, except by written approval from Hazle Township.

(c) No construction truck traffic shall pass schools during arrival and dismissal periods.

(d) Monthly reporting identifying truck traffic, violations, and complaints received.

(12) When Land Use Approval Is Required

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

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

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

(d) When an existing use intends to connect directly to the electric grid.

(13) Determination of Application Completeness. No Application is deemed complete until all the required documents listed in Section 802.54, Section 802.55 and Section 802.56 are provided in full, without any omissions.

B. 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:

(1) Monday through Saturday (Non-Holidays): 7:00 a.m. to 7:00 p.m.

(2) No construction on Holidays and Sundays, except by written approval from Hazle Township.

(3) 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.

(4) Other construction activities may be conducted outside the permitted hours only upon written request for and approval only by the Township Engineer and Zoning Officer or other official designated by the Board of Supervisors. Approval shall not be unreasonably withheld.

C. Access, Parking, and Loading Requirements.
   (1) Internal circulation must accommodate emergency and maintenance vehicles.
   (2) Off-street parking facilities shall be designed in accordance with Article 11 of this Zoning Ordinance.
   (3) Loading areas, unloading areas, and commercial vehicle storage space shall be provided in accordance with Section 1119 of this Zoning Ordinance.
   (4) Access to and from a proposed use shall be via an arterial street or collector street as designated by the Township, unless the proposed use 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.
   (5) The access road to the proposed use shall be directly accessible from a public roadway, capable of supporting fire and emergency vehicles, and maintained year-round.
   (6) The proposed use shall be designed to provide for adequate fire and emergency vehicle access.
   (7) 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 proposed use 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.
   (8) Minimum parking requirements shall be sized in accordance with Township Construction standards to accommodate parking for emergency events and additional apparatus staging.
   (9) Parking and loading areas shall be required for proposed use and shall include a minimum of five spaces on site for the purposes of employees and maintenance.
   (10) Code-compliant emergency isolation/shut-down control (E-Stop) shall be required as part of any emergency management plan for Fire Chief and Code Official input. Dedicated shutdown may be required outside each building.

D. Screening and Buffering Requirements
   (1) 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.
   (2) 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, provided that such features satisfy the minimum screening performance standards established herein.
   (3) 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.
   (4) 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.

(5) A buffer area shall be required as set forth herein and shall be accompanied by visual screen comprising 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.") Required buffer areas shall provide continuous year-round screening and shall comply with the minimum dimensional, planting, and visual screening standards established herein.

(6) Location: Buffer areas shall be located within required minimum yard setback areas along property boundaries adjacent to zoning districts designated R-1, R-2, and PRD.

(7) 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 the buffer area occur prior to final approval, buffer area planting shall be replaced to the satisfaction and approval of the Township Engineer. The minimum buffer width shall be maintained regardless of the screening methods utilized.

(8) In addition to the required buffer of item (7) 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 (7). The required mounded planted buffer shall incorporate an earthen berm meeting the height requirements of Subsection 4. Evergreen trees shall be planted to provide continuous year-round screening, with planting density sufficient to meet the visual opacity requirement. Installation shall achieve 80% or more opacity from the adjacent property line within 2 years of installation, and such opacity shall be maintained thereafter. The required opacity shall be demonstrated through a visual screening analysis submitted as part of the Landscape Plan.

(9) Landscaping and Maintenance Requirements:
(a) Not less than the width of the buffer required in subsection (7) above, excluding the required planted buffer of subsection (8) 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 proposed use from adjacent properties and

rights-of-way. Required planting quantities shall comply with Subsection D.4 and shall be arranged to achieve the visual screening standards of Subsection D.8.

(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 the four (4) staggered rows required under Subsection D.8. These rows shall be located on the side of the fence closest to the property line or right-of-way line and shall not constitute an additional planting-row requirement. The planting quantities established in Subsection D.4 shall be incorporated into the required landscape buffer and supplemented as necessary to achieve the required visual screening. 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, whichever occurs first, with plant material of equivalent species, size, and screening effectiveness.

(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.

(10) Fencing Requirements:

(a) Buildings and structures within the proposed use development 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. Fencing shall be incorporated into the overall screening design and shall not substitute for

required landscaping or berms unless an alternative screening design is approved in accordance with Subsection D.18.

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

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

(11) Planting Size Requirements:

(a) Required massed evergreen trees on the exterior face of all fencing shall be at least ten (10) feet in height when planted and produce a complete visual screen year-round. All other required evergreen trees shall meet the minimum planting sizes established in Subsection D.4.

(b) Required mounding in the vegetative buffer required by Subsection D.8 shall be constructed of no less than ten (10) feet and no greater than twenty (20) feet in height, on which the massed evergreen trees shall be planted or as required to achieve visible separation. Berm height shall be measured from the adjacent finished grade. Berms shall be designed to provide stable slopes, adequate drainage, and sufficient planting areas, subject to review by the Township Engineer.

(c) Re-Vegetation and Tree Replacement Requirements.

(d) Existing native trees and vegetation shall be preserved to the maximum extent practicable. All healthy native trees measuring six (6) inches or greater in diameter at breast height (DBH) proposed to be removed or damaged as part of the development shall be replaced at a minimum ratio of one (1) caliper inch of replacement trees for every one (1) inch DBH of trees removed.

(e) All replacement trees shall be native, non-invasive species suitable for the site conditions and shall have a minimum caliper of two and one-half (2.5) inches at the time of planting.

(f) If an Applicant does not comply with the requirements of Section 802.54.B.(8), re-vegetation and tree replacement shall comply with the following standards:

Existing Tree Removed (DBH)	**Minimum Replacement**
6 inches	3 trees at 2.5-inch caliper
8 inches	4 trees at 2.5-inch caliper
10 inches	4 trees at 2.5-inch caliper
12 inches	5 trees at 2.5-inch caliper
18 inches	8 trees at 2.5-inch caliper
24 inches	10 trees at 2.5-inch caliper
30 inches	12 trees at 2.5-inch caliper

(12) Replacement trees shall be planted on the development site and identified on the required Landscape Plan. Replacement plantings shall be maintained for a minimum of three (3) years, and any dead or failing trees shall be replaced with trees meeting the original planting requirements.

(13) Earthen Mounds and Landscape Screening. Required earthen mounds shall be designed and installed to provide effective visual screening of buildings, generator yards, outdoor mechanical equipment, and other associated facilities from adjoining residential properties and sensitive receptors.

(a) Earthen mounds shall be integrated with required vegetative screening and designed to maintain stable slopes, appropriate drainage, and healthy planting conditions.
(b) The minimum and maximum height of required mounds shall be established by the Township based upon applicable screening requirements and site conditions. Mound height, slope, location, and associated plantings shall be illustrated on the Landscape Plan and reviewed by the Township Engineer.
(c) Existing mature vegetation shall be preserved to the greatest extent practical and may contribute towards the required screening where demonstrated to provide equivalent year-round protection.

(14) Existing vegetation and site topography can be a part of screening and buffering requirements if deemed acceptable and approved by the Township Engineer and demonstrated to provide screening equivalent to or greater than the requirements of this Section.

(15) For each preserved mature tree, the planting requirements, as listed in Subsection D.4 may be reduced by either two evergreen trees or one deciduous canopy tree subject to review and approval of Township Engineer provided that the minimum visual opacity and screening requirements of this Section are maintained. The Tree Survey shall be used to determine whether the existing vegetation meets the density to serve as a visual screen.

(16) The following planting quantities are minimum requirements and shall be incorporated into the staggered planting arrangements required by Subsections D.8 and D.9.c. Additional plantings shall be provided where necessary to achieve the required eighty (80) percent visual opacity. These planting quantities shall not be interpreted as additional planting rows beyond those required under Subsection D.8.

(17) Rooftop equipment located on Buildings shall be screened by a parapet wall. Any required parapet walls shall be included as part of the maximum height of the building.

(18) Alternative combinations of landscaping, earthen berms, fencing, existing vegetation, and natural topographic features may be permitted where the applicant demonstrates that the proposed screening design provides equivalent or greater visual screening and protection than the requirements established in this Section. Such alternatives shall comply with the following:
(a) The minimum buffer width required under Subsection D.7 shall be maintained.
(b) The alternative design shall achieve a minimum of eighty (80) percent visual opacity, as viewed from adjacent property lines, within two (2) years of installation and shall maintain such opacity thereafter.
(c) The proposed design shall provide continuous year-round screening with screening height, density, and coverage equivalent to or greater than the otherwise required landscaping, berms, and planting arrangements.
(d) The applicant shall submit a Landscape Plan, planting schedule, grading plan, and visual screening analysis demonstrating compliance with the requirements of this Section. The analysis shall identify proposed screening materials, planting sizes, anticipated growth, and the effectiveness of screening from adjacent properties and public rights-of-way.
(e) Alternative screening designs shall be subject to review by the Township Engineer and Planning Commission and approval by the Township Board. Approval of an

alternative screening design shall not result in reduced visual screening effectiveness or diminished protection of adjacent properties.

E. Sound Study Requirements

All land use applicants shall fund and furnish pre-construction acoustic modeling, commissioning verification, and post-occupancy sound studies conducted by an independent, professional acoustician to establish and demonstrate compliance with required limits. The sound studies shall meet the following requirements:

(1) The studies shall examine all exterior utility functions of the building(s) (rooftop and ground-mounted) that produce sound. Sound-producing equipment shall be evaluated during pre-construction acoustic modeling, commissioning verification, and post-occupancy testing, as applicable, to demonstrate compliance with the standards established herein.

(2) 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 proposed use during normal operations (not including emergency generator-related testing) to the outdoor sound level of fifty-five (55) dBA Leq 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.

(3) 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.

(4) A preliminary study shall be conducted as part of the preliminary land development application and shall include baseline ambient sound measurements and predictive acoustic modeling of anticipated sound levels from all proposed sound-producing equipment, including mechanical equipment, cooling systems, electrical equipment, and scheduled generator testing. Such modeling shall evaluate anticipated sound levels at the applicable property lines and residential zoning district boundaries and demonstrate the proposed development's ability to comply with the standards of Subsection (2). Prior to issuance of a building permit, the preliminary acoustic modeling shall be updated, as necessary, to reflect the final building plans, proposed equipment specifications, and anticipated operating conditions.

(5) The noise reducing materials and/or systems recommended by the pre-construction acoustic modeling and any subsequent updates shall be incorporated into the construction plans for the proposed use.

(6) Commissioning Verification and Post-Occupancy Sound Testing:

(a) Prior to issuance of a certificate of occupancy, commissioning verification shall be conducted by an independent, professional acoustician to confirm that the sound attenuation measures identified in the approved construction plans have been installed and that operational sound-producing equipment, to the extent capable of being tested, complies with the applicable sound standards.

(b) Where sound-producing equipment cannot be fully operated or tested prior to occupancy, the commissioning verification shall identify such equipment and the remaining testing required. The inability to conduct full operational testing prior to

occupancy shall not relieve the owner or operator of compliance with the sound standards of this Ordinance.

(c) A post-occupancy sound study shall be conducted within six (6) months following issuance of the certificate of occupancy for any proposed use building or buildings, when the applicable mechanical, cooling, electrical, and other sound-producing equipment is operational. The study shall evaluate actual sound levels during representative normal operating conditions, including scheduled generator testing, and shall demonstrate compliance with the applicable sound standards. Such sound studies shall continue to be met for a period of three (3) years following issuance of the Certificate of Occupancy.

(d) Where full operational conditions have not been achieved within six (6) months of occupancy, additional sound testing shall be conducted when such conditions are achieved. The owner or operator shall remain responsible for compliance with the sound standards at all times.

(e) Required post-occupancy sound testing and any necessary corrective measures shall be completed prior to final escrow release for the applicable land development phase, subject to the requirements of the Township Subdivision and Land Development Ordinance.

(7) Following occupancy, the owner or operator of a Development shall produce sound monitoring every six (6) months 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.

(8) 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.

(9) 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.

(10) Monitoring Points and Automatic Notifications. 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.

(a) The owner/operator shall maintain a compliance monitoring program addressing applicable noise, environmental, operational, and safety performance standards.

(b) Monitoring shall be conducted using appropriate calibrated equipment and recognized testing methodologies by qualified professionals. The Township may require independent verification where warranted by monitoring results, complaints, material operational changes, or other documented evidence of potential noncompliance.

(c) Monitoring results shall be documented and submitted to the Township at least annually, unless a more frequent reporting schedule is established by this Ordinance or an applicable approval.
(d) Any identified exceedance or violation shall be reported to the Township within twenty-four (24) hours of discovery, except where this Ordinance requires more immediate notification.
(e) The owner/operator shall submit a corrective action plan within fifteen (15) business days following identification of noncompliance, unless a shorter period is required to address an immediate threat to public health or safety.
(f) The Township may require additional monitoring and verification following implementation of corrective measures.
(g) The results of all previous and ongoing monitoring activities, including associated testing results and documented reports, shall be made available, subject to applicable laws governing confidential or protected information.
(h) Alert systems that automatically notify the Township's Administrative Office within ten (10) minutes of an instance where the monitoring point records a noise level in excess of the maximum permissible levels as defined.
(i) Monitoring point and automatic alert notifications shall be required for each development phase.

(11) 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.

F. Lighting Requirements

(1) 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. In addition to the requirements for outdoor lighting in Section 818 of the SALDO, principal uses and their accessory uses shall comply with the following:
(a) Illumination of a proposed use is limited to the minimum light necessary for safe operation. All lighting shall be directed downward only and shielded towards the interior of the lot and to ensure 0.0 (zero point zero) footcandles measured any place between zero (0) and six (6) feet vertically above the lot line. The proposed use must not produce any glare that is visible to neighboring properties or to persons traveling on public or private roads.
(b) Illumination of the proposed use should be limited to the minimum light necessary for safe operation. Any lighting must not extend beyond the perimeter of the property.
(c) Lighting shall be shielded to the greatest extent feasible and cast down so as not to shine on abutting properties.

G. Emergency Management, Preparedness, and Security Requirements

(1) Emergency Preparedness, Prevention, and Control Plan Required: 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. The Plan shall include, at a minimum, the following:

(a) Identification of designated primary and secondary emergency access points, including the location of emergency gates, access control systems, and emergency entry mechanisms.
(b) Emergency vehicle access routes shall comply with the applicable Pennsylvania Uniform Construction Code and adopted fire code requirements, including minimum unobstructed access widths, vertical clearances, turning radii, and load-bearing capacities necessary to accommodate responding emergency apparatus.
(c) Emergency access routes shall be maintained free of obstructions at all times and shall remain accessible during normal operations, scheduled maintenance, and emergency conditions.
(d) Procedures for emergency responder access during electrical outages, security system failures, and other conditions affecting normal access controls.
(e) Identification of emergency shutoff locations, electrical isolation equipment, backup power systems, and other equipment necessary for emergency response.
(f) Emergency contact information for designated facility representatives available twenty-four (24) hours per day, seven (7) days per week.
(g) Procedures for coordination with Township emergency services, including periodic review and updating of emergency access arrangements and contact information.
(h) 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 proposed use in the Overlay.
(i) The Emergency Response Plan shall document and verify that the proposed use and its associated controls and safety systems meet the Fire Code and all related NFPA codes in this ordinance and Property Maintenance Code Fire Safety Section.
(j) The Applicant shall collaborate with all emergency service professionals servicing the location of the proposed use.
(k) The Township Fire Chief and Township Emergency Management Coordinator shall approve the Emergency Management Plan as a component of any Land Development approval.
(l) 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 to the Township, Fire Company, Emergency Management Coordinator and related emergency responders including Luzerne County 911 and Emergency Management Administration.
(m) 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 for 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. 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.
8. Other procedures as determined necessary by Hazle Township to provide for the safety of occupants, neighboring properties, and emergency responders.

(2) Emergency Response Coordination and Training.

(a) Prior to commencement of operations, the owner/operator shall coordinate with the Township Fire Chief and Emergency Management Coordinator to review emergency access, fire protection systems, emergency shutdown procedures, hazardous materials, and available emergency response resources.

(b) Initial emergency response orientation and training shall be provided to designated emergency personnel prior to commencement of operations. Refresher training and emergency response exercises shall be conducted at least annually in coordination with the Township Fire Chief.

(c) Supplemental training shall be provided whenever substantial changes to equipment, operations, hazardous materials, or fire protection systems materially affect emergency response procedures.

(d) The owner/operator shall maintain current emergency response plans, equipment inventories, site access information, and emergency contact information and provide updated copies to the Township Fire Chief and Emergency Management Coordinator.

(e) Emergency Equipment and Training. The 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 owner and/or operator.

(f) The owner/operator shall be responsible for the reasonable costs of specialized training and equipment necessitated by the facility, as established through applicable approvals and agreements.

(g) Computer software or similar electronic monitoring solution shall be required for all proposed land use. Such systems 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.

(3) Security Plan Required: A plan for the security of the site for the proposed use shall be provided. The plan shall address the security needs to protect the health and safety of the occupants of the proposed use, 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 proposed use so as to provide appropriate security. The plan shall, at a minimum, provide controlled access to 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 of this Ordinance, including the fencing requirements of Section 802.56.D.10. The security plan shall be reviewed by Hazle Township emergency services representatives. The Security Plan shall, at a minimum, identify and demonstrate compliance with the following:

(a) The location, height, type, and design of all perimeter fencing, security gates, controlled access points, and associated security equipment.

(b) All primary vehicular access points shall be equipped with controlled access gates or equivalent security measures designed to restrict unauthorized entry while maintaining access for emergency response vehicles.

(c) All security gates serving designated emergency access routes shall be equipped with an emergency-services-accessible locking mechanism, such as a Knox Box or equivalent system approved by the Township Fire Chief and be accessible 24 hours a day by emergency personnel. Such gates shall be capable of being opened by emergency responders without reliance on normal site personnel.

(d) Security gates, barriers, and access control systems shall be designed to permit emergency access during electrical power outages, equipment failures, or other emergency conditions through an approved manual override, emergency power supply, or equivalent fail-safe access mechanism.

(e) Security gates and access points shall be clearly identified on the Site Plan and Emergency Preparedness, Prevention, and Control Plan. Emergency access points shall be marked with signage visible to responding emergency personnel.

(f) Security measures shall not obstruct required emergency vehicle access routes, fire lanes, fire hydrants, fire department connections, or other emergency response facilities.

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

(4) Signage:

(a) A small sign at the vehicular entrance gate is required to state the owner of the proposed use, 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.

(5) Fire Prevention.

(a) Fire Prevention and Safety Plan Required: All proposed uses 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 all applicable NFPA requirements.

(b) Owners and/or operators of proposed use 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) Applicants shall furnish evidence of an on-site water supply 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) Owners and/or operators of the proposed use 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 the proposed use 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.

(6) Prior to the issuance of a certificate of occupancy for any building, the Applicant shall provide the Township with an emergency response plan identifying emergency access routes, electrical hazards, fire suppression systems, emergency isolation and shutdown procedures, equipment identification, and incident response protocols. Prior to building operation, the Applicant shall conduct an on-site orientation and training session for applicable fire and emergency response personnel addressing the emergency response plan and relevant equipment and facilities. The Applicant shall conduct at least one annual training and update session thereafter and shall provide an updated emergency response plan following any material change affecting emergency response procedures or conditions.

H. Decommissioning and Abandonment.

(1) Abandonment.

(a) A proposed use 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.

(b) A building that has not yet been placed into 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.

(2) Decommissioning Plan.

As part of any land development application for proposed use, 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 equipment, structures, and associated materials in accordance with the following:
        a. Removal of equipment, including generators, fuel storage systems, battery systems, cooling equipment, and associated hazardous materials. Buildings, foundations, utilities, roads, and stormwater facilities suitable for reuse by a permitted in the zoning district may remain, provided they are maintained in compliance with the Township Property Maintenance Code.
        b. Removal of all structures, pads, and equipment to a minimum depth of three (3) feet below grade.
    2. 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.
    3. Disconnection and discontinuation of public utilities serving the equipment removed.
    4. Site restoration, with planting or seeding of native vegetation and soil stabilization, of areas from which equipment is removed.

(b) Hazardous Materials Removal and Site Restoration. The Decommissioning Plan shall include:
    1. An inventory of batteries, electrical components, transformers, fuel storage systems, chemicals, hazardous materials, and other potentially harmful equipment or substances associated with the development.
    2. Procedures for the safe disconnection, removal, segregation, handling, containment, transportation, recycling, and lawful disposal of such materials in accordance with applicable federal and state requirements.
    3. Identification of appropriately qualified contractors and authorized receiving, recycling, treatment, or disposal facilities, as applicable.
    4. Procedures for identifying and addressing contamination associated with facility operations or decommissioning activities, including soil and groundwater evaluation where warranted.
    5. Site restoration measures addressing equipment removal, disturbed areas, soil stabilization, drainage, and revegetation.
    6. Submission of documentation demonstrating lawful disposal, completion of required remediation, and site restoration prior to final acceptance of decommissioning by the Township.

(c) Financial Security. 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:
    1. The Applicant shall post financial security in the amount of one hundred twenty (120) percent of the decommissioning cost, as approved by the Township Engineer, securing the decommissioning obligations of the proposed use 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 as the 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.

2. Every three (3) 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 (10) percent, the Township shall release any amounts held in excess of one hundred twenty (120) percent of the updated decommissioning cost estimate.
3. After the proposed use 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.
4. 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 financial security.

(3) Salvage and Disposal. 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.

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

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

(6) Notification. The owner and/or operator shall notify the Township immediately upon permanent cessation or abandonment of the proposed use.

(7) 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.

(8) Transfer of Ownership. If the current owner and/or operator temporarily cease 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.

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

(10) Developer's Agreement. 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.

I. Environmental Standards.
   (1) Rooftop or building-mounted energy storage systems shall comply with the Building Code and NFPA 855.
   (2) Installations shall not obstruct emergency vehicle access routes, stormwater conveyance systems, or required buffer areas.
   (3) 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).
   (4) No system component shall discharge pollutants, vapors, or waste materials inconsistent with PA DEP and U.S. EPA regulations.
   (5) The site shall remain free of combustible waste, debris, or vegetation accumulation at all times.
   (6) 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.
   (7) Water Pollution and Containment: Proposed use 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.
   (8) Other environmental standards: The proposed use shall meet all 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.

J. Utility Capacity/Will-Serve Letter(s). Prior to issuance of a building permit for the first building, the applicant shall provide the Township documentation demonstrating that the project has secured an electrical interconnection which may include a will-serve letter, power purchase agreement, PJM interconnection service agreement, or other documentation acceptable to the Township demonstrating approval of an interconnection with the electrical grid. Such documentation shall identify the anticipated electrical demand of the proposed use and demonstrate that the proposed electrical service or interconnection arrangements are sufficient to accommodate the proposed development.

K. Sign Requirements. Signs located in a proposed use development shall be in accordance with the sign requirements for the applicable underlying zoning district as found in Article 10 of this Zoning Ordinance.

L. 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 E. 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.

(6) 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.

(7) Independent Studies and Testing Requirements. All technical studies, assessments, monitoring reports, and testing required by this Ordinance shall comply with the following:

(a) Study Contents. Each study shall identify existing baseline conditions, applicable performance standards, anticipated impacts, testing or evaluation methodologies, findings, and recommended mitigation measures, as applicable to the subject matter being evaluated.

(b) Qualified Preparer. Studies shall be prepared by qualified professionals possessing appropriate education, licensure, certification, and demonstrated expertise in the applicable field. Where required by Pennsylvania law, such studies shall be signed and sealed by a professional licensed in the Commonwealth of Pennsylvania.

(c) Independent Verification. The Township may require independent testing, verification, or peer review by a qualified professional who is not responsible for the design, construction, or operation of the facility. The applicant or owner/operator shall be responsible for the reasonable costs of such review, to the extent authorized by applicable law.

(d) Timing. Required baseline studies shall be submitted with the applicable development application. Operational testing shall be conducted prior to

commencement of operations, periodically thereafter as required by this Ordinance, and following substantial modifications that may affect compliance.

(e) Review. Studies shall be submitted to the Township for review by the Township Engineer, Township Planner, or other qualified professional designated by the Township, as appropriate to the subject matter.

(f) Compliance. Where a study identifies noncompliance, the owner/operator shall submit and implement a corrective action plan in accordance with the requirements of this Ordinance.

(g) Pre-Blast Surveys and Structural Damage Claims. Before any blasting, the Applicant shall offer, at its cost, a pre-blast survey and post-blast survey for participating property owners by video and written report of every occupied building within one thousand five hundred (1,500) feet of any planned blast. Copies shall be provided to the owner and to the Township. The Applicant shall document efforts to obtain surveys from each affected property. In addition, Applicant shall provide a weekly report identifying the proposed blasting locations for the following week.

(h) The Township Zoning Officer, Township Engineer, or other authorized Township representative shall have the authority to conduct inspections of proposed developments during construction and operation to verify compliance with the approved plans, applicable permits, and all requirements of this Ordinance, subject to applicable law and lawful access requirements.

(8) Construction-Phase Inspections and Monitoring.

(a) Prior to commencement of construction, the Applicant shall submit a Construction Monitoring and Inspection Plan identifying construction activities, anticipated schedules, required inspections, responsible parties, and procedures for documenting and correcting violations.

(b) The Township may conduct periodic inspections throughout construction, including inspections related to site clearing, grading, erosion and sedimentation controls, stormwater management, tree preservation, required landscaping and buffers, construction traffic, noise, lighting, and installation of utilities and equipment.

(c) The Applicant shall provide the Township with reasonable advance notice of construction activities requiring inspection, including commencement of site clearing, major grading activities, installation of stormwater management facilities, and completion of required landscaping and screening.

(d) The Township may require additional inspections where complaints, observed deficiencies, monitoring results, or other documented conditions indicate potential noncompliance with applicable requirements.

(9) Operational Inspections and Monitoring. Following commencement of operations, the Township may conduct periodic and complaint-based inspections to verify continued compliance with applicable noise, lighting, environmental, safety, landscaping, and operational requirements. The owner/operator shall maintain and provide monitoring records and compliance documentation as required by this Ordinance.

(10) Notice of Violations and Corrective Actions. Where an inspection or monitoring activity identifies a violation, the Township shall issue written notice identifying the nature of the violation, required corrective measures, and applicable deadlines for compliance, in accordance with the enforcement procedures of this Ordinance and

applicable law. Conditions presenting an immediate threat to public health or safety shall be addressed through applicable emergency or enforcement procedures.

(11) Enforcement and Penalties. Failure to comply with approved plans, applicable permits, required monitoring, corrective actions, or other provisions of this Ordinance shall constitute a violation subject to the enforcement provisions of the Hazle Township Zoning Ordinance and applicable Pennsylvania law. The Township may pursue enforcement notices, civil enforcement proceedings, legally authorized monetary judgments, and other remedies available under applicable law. Where authorized, the Township may also pursue stop-work orders, suspension of applicable permits, or other appropriate measures to prevent continued violations.

(12) Inspection and Compliance Costs. The Applicant or owner/operator shall be responsible for applicable inspection, engineering review, and professional consulting fees incurred by the Township in accordance with an adopted fee schedule, applicable development agreements, and Pennsylvania law.

M. Public Information Website**.** Owner or Operator shall establish and maintain a publicly accessible website containing project information, approvals, emergency contacts, and reporting information provide to the Township shall be posted within 30 days of issuance.

N. 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, if required. 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 A.9.F.

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

Part 4. Zoning Map.

4A. Article 4 ("Zoning Map and Zoning Districts"), Section 402 ("Changes to Official Zoning Map"). The Hazle Township Zoning Map shall be amended to add 'Energy and Technology Overlay District'.

4B. Article 4 ("Zoning Map and Zoning Districts"), Section 402 ("Changes to Official Zoning Map"). The Hazle Township Zoning Map shall be amended to add the following parcels to the Energy and Technology Overlay District:
26-U7-00A-15B-000, 26-U6S2 -001-009-000, 26-U6S4-001-014-000, 26-T6-00A-10B-000, 26-U6S2-001-006-000, 26-U6-00A-020-000, 26-U6-00A-08B-000, 26-U6S4-001-26B-000, 26-U6S4-001-015-000, 26-U6S4-001-013-000, 26-U6S4-001-012-000, 26-U6S4-001-010-000, 26-U6-00A-020-000, 26-U6-00A-020-000, 26-U6-00A-08C-000, 26-U6S4-001-016-000, 26-U6-00A-20B-000, 26-U6-00A-20F-000, 26-U7-00A-01E-000, 26-U6-00A-020-000, 26-U6S4-001-011-000, 26-U6S4-001-008-000, 26-U6-00A-08A-000, 26-U6-00A-020-000, 26-U6-00A-20C-000, 26-U6-00A-020-000, 26-U6-00A-20E-000, 26-U6-00A-020-000, 26-T6-001-11A-000, 26-U6-00A-20H-000, 26-U6-00A-020-000, 26-U6V6-00A-018-000, 26-T6-00A-001-000, 26-T6-001-011-000, and 26-T6-00A-70C-000.

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: _____