COUNTY OF FRANKLIN
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF FRANKLIN, PENNSYLVANIA, ESTABLISHING REGULATIONS, SPECIFICATIONS, AND RESTRICTIONS FOR THE USE AND/OR INSTALLATION OF DATA CENTERS IN THE COUNTY.

WHEREAS, the Board of County Commissioners of Franklin County has determined that it is in the best interest and general health, safety and welfare of the residents of the County to establish standards and requirements for Data Centers within the County; and

WHEREAS, the purpose of this ordinance is to facilitate the construction, installation, and operation of Data Centers in Franklin County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, conservation lands, and other sensitive lands. This ordinance is not intended to abridge safety; health, or environmental requirements contained in other applicable codes, standards, or ordinances.

NOW THEREFORE, be it ORDAINED and ENACTED by the Board of County Commissioners of the County of Franklin as follows:

CONTENTS:

SECTION I -TITLE

An Ordinance of the Board of Commissioners of the County of Franklin, Pennsylvania, establishing regulations, specifications, and restrictions for the use and/or installation of Data Centers in the County.

SECTION 2 - SHORT TITLE

This Ordinance shall be known as and may be cited as the "Data Center Ordinance."

SECTION 3- PURPOSE

The purpose of this ordinance is to set standards for data centers in order to protect and promote the safety and welfare of the citizens of the community; to help ensure the safety of the environment and to avoid any hazards that may occur from the development; to help mitigate any future environmental impacts to the land in the future; to promote economic development through responsible investment in digital infrastructure, encourage high-quality design and ensure that data centers can be built and operated efficiently while fitting in with surrounding land uses.

SECTION 4 - DEFINITIONS

CAMPUS DEVELOPMENT - A single site or group of contiguous parcels planned and developed as one integrated Data Center facility.

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 or cooling tower. This system minimizes water loss and reduces environmental impact by reusing the same water repeatedly.

COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) - The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

DATA CENTER - A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations.

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.

DATA CENTER ACCESSORY USE - Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines, domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. Accessory renewable energy systems including battery storage or on-site solar generations serving the Data Center are permitted.

DATA CENTER ELECTRICAL SUBSTATION - A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

DATA CENTER PRINCIPAL BUILDING - A building that contains the office and/or data storage functions of a Data Center.

LEED - Leadership in Energy and Environmental Design.

LEED CERTIFICATION - A globally recognized symbol of sustainability achievement in building design, construction, and operation.

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) - The world's leading resource on fire, electrical, and related hazards, dedicated to eliminating loss through knowledge.

SENSITIVE RECEPTORS - Schools, preschools, day care centers, in-home daycares, agricultural land, conservation land, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, campgrounds, prisons, dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use.

STATIONARY ENERGY STORAGE SYSTEMS - Large scale technologies designed to store electricity for later use.

SECTION 5 - SPECIFIC USE CRITERIA

The following requirements shall apply to all Data Centers. In the event that any of the following regulations are found to be in conflict with regulations found elsewhere in the Franklin County Subdivision and Land Development Ordinance, the most restrictive regulations shall be applied, unless otherwise stated.

A. Building Placement and Orientation

(1) All principal and accessory structures associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged.

(2) Buildings shall be sited and oriented to:

a. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Receptor areas.

b. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.

c. Accommodate adequate parking.

d. Minimize impacts to natural resources.

e. Incorporate appropriate stormwater management practices.

(3) Data Center campuses containing more than one building shall provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

B. Maximum Height

The maximum building height for Data Centers shall be 35 feet. The developer may request a waiver from this building height. The waiver must be in writing, shall include a certification from the local fire department which services the proposed location or the Data Center that a building taller than 35 feet can be properly protected, and shall accompany and be part of the application for Land Development review.

C. Setbacks

All Data Center principal buildings, accessory structures, and Data Center Electric Utility substations shall maintain the following setback distances:

(1) Property lines, road rights of way - 1,000 feet from all adjoining properties and public road right of ways.

(2) Residential structures or other occupied buildings – 1,000 feet from any existing residential structure not located on the project parcel or any sensitive receptor.

(3) Parking lots - 50 feet from public road rights-of-way, and from all property lines.

(4) Waterbodies - 200 feet to any body of water, perennial or intermittent stream or wetland.

D. Parking Requirements

A minimum of 1 parking space per employee on the largest shift is required, plus an additional 3 visitor spaces.

E. Off Street Loading

A minimum of one loading bay is required. Loading bays shall be located on one facade of the Data Center Principal Building. These bays shall be designed to cause no obstructions to adjacent street traffic whether during backing and parking or parking and unloading. Sufficient area shall be provided to allow for emergency access around loading areas.

F. Noise/Vibration

(1) Community Noise Equivalent Level (CNEL)

a. The CNEL at the boundary of the property containing a Sensitive Receptor shall not exceed a noise standard of 57 dBA.

b. The CNEL at the boundary of any developed property not containing a Sensitive Receptor shall not exceed a standard of 57 dBA.

c. The CNEL at the boundary the nearest residential property line shall not exceed a standard of 57 dBA.

d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.

(2) A noise reduction barrier or device may be required at the discretion of the planning commission when it is inconclusive that noise level tests do not conform to acceptable noise levels.

G. Negative Impacts

Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

H. Safety

The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

I. Power

The applicant shall provide written verification from the applicable service provider stating the following:

(1) Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,

(2) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,

(3) Any system designed for cooling and operation of the facility (electricity, water, or other means) shall be adequate and will not negatively impact the surrounding region,

(4) The use shall not cause electrical interference or fluctuations in line voltage on and off the operating premises, and

(5) The applicant shall provide the planning commission with written verification that the electrical work has passed a third-party final inspection.

J. Lighting – All outdoor lighting fixtures shall be properly shielded so that such lighting will not adversely affect any abutting property or public street.

K. Perimeter Fencing/Security

The Perimeter shall be surrounded by black chain link security fencing and shall be a minimum of eight feet in height above ground and shall be of high-quality design and materials.

L. Power Lines and Data Center Electric Utility Substations

(1) Data Center Electric Utility Substations must include year-round opaque landscaping or a screen wall a minimum of eight feet in height to minimize visual impact.

(2) Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center Principal Building so they are screened from public view and must not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.

(3) All new and enhanced electric lines, both transition and distribution, must be located underground if technically possible. On-site power lines of 34.5 kV and below must be buried.

(4) The Data Center Electric Utility Substation shall be setback 200ft from all adjoining properties lines and roadways. The setback for residential structures shall be 500ft from the residential structure not on the project parcel. Setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

M. On-site Power Generation

On-site or behind the meter generation using natural gas, renewable fuels, or other clean sources when used to improve reliability, efficiency, or sustainability is permissible. All systems shall meet environmental, safety, and utility interconnection standards.

The applicant shall use Tier 4 or greater generators that are subject to stringent emission standards aimed at reducing pollutants and improving air quality and that operate at the lowest dBA levels.

All building roofs shall be solar ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of roof-mounted solar energy systems at some point after the building has been constructed. All Data Center and battery energy storage system uses shall install on-site solar energy generation systems sufficient to offset a minimum of 25% of the facility's projected annual electricity consumption during normal operations. The applicant shall submit a Solar Energy Plan prepared by a qualified professional demonstrating:

(a) The use's projected annual electricity consumption in kilowatt hours (kWh);

(b) The type, capacity, and location of proposed solar energy systems;

(c) Calculations showing that the proposed systems will generate at least 25% of the projected annual consumption;

(d) A timeline for installation of solar energy systems, which shall be completed no later than 12 months following issuance of the certificate of occupancy for the Data Center or BESS.

N. Emergency Contact Information

Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

O. Sensitive Receptors

Unless physically impossible, loading bays, truck entries, and truck drive aisles shall be located away from nearby Sensitive Receptors. Screening as described in Section P below shall be provided. When making feasibility decisions, the planning commission must consider existing laws and regulations and balance public safety with the site development's potential impacts on nearby Sensitive Receptors.

P. Buffer Yards and Screening

All Data Center operations shall provide buffer yards and screening along all property boundary lines, except for areas or ingress and egress into the site.

(1) Service Areas - Loading bays, refuse collection areas, and service entrances shall be screened from view from existing or planned public roads, Sensitive Receptors, and residential properties.

(2) Mechanical/Electrical Equipment Screening

a. Ground-Mounted

i. Ground-mounted equipment adjacent to and serving the Data Center Principal Building shall be completely screened behind an opaque wall or fence. When the equipment is located between buildings, a combination of walls and gates may be used at the openings between buildings.

ii. When in or adjacent to an industrial use, ground-mounted equipment screening is only required from any existing or planned public road.

iii. Ground-mounted equipment is prohibited in any required setback.

b. Roof Top

i. All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the facade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet. Roof-top equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.

ii. Roof top equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.

(3) Buffering

a. Data Center sites abutting Sensitive Receptors or collector/arterial roads must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm abutting Sensitive Receptors is two feet, and abutting collector/arterial roads is two feet. The Planning Commission may grant a modification or waiver from any of the requirements below. The waiver must be in written form and accompany the Land Development application.

i. Where the combined footprint of the principal structure or structures is less than 100,000 square feet:

   (a) A minimum 100-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any properly line which abuts or is within 1,000 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park or public open space.

   (b) A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.

ii. Where the combined footprint of the principal structure or structures is between 100,000 square feet and 250,000 square feet:

   (a) A minimum 150-foot buffer yard shall be provided along the entire length of any public street frontage of any properly upon which the Data Center is located and along any property line which abuts or is within 1,000 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.

   (b) A minimum 50-foot buffer yard shall be provided along all other property lines.

iii. Where the combined footprint of the principal structure or structures exceeds 250,000 square feet:

   (a) A minimum 300-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 1,000 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.

(b) A minimum 50-foot buffer yard shall be provided along all other property lines.

iv. Utilities should be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.

v. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the planning commission.

vi. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.

vii. Buffer yards shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.

viii. The buffer yard shall include a dense landscape buffer consisting of the following or plant material approved by the Planning Commission.

(a) One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall have a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.

(b) One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.

(c) Five (5) shrubs per 25 linear feet of buffer Shrubs shall be 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% evergreen.

ix. The landscape buffer shall be located along the outer edge of the buffer yard.

x. Plant material within buffer plantings shall meet the following requirements:

(a) Be resistant to diesel exhaust.

(b) Not identified on the most current DCNR invasive species or watch lists.

(c) Shall be planted on the top and the exterior of any berm in order to provide effective screening.

(d) Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.

xi. The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements.

Q. Environmental and Community Impact Analysis

The applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

(1) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.

(2) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the boundaries of the property.

(3) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

(4) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:

a. Emergency services and fire protection,

b. Water supply,

c. Sewage disposal,

d. Solid waste disposal,

e. School facilities and school district budget, and

f. Municipal revenues and expenses.

(5) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

(6) The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

R. Building Colors

External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

S. Water and Sewer

(1) If the use will be served by a public water supply and/or public sewage system, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed and the sewage system can accept the additional flow.

(2) If the use is to rely upon non-public sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No data center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:

a. The projected water demands of the Data Center.

b. The source of water to be used.

c. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage).

d. The long-term safe yield of the water source.

e. A description of the amount and portion of water withdrawn that will be recycled or discharged and by what means.

f. A geologic map of the area with a radius of at least one mile from the site.

g. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells.

h. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary.

i. determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table.

j. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

(3) Any water cooling systems in a Data Center shall utilize a closed-loop cooling system to manage temperature by recirculating water without direct exposure to the atmosphere.

T. Emergency Responders

The applicant shall coordinate with the Franklin County Department of Emergency Services 911 Coordinator to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the county Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems as needed to meet compliance. A 911 address shall be obtained. It shall be confirmed that the local emergency departments have the proper chemicals/supplies in the event of a fire emergency. The applicant shall submit an Emergency Response Plan (ERP) to the Franklin County Department of Emergency Services and to the local fire department(s) having jurisdiction.

U. Environmental Impact Assessment

An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the planning commission to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

(1) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.

(2) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.

(3) A stormwater management plan will be required consistent with any applicable local stormwater ordinance, and all Commonwealth of Pennsylvania Department of Environmental Protection regulations and requirements.

(4) Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

(5) Additional considerations. The following shall also be addressed:

a. Alternative analysis. A description of alternatives to the impacts.

b. Adverse impacts. A statement of any adverse impacts that cannot be avoided.

c. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

d. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

(6) Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.

a. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.

c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

V. Green Building Techniques

Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

(1) Site Design

a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes.

b. Minimize land disturbance.

c. Maximize tree preservation.

d. Minimize impervious surfaces.

e. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

(2) Energy/Resource Efficiency

a. Orient buildings to take advantage of passive cooling and daylight opportunities.

b. Utilize alternative energy sources (solar, wind, hydro, nuclear or other alternative source) as much as possible, subject to obtaining all required governmental approvals and permits.

c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off peak hours.

d. Encourage systems that limit the use of finite natural resources and their disposal.

e. Encourage fuel storage that limits impacts on the environment from potential spills.

f. Install water-efficient landscape materials.

g. Utilize reclaimed water for cooling.

h. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Certification system.

W. LEED (Leadership in Energy and Environmental Design) Certification

LEED certification is strongly encouraged, as well as the installation of roof-mounted accessory solar energy systems.

X. Threatened and Endangered Species

(1) PNDI

A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two years of the submission of an application for conditional use/special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the municipality.

(2) Compliance

The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

Y. Riparian Forest Buffer Area

Data Centers subject to the requirements of this Section must satisfy the stricter of the requirements of this Section, or of 25 Pa. Code 102.14, Riparian Buffer Requirements.

(1) For purposes of this Section, a riparian buffer is an area of permanent vegetation along a waterway that is left undisturbed to allow for the natural succession of native vegetation. A riparian forest buffer is a type of riparian buffer that consists predominantly of native trees, shrubs, and forbs, providing at least 60% uniform canopy cover.

(2) Where the project site contains, is along, or is within 150 feet of a perennial or intermittent river, stream, or creek, lake, wetland, floodplain, pond, or reservoir, whether natural or artificial, the use will be subject to the requirements of this Section and shall, in accordance with the requirements of this subsection, do one of the following:

   a. Protect an existing riparian forest buffer.

   b. Convert an existing riparian buffer to a riparian forest buffer.

   c. Establish a new riparian forest buffer.

(3) Where a riparian forest buffer exists, it shall be left intact to meet the width requirements in subsections (6) and (7). An existing riparian forest buffer need not be altered to establish individual Zones I and 2 under subsection (9).

(4) Riparian buffers that consist predominantly of native woody vegetation that do not satisfy the composition requirements for a riparian forest buffer in subsection (1) or the width requirements in subsections (6) and (7) shall be enhanced or widened, or both, by additional plantings in open spaces around existing native trees and shrubs to provide at least 60% uniform canopy cover for the required width and shall be composed of zones in accordance with subsection (9).

(5) On sites without native woody vegetation, a riparian forest buffer providing at least 60% uniform canopy cover shall be established to meet the width requirements in subsections (6) and (7) and be composed of zones in accordance with subsection (9).

(6) The width of the riparian forest buffer shall be a minimum of 100 feet on each side of the water body as measured from the top of the bank. The boundary of the buffer shall follow the natural streambank or shoreline.

(7) Measured within the 100-foot buffer, the following additional distances shall be added to the minimum width of the riparian forest buffer:

a. 10 feet if the average slope is 10-15%,

b. 20 feet if the average slope is 16-17%,

c. 30 feet if the average slope is 18-20%,

d. 50 feet if the average slope is 21-23%,

e. 60 feet if the average slope is 24-25%, or

f. 70 feet if the average slope exceeds 25%.

(8) In the case or the presence of a nontidal wetland or vernal pond wholly or partially within the riparian buffer area, an additional 25 feet shall be added to the width of the riparian forest buffer area for that portion of the buffer area along the wetland, floodplain, or pond.

(9) A new riparian forest buffer or a converted riparian forest buffer shall be composed of zones as follows:

a. Zone 1 shall begin at the top of the streambank or normal pool elevation of a lake, pond, or reservoir and occupy a strip of land 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian tree species identified in Appendix C. I of the PA Department of Environmental Protection Guidance Document 394-5600-001, entitled Riparian Forest Buffer Guidance.

b. Zone 2 shall begin at the landward edge of Zone 1 and occupy an additional strip of land a minimum of 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian trees and small tree/shrub species identified in Appendix C.1 of the PA Department of Environmental Protection Guidance Document, 394-5600-001, entitled Riparian Forest Buffer Guidance.

(10) No earth disturbance, land development, or storing or stockpiling of materials shall occur within the riparian forest buffer area.

(11) In the management of riparian buffers, noxious weeds and invasive species shall be removed or controlled to the greatest extent possible.

(12) Existing, converted, and newly established riparian buffers, including access easements, must be protected in perpetuity through deed description, conservation casement, permit conditions, or any other mechanisms that ensure the long-term functioning and integrity of the riparian buffer.

(13) The riparian buffer shall be designated on the final subdivision and/or land development plan.

SECTION 6 - DECOMMISSIONING

A decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose, shall be provided by the applicant.

The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash, to be determined by the applicant. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the applicant.

ln no event shall the security be less than 100% of the estimated cost of decommissioning. The owner shall provide a new estimate of the cost of decommissioning every ten years thereafter and increase its security if the cost increases.

The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

SECTION 7 -ADMINISTRATION AND ENFORCEMENT

A. Applications

1. Applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the Data Center, including all buildings and property lines.

2. The approval shall be revoked if the Data Center, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the Data Center not to be in conformity with this Ordinance.
3. The Data Center must be properly maintained and be kept free from all hazards, and unsafe conditions detrimental to public health, safety or general welfare.
4. An approved land development plan shall accompany all applications. The county Subdivision and Land Development Application shall be used.
5. The review of plans will be followed as stated in Subdivision and Land Development Ordinance (SALDO) Article III.

B. Fees and Costs

The Applicant shall pay all land development application fees and engineer review fees when seeking approval of a Data Center under this Ordinance. All fees shall be paid before final approval is granted.

C. Enforcement

Any person, partnership, or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement initially brought before a magisterial district judge by the Commission, pay a judgment of not more than $5,000.00 plus all court costs, including reasonable attorney fees incurred by the Commission as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Commission may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the elate of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

Nothing herein shall prevent the County from seeking such other legal remedies available to prevent or remedy any violations of this code.

SECTION 8- SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of County Commissioners of Franklin County that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included herein.

SECTION 9- EFFECTIVE DATE

The Franklin County Data Center Ordinance shall become effective upon adoption. This Ordinance shall apply to all Data Center Plans submitted on or after the effective date.

DULY ADOPTED AND ENACTED by the Board of Commissioners of the County of Franklin, this _____ day of _____, 2026, in lawful session duly assembled.

Franklin County Board of Commissioners: